

Exploring human experience in the North 2023

The Northern Review



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Editorial: Number 54

Ken Coates

The *Northern Review* was established in 1988 to bring new and more northern voices to the academic understanding of the Canadian North. This volume, an assembly of individual papers that demonstrates the breadth and diversity of the *Northern Review's* reach, demonstrates the degree to which this journal has remained true to its roots. The papers here cover a variety of academic and professional disciplines. While a few established scholars are included in these pages, the *Northern Review's* determination to support new and younger voices remains very much in evidence. We continue, as well, to broaden the definition of the North, maintaining our Arctic and territorial emphasis while including circumpolar perspectives and original research on the Provincial North.

It is impossible not to be impressed by the emergence of new and diverse northern scholars in the academy. Several Yukon and Northwest Territories First Nations have more than twenty people in Master's and PhD programs, most outside the North. The same is true of Alaska and, even more, northern Scandinavia. This is a remarkable development. When the *Northern Review* was founded, the number of such scholars was extremely small.

Emerging scholars bring a variety of conceptual and methodological perspectives to bear on northern issues. They are highly motivated, to be sure, often verging on the distressed and even the angry. This is not an aloof and arm's-length scholarship; instead, the projects and research are typically co-developed with communities and reveal the passions and urgency of contemporary social, economic, and environmental issues.

The North-centric approach that is the central and proud defining characteristic of the *Northern Review* continues to demonstrate the foundational importance of independent, creative social science and humanities scholarship targeted at the Circumpolar World. The journal is eager to receive more provocative and innovative submissions. While there is much to admire in the contemporary North, major challenges remain. More engaged scholarship is required if the collective efforts to create a “new” North that supports the aspirations of Indigenous and other northerners are to be realized.

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Research Article

Navigating the Shifting Landscape of Engagement in Northern Research: Perspectives from Early Career Researchers

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Abstract: An examination of research in northern Canada and its ties to extractive, colonial practices has been highlighted in recent years, alongside heightened expectations for community- and Nation-engaged practises. Here, we explore the diverse ways that northern-focused early career researchers (ECRs), from a range of faculties, life experiences, and disciplines, engage with the communities and Indigenous Nations they work in and, more broadly, the knowledge they have gained from conducting research in the North. Scholars in the fields of education, anthropology, and renewable resources from the University of Alberta share their experiences to discuss 1) approaches to meaningfully and respectfully engaging with communities and Nations in the North; 2) knowledge translation and mutual capacity building; and 3) responsibilities and accountabilities for engaging with communities and Nations. We find resonance with the Five R's of research—relevance, reciprocity, respect, responsibility, and relationship—that help ensure Western-derived knowledge benefits the communities and Nations that ECRs work alongside.

Introduction

In recent decades, calls have been made for re-evaluating and reformulating research undertaken in northern Canada. In response to research practices that inherently privilege the voices and priorities from primarily southern institutions rather than the communities, Nations, and individuals in the North, several national and international guidelines on northern research have been produced (Alaska Federation of Natives, 2006; Canadian Institutes of Health Research et al., 2018; Interagency Arctic Research Policy Committee, 2018; International Arctic Social Sciences Association, 2020; Inuit Circumpolar Council, 2022; Inuit Tapiriit Kanatami, 2018; Protection of the Arctic Marine Environment & Arctic Council, 2021; The First Nations Information Governance Centre, 2022). Rather than promoting one unified standard or approach, however, the guidelines published by Indigenous-led organizations, scientific committees and councils, and governmental bodies all represent diverse perspectives and unique cultural contexts for northern researchers to consider.

A growing body of scholarly literature has also emerged concerning research relationships in the North. This literature reflects on issues such as the ethical responsibilities of researchers engaging with Indigenous communities and First Nations, and best practices for effectively and respectfully interacting with communities during all research stages (Eerkes-Medrano et al., 2019; McClymont Peace & Myers, 2012; Pearce et al., 2009; Pulsifer et al., 2012; Wilson, 2008; Wong et al., 2020). In addition, this literature explores the co-production and co-creation of knowledge in northern research, and the role these processes play in fostering meaningful engagement with Indigenous communities and Indigenous Knowledge Systems (Degai et al., 2022). Author guidelines focused on community collaboration and the transparent reporting of research studies, including those produced by Canadian Science Publishing (2022), further signal the increasingly relevant and shifting tide of community-engaged research. While there is no universal definition or method of carrying out “engaged” research in this context, it could be described broadly as an ongoing negotiation and exploration focused on developing meaningful practices and dialogue between communities, Nations, individuals, and researchers.

While this article does not engage deeply with the philosophical underpinnings of Indigenous Knowledge(s), this is a key area of inquiry in order for community-engaged research to take place in a good way (McGregor, 2021; L. R. Simpson, 2004). It is essential to learn deeply about these underpinnings if researchers engage with Indigenous Knowledges in any way (Kovach, 2009; Smith, 1999; Tuck & McKenzie, 2015). As more researchers engage with Indigenous

Knowledge(s), which can at once be incredibly helpful or harmful for Nations and communities (A. Simpson, 2014; L. R. Simpson, 2004), decolonial methodologies become all the more pressing (Smith, 1999).

With some notable exceptions (MacMillan et al., 2019; Sjöberg et al., 2019; Tondu et al., 2014), there is little written specifically on the experiences of early career researchers (ECRs), defined here as graduate and post-graduate students, and scholars who have received their highest degree within the past five years. Given this context and the significant role of ECRs in shaping future research paradigms across disciplines, this article contributes to current discourses regarding the challenges, opportunities, and aspirations of researchers seeking to sensitively and reflexively engage with northern communities and Nations. We offer the personal perspectives, stories, and lessons of a group of multidisciplinary, northern-focused ECRs, all past or current members of the Circumpolar Students' Association (CSA) at the University of Alberta. We hope the following discussion will provide valuable points of resonance and reflection for other ECRs and, more broadly, to senior researchers who may support us in changing research paradigms in northern Canada.

Method

We collectively came together as part of the Association of Canadian Universities for Northern Studies (ACUNS) conference in November 2021 to share our storied experiences (Wilson, 2008, p. 98) as ECRs working in and alongside northern communities and Nations. We use the term Nations in reference to First Nation, Inuit, and Métis Peoples that seek a Nation-to-Nation relationship with Canada. Communities may be part of Nations or separate and may include Indigenous and non-Indigenous individuals. ACUNS increases the awareness of emerging northern researchers, who are both residents and visiting researchers, to gather and share their experiences. Our method of sharing experiences in conversation was inspired by Littlechild et al. (2021) who note the importance of stories as Indigenous research methods. While thinking about the challenges that ECRs encounter, especially while working in the North, we developed three main questions to help guide our conversation of engaging with communities as ECRs. Guided by methods of sharing our lived experiences through conversational practice and what we learned along the way, we found a shared understanding of the Five R's of research (Kirkness & Barnhardt, 1991; Restoule, 2008): respect, relevance, reciprocity, responsibility, and relationship. As Indigenous and non-Indigenous ECRs, we value the importance of walking together in conversational spaces, building on our individual and collective knowledges. While we shared, we imagined being in a circle conversation (Hart, 2002) where we held space for each voice to carry agency.

In this conversational space we also asserted Indigenous research frameworks of storying our collective experiences by applying a decolonial lens that we hope will prompt action—from interrogative research to more respectful and relations research methods—for ECRs (Kovach, 2009, p. 79). To garner this, we encouraged mutually respectful relations through our positionality in research and “self-location” of where our familial roots stem (Kovach, 2009, p. 110) as we introduced ourselves as ECRs.

Anita Lafferty (ts'éli-iskwew) has a PhD from the University of Alberta in the Faculty of Secondary Education. She carries with her two ancestral backgrounds, Dene and Cree. She is a citizen of Líídlı́ Kúé' First Nation in the Northwest Territories. Her doctoral research examines approaches of Indigenous curriculum perspectives that are grounded in *Dene k'èè* (ways of knowing) on the land. Before undertaking her doctoral studies, Anita was a high school teacher implementing successful practices for Indigenous youth. Her research includes learning on the land, experiences of Indigenous youth, identity, healing, and matriarchal wisdom. She enjoys taking a multidisciplinary approach in research, drawing on the fields of photography, poetry, and storytelling.

Jared Gonet is a Taku River Tlingit citizen with family ties to Carcross Tagish First Nation (Yukon) and relations in Fort Liard and Fort Simpson (Northwest Territories). My paternal grandmother was from the Carcross area, my paternal grandfather originally from Poland. My maternal grandmother was from Fort Simpson, and maternal grandfather from Fort Liard. I currently reside in Whitehorse, Yukon, where I was born. I see my path as one that is part of resurgence, reclamation, and healing. I strive to learn and live with living landscapes. The mountains of the North, especially in the Southern Yukon, are home in every sense of the word.

Tina Wasilik is the proud daughter of Taiwanese immigrant parents. She is a teacher, PhD candidate, and an early career researcher at the University of Alberta. Tina's doctoral research focuses on Inuit women's educational and employment self-reliance in Nunavut. Tina was born in Taiwan, the Traditional Homeland of the Ami, Atayal, Paiwan, Bunun, Puyuma, Rukai, Tsou, Saisiyat, Yami, Thao, Kavalan, Taroko, and Sakizaya Peoples. She was raised in Vancouver, British Columbia, the Traditional Territories of the Musqueam, Squamish, and Tsleil-Waututh Peoples. Her doctoral work has been carefully and culturally designed to, foremost, honour Inuit Knowledge Systems. This holistic approach considers the multi-dimensionalities of Inuit culture and language frameworks.

Lauren Thompson is a white settler from Prince Albert, Saskatchewan, of Treaty 6 territory, and is currently a PhD candidate in Renewable Resources. I work to understand water quality impacts arising from permafrost thaw in the Dehcho (Northwest Territories) and on Dene Tha' lands (Alberta) alongside Knowledge

Holders from communities. As a southern researcher in the North, my identity informs my work. My family's settlement in Canada from Europe as prairie farmers and teachers is inextricably linked to colonial dispossession, genocide, and violence to Nehiyaw, Niitsítapi, and Métis Nations (Morton, 2019). My interest in land-based research is complicated by its origin in childhood summers spent at Prince Albert National Park, a "wilderness" constructed after the violent removal of Indigenous Peoples and built using forced labour of immigrants during the Second World War (Waiser, 1995). I am grateful to have learned alongside fellow ECRs in the development of this piece.

Selina Ertman is an MA candidate in socio-cultural anthropology at the University of Alberta. Her ethnographic research focuses on education policy and self-determination in Nunavut. She was born and raised in South Cooking Lake, Alberta, the Traditional Homeland of Nehiyawak (Cree), Siksiká (Blackfoot), and Tsuut'ina Nation (Sarcee) Peoples. Selina's interest in education stems from her family, many of whom are teachers. During her undergraduate degree, she became especially interested in education in the North. As a southern-based researcher, Selina situates herself as a learner and acknowledges that she is not an authority on Indigenous or northern topics. She recognizes her responsibility to exercise cultural humility and reflexively assess her practices, attitudes, biases, and expectations throughout her research journey.

Sasiri Bandara is a Sri Lankan-born Canadian. For most of his life, Sasiri has lived in Treaty 6, traditional and ancestral territory of the Cree, Dene, Blackfoot, Saulteaux, Nakota Sioux—and home to the Métis Settlements and Métis Nations of Alberta, Regions 2, 3, and 4. During his time as an undergraduate (BSc) and graduate (MSc) research student in the Department of Earth and Atmospheric Sciences at the University of Alberta, Sasiri conducted field-based environmental science research on the Traditional Territories of the Tr'ondëk Hwëch'in and Vuntut Gwitchin First Nations, in the Yukon. Sasiri approaches this collaborative project as a listener and learner—and provides his non-Indigenous experiences and reflections from the natural sciences with the hope that it will be helpful for current and prospective researchers.

What are Approaches to Meaningfully and Respectfully Engaging with Communities and Nations in the North?

Anita: For me, particularly as a First Nations scholar and educator with strong kinship ties to the North, confronting the tensions that reside within research is fundamental. Research has not always been a positive word or action for Indigenous Peoples—in fact, Smith (1999) refers to it as a "dirty word." As an ECR it is important for me to place myself in relation to all beings, both living and non-living, that I am working alongside.

As I am (re)learning Dene k'ee (philosophies), I am actively learning what it means to be in relation to place(s). In my research, I visit the concept of kinship and I have learned that I have kinship relations across the North in many regions. As a relative, it is my responsibility to learn about the community and the land where my ancestors walked and still do. I also carry the responsibility of sharing the stories as my ancestors once did, and with the same intentions, for future generations. I enter into research as a persistent learner, an apprentice of sorts. I know fully that I am not an expert, it is the members of the community I work alongside who are the experts. As an observer, I engage with stories from the community and promote agency and voices of the community to be central to my research. It is important to recognize that cultural competence is not only about learning the culture, but “committ[ing] to its continued growth and transformation” (Maracle, 2017, p. 78). In my view, engaging meaningfully and respectfully with communities and Nations in the North means being culturally competent within the diversity of cultures and Nations within the North. It is about continually learning with purpose, and for me that is growth. Building relationships and being accountable to those relationships is central to meaningful research (Clandinin, 2006, p. 47) in both narrative inquiry and Indigenous research (Wilson, 2008, p. 77).

[In narrative inquiry] we negotiate relationships, research purposes, transitions, as well as how we are going to be useful in those relationships. These negotiations occur moment by moment, within each encounter, sometimes in ways that we are not awake to. The negotiations also occur in intentional, wide awake ways as we work with our participants throughout the inquiry. (Clandinin, 2006, p. 47)

As a narrative inquirer and ECR, my research is centred around the stories of experience—I seek to understand the diversity and richness of storied lives. I am more aware and conscious of all beings: people, animals, land, waters, and sky. I walk with honour and integrity with the people and places I work alongside, this is also how I am accountable to research. I think this strategy is how we can approach research in the North or elsewhere in a meaningful and respectful way: by being *consciously in relation*.

Jared: I'd like to focus on Nation-engaged research, which has subtle differences from community research as many Indigenous Governments (or as I refer to here as Nations) continue to fight for greater self-determination. First and foremost, Nation-engaged research should be built (within reason) with the Nation you

wish to work with, including but not limited to the questions, potential methods, interpretation, and communication. Some Nations may have greater capacity or interest to engage yet may still find the research of great interest and importance. Reciprocity should be a necessary part of the project, where the Nation is getting something relevant and meaningful to their priorities as a Nation. As you do this, be aware of what skills you can offer the Nation, and consider this the start of an ongoing relationship that will hopefully never end. As researchers working with Indigenous Governments (I use the broad term of Indigenous to include Inuit, Métis, or First Nations) in the North, we need to realize these are Nations seeking self-determination in a highly colonized world. I recommend reading relevant literature and books from Indigenous academics prior to starting any Nation-engaged research. Finally, be aware that many Nations have had negative experiences with researchers, which you may need to navigate.

Tina: When working with communities and Nations in the North, positionality (Martin & William, 2019) is one research approach that non-Indigenous early career researchers should implement. Positionality (Martin & William, 2019) means that as the researcher, we must introduce ourselves authentically, so that our participants and the community members know who we are and our research intentions. Positioning my identity in my research includes acknowledging my given names and upbringing, and that I was pursuing a Bachelor of Education degree and cultivating the inspiration to work in Nunavut.

My real names are 葦晴 (*Wei Qing*) and 亭如 (*Tin Zoo*). Only my close family members and relatives call me Wei Qing. As a child, I had a minor health condition. In the hopes of helping me, my father consulted a Buddhist fortune teller who suggested that my name be changed to improve my health. Therefore, my father changed my name to Tin Zoo when I was seven years old. I also go by the name Tina because that is the name that my mother came up with so that I can fit into mainstream Canadian culture.

I grew up in a multi-generational home in Taiwan for the first eight years of my life. I have always been taught by my paternal grandmother to respect, listen, and use my skills that the Creator has gifted me to contribute to our family, community, and society. As the proud daughter of Taiwanese-Canadian immigrant parents, Dr. Chen Che Chao and Professor Liang Tsuey-Yuh, I learned the importance of “formal” education. However, when I first encountered the Canadian Residential School system in my Grade Nine social studies class, the history of this cultural genocide broke my heart. Learning about this dark chapter in Canadian history planted a seed that ultimately inspired me to learn alongside our Indigenous Elders, brothers, sisters, and community members.

Having graduated from the University of British Columbia's Bachelor of Education program, I relocated to Nunavut to start my teaching career. I lived and taught in Nunavut for three years, and I had the privilege to be a co-instructor in an early childhood education (ECE) diploma program. This two-year accredited program had eight Inuit women teacher-trainees who worked with preschool-aged children. The preschool is called "Pirurvik," which means a place to grow, because it impacted three generations simultaneously: Inuit Elders as they passed on their traditional ancestral stories and guidance, teacher-trainees as they learned valuable employment and life skills, and children as they received an Inuit-centred early childhood education. Inspired by this generational learning environment, I will investigate how Inuit women foster self-reliance for my PhD dissertation. I will gather stories from the ECE graduates related to their personal growth while participating in the ECE diploma program. I hope that their experiences will motivate the Nunavut Government to invest in similar future educational endeavours.

Lauren: Meaningful and respectful engagement depends on the research context and how you intend to interpret and apply "engaging" or "engagement," which fits along a spectrum that I am still learning to navigate as an ECR. However, nearly universally, it is vital to do the groundwork before beginning. Some suggestions include making sure you and all team members from southern institutions have a baseline understanding of where you're going. Look into the histories of the communities, Nations, and lands you visit. Discuss the current and historical legacy of colonialism. It is also important to explore what work has already been done by other researchers or community-led projects. You may need to look outside of academic publications for this.

Bringing yourself to the research as part of navigating this process was highlighted by Inuk scientist Dr. Aviaja Lyberth Hauptmann, who presented at a Circumpolar Students Association conference in 2021 (Hauptmann, 2021). Doing so leads to openness and strength in relationship building. Putting yourself out there and meeting folks in the community can subvert the "parachute science" norms of many natural science disciplines. You need to build this time into your project schedule, although this could be a challenge as an ECR if you are not a primary organizer. Also, note that folks are busy and a lot is going on, particularly in the summer if that is your field season, so it is essential to respect boundaries. Flexibility is necessary too! You could get a request for something that wasn't part of your initial plans that is potentially unrelated to your research—from my view, if you can help out in any way, this should be prioritized.

From my perspective, I can't evaluate whether my approaches to engagement have been meaningful or respectful, but I can say that communicating in face-

to-face meetings has been most successful for me compared to email or phone. However, I recognize that COVID-19 has made this a challenge. Introductions from someone you know with a longer-term relationship in the community or Nation can be a great starting point for an initial conversation.

Selina: I would first like to acknowledge that I am not from the North, nor am I Indigenous. I am not an authority on this topic and want to situate myself as a learner. My opinions are based on my personal experiences, and my hope is that these experiences will provide points of resonance and reflection for other northern-focused ECRs.

From my perspective, it is important to recognize that community engagement lies on a spectrum and that there is no single or “right” way to engage with all communities (Attygalle, 2020). A certain approach to community engagement may work well for one researcher/community but not another, and there are also disciplinary differences and standards impacting this process. It is crucial to map out a research plan that you anticipate will be realistic and, early on, consider which methods align with the community or Nation you are working with. It is also essential to remember that community members have their own lives and priorities to attend to, and this has to be respected.

I would further encourage researchers to recognize that community engagement requires ongoing flexibility, which can at times be difficult to balance with the funding and time constraints associated with academia, especially at the graduate level. For example, when I first began my Master’s degree, I planned to carry out interviews at a particular school in a community in Nunavut. However, I had to adjust my research plan and location when the school let me know they no longer had the capacity to participate in the project due to factors such as limited staff and the ongoing COVID-19 pandemic. This was a stressful experience, but as a result I was able to develop a better understanding of how meaningful community engagement is sometimes about being able to expect and accept that the answer may be no, or not right now.

Community engagement, though incredibly rewarding, is rarely a linear or predictable process, and finding peace with that reality has been vital for me. Additionally, I have found value in a willingness to relinquish the need for control and to exercise cultural humility through my research (Chávez, 2012). In my view, cultural humility means recognizing and being sensitive to the fact that I am not an expert on the needs of the northern communities I am working with and am first and foremost a learner.

Sasiri: Meaningful and respectful engagement varies depending on many factors, including, but not limited to, who/what is involved, where/when the work is being

done, why the work is being done, what methodologies are employed, and how the work or its outcomes affect communities and Nations. Although specifics may vary, the constant that remains true across all disciplines is that open communication and engagement should be made a priority from the onset of a project instead of being introduced as an afterthought. Learning about relationships between communities and landscapes is a critical obligation of researchers in the natural sciences, especially as many of these communities often have a strong connection to animals and the land (Wong et al., 2020).

I think the best approaches to engagement involve respect, humility, transparency, acknowledgement, and acceptance of the ideas of local communities and Indigenous Peoples—ideas that may not necessarily align with your research motivations. It is important for researchers to check their assumptions at the outset and initiate engagement with an open mind. Co-creation and knowledge-sharing should be welcomed, and the value of collaboration should not be overlooked (Sadowsky et al., 2022; Sjöberg et al., 2019; Tondu et al., 2014). ECRs can look to guidance from supervisors or other peers when unsure about a best path forward; more importantly, ECRs should ask for expectations directly from the communities being engaged whenever it is feasible to do so.

What Knowledge Translation and Capacity-Building Skills Should Early-Career Researchers Develop for Working in the North?

Anita: *Metóts'edege*. The translation for this Dene zhatie phrase means “you flesh it” or “take the flesh off.” This term is in reference to harvesting animals or fish, it is the fleshing of the skin. This method of fleshing the skin is often used for tanning hides. When fleshing a hide or skin, there is a process, where patience and listening skills play a vital role in all aspects of the process. With every language there are variations in translation or meaning. As I am (re)learning the language of my ancestors, I am learning the significance that translation has in language acquisition. The same can be said for knowledge translation. It is important in knowledge translation that I listen with full embodiment. This means to listen with a full awareness of mind, action, and understanding in new ways. I understand that we all come with different experiences and with that we also come with different stories. An Elder taught me that the same is with language, each word translated has a story. By taking the time to listen, I am being relational to each story, each word that emerges. In my understanding of knowledge translation, relationships sit at the core. Engaging, sharing, and participating are action-based approaches that are central to relationship building.

As I work alongside communities, listening is the most critical aspect in being relational to all. Sometimes *listening* is a hard concept to convey, as we may think

that it takes time away from what we deem as important in research; but when we learn to listen carefully, we often learn more. Take the time to listen.

As an ECR, I must not assume that participants or community members I am working alongside have the same definition of knowledge translation. Different experiences also create different understandings. As an ECR, I have to take the time to understand the people and places I am working alongside. It is like *metóts'edege*, taking the flesh off. It requires patience, understanding, and flexibility. In order for me to listen with good intentions, I must learn to understand the language of the community, come with an open mind and open heart. I am committed to honouring and respecting community voices, which is at the heart of my work. This is key to creating sustainability and capacity building. As ECRs, it is important to remember that we are only visitors, learning alongside the people and places we engage with.

Jared: Communication skills are important—being able to write in clear, understandable, and non-technical ways are a must, as well as being comfortable with a chat over tea, or over the phone, or in a meeting room. I'd also emphasize practising your research with a sense of humility, working towards understanding of a Nation's history, and deep empathy. You are engaging with people who are deeply knowledgeable about the North, about its environments, its political contexts, and social histories—respect that, and the lived experience so many have, which is so often undervalued.

Uplift Indigenous voices and knowledge whenever you can—as noted, they have too often been undervalued. In your work, funding applications, and planning, advocate for benefits to Nations and their communities on their terms and what works for them. Wong et al. (2020) have an excellent set of ten calls for actions for natural scientists in Canada, which I highly recommend reading. I cannot emphasize enough to educate yourself on the socio-political context of the area you are working in. Work in decolonized (or anti-colonial as per Max Liboiron's excellent writings, e.g., Liboiron, 2021a), reflexive, reconciliation frameworks, which question how you present yourself and your work in every way. Above all, do not become an agent of colonization which serves systems of knowing and doing that extract Indigenous Knowledges out of their context.

Tina: One way that ECRs can contribute to capacity building is by bringing themselves into their research. My research methodology is Indigenous storywork, which involves holistic meaning-making by listening to Indigenous people's stories with the heart, mind, body, and spirit (Archibald et al., 2019). As a non-Indigenous researcher, I acknowledge that the method of conducting storywork research does not belong to me. Therefore, I scheduled an in-person meeting with

Dr. Archibald in December 2019 to pay my respects and ask permission to use her methodology.

When I asked about a non-Indigenous researcher using Indigenous storywork methodology, Dr. Archibald replied:

As a non-Indigenous researcher, you need to show commitment to the Early Childhood Education, Kindergarten to Grade 12, and post-secondary education systems. Furthermore, you need to do some soul searching to make a long-term commitment as an Indigenous-ally researcher. You need to follow the research protocols of Nunavut and allow relationships to be built. Also, remember the ethical responsibilities as a non-Indigenous researcher working with Indigenous communities. Lastly, you need to be story-ready. (Archibald, 2019)

The need to do deep soul searching stood out to me; therefore, I asked my family about our heritage and history only to discover our generational trauma.

My family's history dates back to the year 1760. We belong to a Chinese ethnic group called Hakka or 客家 (*Ke Jia*) in Mandarin Chinese. The literal translation is "guest people" in the Mandarin language. My ancestors were originally from Northern China; however, due to warfare, political instabilities, and domination by other inner-Asian groups, they were forced to leave their beloved homelands and resettle in Southern China. This resettlement did not last long. The Taiping Rebellion (1850 to 1864) caused living conditions in Southern China to rapidly deteriorate. Once again, my ancestors faced conflicts, warfare, and destruction of personal property. They had no choice but to flee their homes and relocate to the beautiful island of Taiwan in 1859.

Their peaceful resettlement in Taiwan also did not last long. China was defeated by Japan in the Sino-Japanese War in 1895, and Taiwan was ceded to Japan as a wartime settlement and was renamed Formosa. The Japanese Government ruled Taiwan until the end of World War Two in 1945. Japan's occupation of Taiwan was particularly harsh and repressive; it exploited Taiwan's natural resources, suppressed political opposition, and forced the Taiwanese population to speak Japanese instead of their own languages. Personal freedom was widely restricted. My great-grandparents and grandparents survived the Japanese occupation of Taiwan but at a great cost.

Our family narratives continue to be dominated by the loss of our homeland, identity, and spirituality. To combat this trauma, I took a spiritual healing course in June 2021 where I represented my ancestors and family and forgave the Chinese emperors, other inner-Asian groups, and the Japanese Government

for manipulating, abusing, and rejecting who we are. This spiritual reconciliation process provides the spiritual foundation for me to be “story-ready” (Archibald et al., 2019), to be non-judgmental and open when listening to Inuit survivor stories during my research journey in Nunavut.

Lauren: To guide my thinking on knowledge translation, I cite Dr. Kim TallBear (2014) who discusses unsettling the traditional framework of the academic who is imparting knowledge upon a community. Instead, there should be opportunities for back-and-forth and learning from each other; it is always incredible to learn from Knowledge Holders in communities and Nations. My first clumsy attempt at community engagement that I organized a few years ago was a very static presentation that students gave to several community members, with little opportunity to learn from the folks there. I would say it was not very successful. It is better to develop skills in more interactive and dynamic ways to communicate. For example, you can learn so much from informal one-on-one conversations. Some other ways to mobilize knowledge could be on a community Facebook page, through radio, camps, or at schools.

One point that I really try to keep in mind regarding the toxin that I study, mercury, is the responsibility to be aware that I could cause harm if I do not appropriately contextualize my research findings. For example, if I simply reported “high levels of mercury in the water” without accurate framing (e.g., high for this region? Higher than health guidelines?), this could potentially degrade relationships with food and result in less fish consumption (Hoover, 2013; Wheatley & Wheatley, 2000). Of course, fish is a culturally and nutritionally important food in many places. So, it is important to continually assess and reassess how effective and accurate your presentation methods are.

Selina: It is important to recognize that knowledge translation carries diverse meanings and connotations across northern Indigenous communities and within academic and non-academic contexts. Knowledge translation has been broadly described by some organizations as the ethical dissemination, implementation, and mobilization of research findings (Canadian Institutes of Health Research, 2022). However, such definitions do not fully capture the cultural complexity or multi-dimensionality of knowledge translation in practice. My perspectives regarding this subject are shaped by my personal experiences within the field of anthropology as a non-Indigenous researcher.

This said, I believe that a focus on ethics and relationships are crucial to any discussion surrounding knowledge translation. Within my discipline, a lot of anthropologists have historically adopted a problematic practice of entering communities to collect research, and then disseminating and publishing data (based

on Western-style scientific methodologies and models) without considering the impacts this might have on communities, or how the research findings could be adapted to the local community context in valuable ways. For me, it is important that I am aware of this history and am actively doing all I can to not perpetuate these unethical research patterns.

My suggestion for researchers is to consult with community members on how they envision knowledge translation, and how research findings can be mobilized in culturally and linguistically relevant ways. When I first began my Master's degree, I wrongly assumed that knowledge translation simply meant offering a written report outlining one's research findings to community members. I have since learned that it is crucial to challenge these assumptions and embrace unanticipated avenues of research dissemination, implementation, and mobilization. This ultimately requires an open mind and a prioritization of patience and relationship building through ongoing community consultation.

Regarding mutual capacity-building skills and the ability of researchers to support the involvement of community members in research projects in meaningful and sustainable ways, I believe that one valuable strategy is involving youth (see Sadowsky et al., 2022 for an excellent case study). However, I readily acknowledge that ECRs may not always have adequate funding to support capacity building in communities to the extent they would like. This is certainly something I have personally struggled with throughout my own research. I do not think we need to have all the answers or a perfect plan, but it is important to begin reflecting on topics like capacity building and knowledge translation early on in one's research process.

Sasiri: In the natural sciences, hypothesis-driven research typically begins with a review of relevant literature published primarily in Western-science journals, but socio-political history is equally important when working on the Traditional Territories of Indigenous Peoples. Researchers should be deliberate in gathering background information on the histories of communities and Nations in a study region before initiating a project (Canadian Science Publishing, 2022). Many Nations have websites, which may provide a good starting point, especially for ECRs looking to gather historical information and links to further resources. More broadly, graduate students and ECRs should make use of free resources within or outside of their home institution. For example, the Indigenous Canada Massive Open Online Course delivered by the Faculty of Native Studies at the University of Alberta explores Indigenous histories and contemporary issues in Canada. There are many other resources that can collectively help ECRs get to know their audience and not engage with inaccurate assumptions (MacMillan et al., 2019).

Researchers should also recognize that the perception of their presence and intentions may be placed in context of prior relationships and doings. When engaging, researchers should be mindful of how they present themselves and avoid implying that they are all-knowing experts. Understand and honour the importance of place and traditions when engaging with Indigenous Peoples. Communicate clearly without using technical jargon and remember that two-way communication involves listening carefully and a genuine willingness to learn. Researchers should acknowledge that emails, phone calls, virtual meetings, and boardrooms are not always the preferred forms of communication for community members being engaged—the priority should be placed on appropriate approaches, structures, and settings over convenient ones (Erkes-Medrano et al., 2019). Above all, I think researchers should take pride in developing knowledge translation and capacity-building skills because these are critical elements of working in the North.

What Kinds of Responsibilities and Accountabilities Should Early Career Researchers Consider when Engaging with Northern Indigenous Communities and First Nations?

Anita: As researchers, we each carry a responsibility to the people and places we work alongside. The late Dene scholar Phoebe Nahanni stated the following in *Dene Nation: The colony within* (Watkins & University League for Social Reform, 1977):

From generation to generation our ancestors have passed on information by word of mouth, through legends, and by relating personal experiences. The intricate values of our way of life are most appreciated by those who speak our languages. To the non-Dene such ways of recounting events may be subject to bias, error, misunderstanding, and misinterpretation. We Dene understand these shortcomings to be part of human nature. (p. 21)

Even today, this is still relevant and is a reminder that as I engage in research I carry a responsibility and am held accountable to *all my relations*. As a northern descendant, I am still considered a visitor in the North as I currently reside in Treaty 7 Territory. Taking responsibility for how I engage with communities is important to me. It is important that I consider: Why am I doing this work and what am I leaving behind? What am I contributing to the people and places I work alongside?

With this, I carry a responsibility in my actions *for all beings*, and accountability to my *kinships* as I conduct or participate in research. I also ask,

How am I being ethical in my relationships? Am I being relational? How am I entering into relation and continuing the relationships after the research is complete?

The work that I engage with alongside northerners is work that sits in my blood memory, it is kinship work. This keeps me accountable, knowing that I carry stories forward that are from my ancestors. In doing so, I am also protecting the ancient knowledges so they will continue to be recognizable to future generations of Dene. As I consider working with others in relation, I am also considering them as co-creators of the work ensuring that Indigenous Peoples specifically are the stewards of their own information. We walk together in balance; this is being ethically relational.

Jared: There needs to be more awareness of the deep need for systemic change, of what it means to live within a system that privileges ways of knowing, being, and doing of those who are already in it, and how to bring in other ways of knowing, being, and doing into those systems. Advocate for different forms of knowledge as being highly applicable, for example lived experience, stories, and spirituality. Recently, I heard of a First Nation person who had been on the land during trapping season for decades, who knew a place intimately as few could. When he was asked to speak to what he knew about the land, he questioned his knowledge. Speak out against systems that privilege Western sciences as the ultimate form of knowledge.

Self-determination for Indigenous Nations is critical. Have an awareness and at least a basic working understanding of modern treaties and Indigenous Nation histories, and be curious to know more if you plan to work with Nations and their structures.

Capacity building within Indigenous Nations is crucial yet we need to redefine somewhat what this means, and this is related to a need for systemic change. Capacity for Indigenous Nations should help reinforce Indigenous ways of knowing, being, and doing in a modern world, it does not always mean having another degree or greater education.

Positionality is crucial, as I have touched on in other sections. Know your own position in the world and the histories that have created your outlook, and question them. I highly recommend Willie Ermine's article "The Ethical Space of Engagement" (Ermine, 2007) as a starting point to consider the deconstruction of two world views meeting, to help place yourself.

Finally, be kind to yourself and those you work with—these are complex, wicked, ongoing problems that we all face, whether Indigenous or non-Indigenous. As researchers, is it not our task to make mistakes, learn, and do better? Most of us are just aiming at that, to do better, whatever our positionalities.

Tina: I view my research as a reconciliation process. As an Indigenous-ally researcher, my responsibilities and accountabilities come from balancing Western academic institutional expectations with using Indigenous theory and methodology in a culturally sensitive way. I see myself primarily as a learner honouring deeper foundations of Inuit culture and distinctive knowledge by listening to Inuit voices and respecting Inuit Elder guidance.

Through my research journey I want to foster mutual understanding, respect, and collaboration. Absolon et al. (2019) argue that to create change in the research process we need to think about the seven generations past and the seven generations into the future. Embracing this within my personal life, I started to educate my family members, friends, and colleagues—whom I see as my villagers (drawing on the concept that it takes a village to raise a child)—about the importance of situating oneself within research. To achieve safe spaces within research, Indigenous-ally researchers are responsible for creating respectful spaces for talking, listening, sharing, and healing (Graveline, 1998) for their research participants.

As an Indigenous-ally researcher, I am aware of the responsibilities and ethical implications of doing Indigenous research. To carry out relational accountability (Wilson, 2008) in a respectful way, I acknowledge that my proposed participants are a part of a larger whole and their stories will be treated with respect. Carrying out Indigenous research is an ongoing relationship and commitment (Lavallée, 2009) that extends well beyond the final report, dissertation, peer-reviewed article submission, or conference presentation. As a researcher, I want to promote a continuous collaboration in areas such as research projects, professional development for teachers, or training programs for post-secondary students. As a teacher, I want to continue my learning by co-teaching with Elders to sustain healthy learning environments for Inuit children and adult learners. Substitute teaching will help me establish a presence within communities because this will provide opportunities to interact with school administrators, teachers, students, and their families. I see relationship building as the main responsibility to engage in community life.

Lauren: I will cite Dr. TallBear again (TallBear, 2014)—something that has deeply stayed with me was her framework on the ethics of accountability in research, considering whose lives, lands, and bodies are inquired into and what they get out of it. Another point that Dr. Hauptmann talked about at the Circumpolar Students' Association conference was related to how many material benefits there are for ECR scientists working in the North—such as acquiring an advanced degree, or scholarships and funding, or advancing your career through publications—and how it is important to be open about this (Hauptmann, 2021).

I certainly don't have all the answers to balance those concepts. But I think ECRs, especially natural scientists including myself, need to continue examining this balance (or imbalance). The act of research is not neutral, it is impossible to be completely objective, and the data collected in the pursuit of research are connected to lands and lives. Dr. Max Liboiron's work interrogating colonialism within dominant science practices are essential reads (e.g., Liboiron, 2021a, 2021b). I have tried my best to take care in both my relationship building and my treatment of and presentation of collected data, knowing that I won't get it right every time but can learn from each experience and improve the next time. Perhaps some aspects of reciprocity can be a practice of accountability, such as providing compensation, ensuring all collaborators are credited co-authors, and having a collective agreement with collaborators on data that honours the First Nations Principles of OCAP®—ownership, control, access, and possession—ensuring data sovereignty (The First Nations Information Governance Centre, 2022).

Selina: In my view, it is vital for ECRs to consider their positionalities when engaging with northern communities and First Nations (see Holmes, 2020, for a valuable discussion on researcher positionality). As a non-Indigenous, southern-based researcher, for example, I have a responsibility to educate myself on the historical and ongoing process of colonialism and unequal researcher/community power-relations in the North. Beyond educating oneself, I also believe that it is the responsibility of researchers to reflect deeply on how they are benefiting from research projects and how community members may or may not be benefiting from them, as well. This reflection paired with community consultation may require us to alter our research questions and topics over time, as has been the case for me. Being receptive to critique and open to changing our research activities and practices can be intimidating, but I believe it also makes us better researchers.

ECRs may not always have the time, capacity, or funding to carry out research with the level of community engagement they initially hoped for. Personally, I have experienced difficulties developing reciprocal, meaningful relationships with community members, especially at the beginning of my research process and when the only available form of communication was email or phone. Being in the midst of a global pandemic does not ease this process, as I am sure many other ECRs can understand. Community engagement, therefore, requires patience, flexibility, and sensitivity, and it does not always unfold the way we expect it to. Given this reality, we have a responsibility to do the best we can with what means we have. To me, this involves being honest and upfront with the communities we are working with throughout the research process and treating community engagement as a lifelong learning process that is not about striving towards perfection but is rather about continual reflexive reassessment of one's practices, attitudes, biases,

and expectations. I further assert that ECRs, in particular, have a responsibility to question and challenge the traditional research standards and practices characterizing the institutions, faculties, and disciplines we are a part of.

To consider this question further, I recommend reviewing resources developed by organizations such as the Inuit Tapiriit Kanatami (ITK), which offer guidance on negotiating relationships with northern communities as researchers and explore why researcher/community relations in the North need to change (Nickels et al., 2006). There may also be classes or workshops on community engagement at your post-secondary institution that you can attend (I attended such a class during the first year of my Master's degree and found it invaluable). Starting a conversation on this topic with your supervisor or faculty and students in different disciplines who may have experiences and/or advice to share is also beneficial. What is important is that we as ECRs, and researchers in general, begin to engage more frequently in these kinds of conversations.

Sasiri: ECRs are commonly faced with conflicting priorities and interests, whether it be from within an institution or more broadly from elsewhere in the academic or professional community. It is important to dissuade these interests from overshadowing ethical and moral obligations related to engagement with northern Indigenous communities on whose Traditional Territories we conduct research (Wong et al., 2020).

I think ECRs should always keep lines of communication open among all stakeholders throughout a project. Share progress—but do not assume that regular updates and constant communication is appropriate as communities may not always have the capacity to reciprocate. For this reason, it is a good idea to establish an understanding of how much communication is acceptable in the early stages and follow that strategy through to the completion of a project. While it helps to have a plan and some structure in place, it is important to be flexible and encourage feedback that will help improve relationships. Researchers should not let the pressure to publish prevent them from fulfilling their ethical obligations of acknowledgement, collaboration, and co-creation. Unfortunately, the problem of overlooked research ethics and discrimination is widespread in many disciplines (Woolston, 2021), and must be urgently addressed from a standpoint of equity, diversity, inclusion, and decolonization.

Importantly, ECRs should not be afraid to lead by example and hold their peers accountable. There is plenty of room for improvement—and ECRs can help by being deliberate about fulfilling responsibilities through respectful engagement practices.

Conclusion

Reflecting on the collective conversation presented in this article, we find commonalities in our guiding principles and questions as ECRs; we share a visual representation of this in Figure 1.

As we consider these important questions and continue to negotiate research practices as ECRs working in northern communities and Nations, we carefully reflect on our relationships with ourselves and others. Our experiences working alongside northern communities and Nations centre collectively around our shared understanding of ethical stewardship as meaningful and respectful research relationships. Together, we value community-centred approaches where “good research” involves transparent working relationships, flexibility, democratic methods that respect the nature of holistic approaches and community involvement, and giving back to the communities as we learn and grow from each other. Implementing these values can, at times, be at odds with dominant research paradigms and expectations (e.g., hurried timelines and the pressure to publish). Having “buy-in” and support for community- and/or Nation-centred approaches from advisors and funders will be essential for these practices to become standardized in northern research.

It is also valuable to reflect on our experiences as ECRs during COVID-19. The pandemic, which continues to impact and disrupt the lives of many northern community members and Nations, demonstrates the importance of being willing to continually re-evaluate and revise our research practices. For many of us, some aspects of research in and alongside communities and Nations in the North have been disrupted or halted altogether. As ECRs, we each found ways to adapt as we transitioned through pandemic restrictions at different stages in our research processes. We honour, value, and respect closed borders during COVID-19, knowing that it helps protect northern communities and Nations. We recognize the importance of aligning our research methods with local health and safety guidelines, and of following best practices that foster fair research partnerships at all times (World Health Organization, 2020). It is crucial to be aware of, and sensitive to, the ongoing and multi-faceted experiences of communities and Nations as we navigate the shifting landscape of northern research.

While discussing our research with each other, we are comforted to know that we are not alone in this process. Together, we value relationships as an essential part of our work, knowing we are growing a stronger community of ECRs who share the same perspectives on ethical relationality (Kovach, 2017; Liboiron, 2021a; TallBear, 2014; Wilson, 2008). Ermine (2007) describes ethical space as “formed when two societies, with disparate worldviews, are poised to engage each other” (p. 1). As ECRs, we place value and hold ourselves accountable to the

relationships we develop over time within northern communities and Nations—relationships that we hope to carry forward in our careers and hold with respect. In ethical relationality, we are deeply aware that our actions as ECRs impact the people and places we work with. Wilson (2008) shares that to demonstrate ethical relationships, we need to engage respectfully, reciprocally, and responsibly (p. 99).

As we engage with northern communities and Nations we make certain to educate ourselves about the socio-political context and the work already done so that we do not overlap or disrupt people and places. Understanding where we are in our life journey, we are able to confront our own story as it relates to research (Absolon & Willett, 2005). As a result, we are held accountable not only to ourselves but also to the people and places we affect. Involving the community in our stories is equally important, as it allows us to learn more about different world views. Community involvement allows for ethical space to be delineated with respect, and for reflexive questions to emerge. Consider asking yourself whether you are bringing your whole self to the research. It is integral to consider your position within the research process at each stage (Hauptmann, 2021; Liboiron, 2021a).



Figure 1. Our collective visual representation of the Five R's of Indigenous research and guiding questions as Early Career Researchers: respect, relevance, reciprocity, and responsibility, with relationships intersecting all aspects (Freire, 1986; Kirkness & Barnhardt, 1991; Restoule, 2008; Truth and Reconciliation Commission of Canada, 2015). Photo credits: S. Bandara.

The journey between the community, Nation, and researcher must be guided by co-learning, co-creation, and may include anti-colonial considerations (Liboiron, 2021a; Wong et al., 2020). Research may, and often should, push against institutional and societal norms (Liboiron, 2021b; Potts & Brown, 2005)—norms that have created distrust towards many aspects of research, especially for Indigenous communities and Nations. Societal and institutional norms may also limit conversations and invalidate different forms of knowledge (Liboiron, 2021a). By following the lead of the Truth and Reconciliation Commission of Canada (2015), we aim at strengthening community voice by establishing diversity and honouring the Calls to Action. Establishing trust while interrogating societal and institutional (and your own) norms is essential, especially among Indigenous communities and Nations.

As ECRs, it is important that we continually engage in self-reflection throughout our research processes. The establishment of respectful relationships with northern communities and Nations relies on our willingness to openly and honestly acknowledge our biases and moral values within research (Soedirgo & Glas, 2020). Our positionality and the positionalities of our participants (people, communities, animals, land, sky) are honoured this way.

As our discussion comes to a close, we find the words of Gwichyà Gwich'in scholar Dr. Crystal Fraser, shared at a 2016 Canadian Historical Association conference panel, especially pertinent. At this panel, Indigenous historian Winona Wheeler argued that “We need to be doing research that matters” by asking the questions: is this relevant to the community or Nation, and is this helpful? As a northern descendant, Fraser (2019) contributed to this conversation by explaining that “the best research projects are those that come from the heart, are deeply personal, and are committed to upholding the sovereignty of Indigenous Peoples” (p. 23–24). The words of the late Chief John Snow of the Stoney Nakoda Sioux First Nation further speak to the heart of reconciliation and calls to action that we each honour in our lives and work. He shares “Our ancient prophecy tells us that a day is coming when the Indigenous people of this land will teach other peoples, other Nations about the importance of life in harmony with the cosmos” (Snow, 2005, p. 243).

Learning and growing as a community brings us together on common ground where respecting equality grounds us in our humanity. As ECRs, we want to ensure that the research we are conducting alongside communities is sustainable for future generations and that we are learning and growing together. Collectively, we understand the importance of reciprocity and honouring the world views, perspectives, languages, and values of the people and places we work alongside in northern communities and Nations.

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Research Article

Natural Resource Development and Well-Being in Inuit Nunangat: A Scoping Review

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Abstract: Natural resource developments have significant positive and negative impacts on the health and well-being of communities in Inuit Nunangat (Inuit Homelands) in Canada. Mining, hydroelectric, and oil and gas developments significantly alter the landscapes of communities and often an entire region. As climate change and global demand for natural resources increase, the four regions in Inuit Nunangat—Nunatsiavut, Nunavik, Nunavut, and the Inuvialuit Settlement Region—may experience an increase in development activity. The goal of this scoping review was to map trends in the extent, range, and nature of published research examining the relationship between natural resource development and health and well-being of communities in Inuit Nunangat. A total of 2,861 articles were screened for relevance, and 58 articles met the inclusion criteria and were analyzed in full. The results indicate that: 1) Nunavut was the most discussed region; 2) mining and/or mineral exploration was the most commonly discussed resource development; 3) communication between researchers and industry officials or health authorities was not frequently reported; 4) there were numerous government policies discussed, suggesting policy is a significant factor in the relationship between resource development and well-being; 5) holistic health was the most common area of health discussed; 6) Inuit inclusion in research varied, with nearly half of articles reporting Inuit involvement in the data collection and/or analysis; 7) few articles discussed mine closures and the impacts on Inuit well-being; and, 8) no articles were published in 2020, therefore no articles discussed the impact of COVID-19.

Introduction

Despite being the natural stewards of the lands and waters for thousands of years, Indigenous Peoples around the world continue to fight to protect their lands as they advocate for their desire and right to be included, on their terms, in natural resource developments (United Nations Department of Economic and Social Affairs, 2018). Across the Circumpolar North, climate change is causing reductions in sea ice and thawing of permafrost, leading to the rapid opening of previously inaccessible lands and waters for potential developments (Herrmann, 2015; Meredith et al., 2019). The region has been described as a “natural resource reservoir that could quench the world’s energy and mineral appetite” (Larsen, 2015). These reported development opportunities have highlighted long-standing questions about the health and well-being impacts on Indigenous Peoples, as some have argued the development activity amounts to exploitation (Arctic Circle Panel, 2014). Inuit Tapiriit Kanatami (ITK), the national organization representing all Inuit in Canada, “takes a holistic view of Inuit health and strongly believes that significant improvements can be made by addressing current socio-economic conditions in Inuit communities” (Inuit Tapiriit Kanatami, 2014). The social determinants of health are the foundation of ITK’s strategy to improve the physical and mental health outcomes of Inuit: access to a clean environment (air, water, and land), vibrant culture and language, safe housing, equalized income distribution, and higher educational attainment levels are just some of the areas ITK focuses on improving, as improving in these areas leads to a healthier and improved quality of life for Inuit (Inuit Tapiriit Kanatami, 2014).

Inuit Nunangat (Inuit Homelands) encompasses the land, water, and ice of the four Inuit regions in Canada: Nunavut, Nunavik, Nunatsiavut, and the Inuvialuit Settlement Region (Inuit Tapiriit Kanatami, 2018a). Many Inuit communities in this region are located near, or are affected by, natural resource developments, particularly in the mining, hydroelectricity, and oil and gas sectors. The Inuvialuit Settlement Region, with a population of 5,335 (Statistics Canada, 2018a), located in the Western Arctic region of Canada, has notable offshore and onshore oil and gas reserves (CBC, 2018). The territory of Nunavut, with a population of 39,353 (Statistics Canada, 2022), has four existing operating mines (NWT & Nunavut Chamber of Mines, n.d.-a) and exploration is ongoing for potentially more (NWT & Nunavut Chamber of Mines, n.d.-b). Nunavik, with a population of 13,115 (Statistics Canada, 2018), comprising a substantial portion of Quebec (approximately one-quarter of total land mass), has significant mineral resources and is home to the James Bay hydroelectric development (Makivik Corporation, n.d.). Finally, Nunatsiavut, with a population of 2,560 (Statistics Canada, 2018c), located on the north coast of Labrador, is home to one of the richest nickel

reserves in the world at Voisey's Bay (CBC News, 2018b) and is downstream from the Muskrat Falls hydroelectric generating station (Brake, 2019; Whiffen, 2021).

For Inuit in Inuit Nunangat, advocating for the recognition of their inherent right to be the decision makers for natural resource developments has been a consistent priority for many years (George, 2013). Looking forward from an economic perspective, mining and oil and gas developments will likely make up most of the future natural resource developments in Inuit Nunangat, if Inuit provide their consent for such projects to proceed. Future hydroelectricity developments will likely be limited in Inuit Nunangat (Nunavut Climate Change Centre, n.d.; McDonald & Pearce, 2013) given high upfront capital costs—that most likely would be heavily funded by the provincial or territorial governments (CBC News, 2015)—and the increased risk in significant cost overruns, schedule delays, and operational concerns with available reservoirs. In terms of mining, however, Nunavut has been described as “a great place to do business” and “a region that has tremendous mineral potential” (Sevunts, 2017). Furthermore, after a 2016 decision by the Government of Canada to ban Arctic oil and gas drilling near the Inuvialuit Settlement Region (Van Dusen, 2016), a more cooperative approach was taken in 2018 where the Canadian government announced it would begin negotiations with the Inuvialuit Regional Corporation (IRC) on oil and gas developments in the Beaufort Sea (Williams, 2018). Two years later, the IRC announced they would be moving forward with the Inuvialuit Energy Security Project, a liquefied natural gas (LNG) project to meet the power and heating demands of Tuktoyaktuk, Inuvik, and other communities (Gleeson, 2020).

These developments are indications that Inuit Nunangat is continuing to focus on developing oil and gas projects and new mines, which will all have impacts on the health and well-being of Inuit communities, even if consent to develop is provided. Many of these developments are, or will be, bound by legally binding impact and benefit agreements (IBAs) between the developers and the Inuit organization or government representing the respective Inuit region (Inuit Tapiriit Kanatami, 2014). While many IBAs in Inuit Nunangat are confidential, they usually have chapters concerning preferential hiring and training for Inuit, Inuit business opportunities, environmental protection, workplace conditions, and Inuit community well-being initiatives (Gibson & O'Faircheallaigh, 2015). The requirement for IBAs often arises out of legislation or an environmental assessment (EA) process that every major natural resource development project is required to undergo in Canada (Cox & Mills, 2015). Whether IBAs and EAs have been effective tools for addressing the impacts of natural resource development on Indigenous health and well-being, has been the subject of several studies over the past decades (Cox & Mills, 2015; Jones & Bradshaw, 2015; Southcott et al., 2018) and, as a result, this study also includes what the literature says about Inuit IBAs and EAs.

With significant opportunity for future natural resource projects, and with current ongoing projects and a long history of developments (Cater & Keeling, 2013; Tester et al., 2013), along with a holistic view of health and well-being as described by ITK, the goal of this scoping review was to map the trends in the extent, range, and nature of available published articles examining the relationship between natural resource development and health and well-being in Inuit Nunangat. With the release of the National Inuit Strategy on Research (NISR) in 2018, which documented the historic exclusion of Inuit from research and the dominance of non-Inuit researchers in Inuit Nunangat (Inuit Tapiriit Kanatami, 2018b), this study also sought to document researcher backgrounds and Inuit inclusion and involvement in the literature. By understanding what and who is included in the available literature, we identify information gaps and future research opportunities to further explore this complex, but vitally important, relationship (Arksey & O'Malley, 2005).

Methods

Understanding the relationship between natural resource development and health and well-being in Inuit Nunangat is a complex, multidisciplinary area of study. To gain better insight into the trends in the available literature, a scoping review was conducted. This approach was guided by Arksey and O'Malley (Arksey & O'Malley, 2005) and reported following the Preferred Reporting Items for Systematic reviews and Meta-Analyses extension for Scoping Reviews (PRISMA-ScR) checklist (Tricco, 2018). A scoping review protocol was developed a priori and is available upon request from the primary author.

Search Strategy

A systematic approach was used to identify relevant English and French articles published prior to January 1, 2021. A search string was developed utilizing commonly used terms to describe Inuit regions, health, and specific resource developments (Table 1). The search string was created based on keywords in pertinent literature, and databases were selected in consultation with an academic librarian from the University of Guelph. Search results were uploaded to the reference management software Mendeley, and subsequently uploaded to DistillerSR, a systematic review software. Both Mendeley and DistillerSR were utilized to remove duplications, and DistillerSR was used to facilitate the screening of all search results for relevant articles, and to extract and organize data.

Table 1. Electronic database search-string terms utilized to search for relevant articles

Component	Search Terms
Geographic and population terms	("Northern Canada" OR Nunangat OR Inuvialuit OR Nunatsiavut OR Nunavik OR Nunavut OR "Northwest Territories" OR Labrador OR "Northern Quebec" OR Arctic OR ITK OR Eskimo ^a OR Inuit)
Health and agreement terms	AND ("well-being" OR health OR "impact benefits agreement" OR IBA)
Resource development terms	AND (hydroelectric* OR oil OR gas OR mining)

^a To develop a search string that would capture all research potentially relevant to Inuit, the authors had to acknowledge a long history of Inuit being exploited by researchers (Inuit Tapiriit Kanatami, 2018b), including the use of the term "eskimo," which is known to be a derogatory and racist term (Obed, 2015). The use of this term in no way reflects the authors' beliefs or relations with Inuit and all authors denounce its use today. Additionally, all articles generated from use of this search string were evaluated to ensure no racist research was included in this review.

Information Sources

The search was conducted using six electronic databases: CAB Direct, Medline via Ovid, Web of Science, Canadian Business and Current Affairs Database (ProQuest), PubMed, and JSTOR. A preliminary search was conducted on October 6, 2018, to get an initial sense of the available data, with a full updated search taking place on June 25, 2020. This search was again updated on February 22, 2021, to reflect literature up to and including December 31, 2020. These databases were selected to locate articles pertaining to applied life sciences, global health, multidisciplinary scientific research, current events, business research, and social sciences and humanities.

Eligibility Criteria and Screening Process

To be included, articles had to examine natural resource development and Inuit health and/or well-being in Inuit Nunangat (Table 2). For the purposes of this review, hydroelectric, oil and gas, and mining developments were the key natural resources considered, as they are some of the most common resources in Inuit Nunangat, and often considered some of the most impactful on the region. Health related topics reflected ITK's holistic view of health and included explicit mentions of "health" and "well-being," but also any mention of the social determinants of health. From a geographic point of view, Inuit Nunangat included the Inuvialuit Settlement Region, Nunavut, Nunavik, Nunatsiavut, and/or Inuit Nunangat as a whole (Inuit Tapiriit Kanatami, n.d.). This review included articles written in English or French.

Table 2. Inclusion and exclusion criteria for articles considered in this scoping review

Inclusion Criteria	Exclusion Criteria
Article discussed one or more of the Inuit regions in Canada: The Inuvialuit Settlement Region, Nunavut, Nunavik, Nunatsiavut, and/or Inuit Nunangat as a whole	Article did not discuss one or more of the Inuit regions in Canada
Article referenced one of the following natural resource developments: mining, hydroelectricity, and/or oil and gas	Article did not reference mining, hydro-electricity, and/or oil and gas
Article discussed an Inuit health related topic	Article did not discuss an Inuit health related topic
Article was published before January 1, 2021	Article was published after December 31, 2020
Article was published in English or French	Article was published in a language other than English or French

DstillerSR was utilized to facilitate all levels of screening and data extraction (Table 3). Level one of the screening processes focused on titles and abstracts. Based on the inclusion and exclusion criteria, titles and abstracts were screened for relevance using level one screening questions. A second independent reviewer confirmed exclusion of articles that did not meet the inclusion criteria. Potentially relevant articles proceeded to level two screening, where the full-text screening was completed, utilizing the level two screening questions. Two independent reviewers screened each article, and conflicts were resolved via discussion. All relevant articles from the second stage of screening proceeded to data extraction. The level of agreement between reviewers was calculated.

Table 3. Level One and Level Two screening questions for articles considered in this scoping review.

Level	Questions	Responses and Action
Level One: Title and abstract screening	<ol style="list-style-type: none"> 1. Is the article published in an academic journal? 2. Is the article about at least one of the four Inuit regions in Canada? 3. Is the article about mining, hydroelectricity, and/or oil and gas? 4. Does the article discuss Inuit health related topic(s)? 	<p>All questions: Yes = include No = exclude Unsure = include</p>
Level Two: Full-text screening	<ol style="list-style-type: none"> 1. Is the article a book review? 2. Is the article published in an academic and/or peer-reviewed journal? 3. Is the article about at least one of the four Inuit regions in Canada? 4. Is the article about mining, hydroelectricity, and/or oil and gas? 5. Does the article discuss Inuit health related topic(s)? 	<p>Question 1: Yes = exclude No = include</p> <p>All remaining questions: Yes = include No = exclude</p>

Data Extraction

Information from each relevant article was extracted. To map the trends in publications, the following information was extracted from each article: reported Inuit involvement and inclusion in the research; reported communication or attempt to communicate with industry and health officials at any level; government policies (both inductive and deductive); areas of health discussed; if recommendations on how to improve identified health concerns were noted; institutions involved in the research; and general study characteristics (i.e., year of publication, type of study, etc.). DistillerSR was used to facilitate data extraction and organization, and Excel was used to conduct descriptive analysis of the article attributes. Finally, thematic analysis was used to identify and describe reoccurring themes discussed in the literature.

Results

Study Characteristics

The online database search yielded 2,861 unique results in six databases with 58 articles meeting the inclusion criteria (2% of total articles) (Figure 1). The level of agreement amongst the reviewers was 99.7%. The 58 articles included for this scoping review were published between 1987 and 2019, with 2018 having the most articles for a single year with 11 (19% of total articles), followed closely by 2015 with 10 (17% of total) (Figure 2). Half of the articles (n=29) were published between 2015 and 2019. Many of the articles discussed more than one Inuit region in Canada (Figure 2), with Nunavut appearing in the articles more than any other Inuit region (n=23, 40% of total articles). Inuit Nunangat as a whole appeared in 18 articles (31% of total), and Nunavik and Nunatsiavut both appeared in 17 (29% of total). The Inuvialuit Settlement Region appeared the least number of times, with appearances in 13 articles (22%).

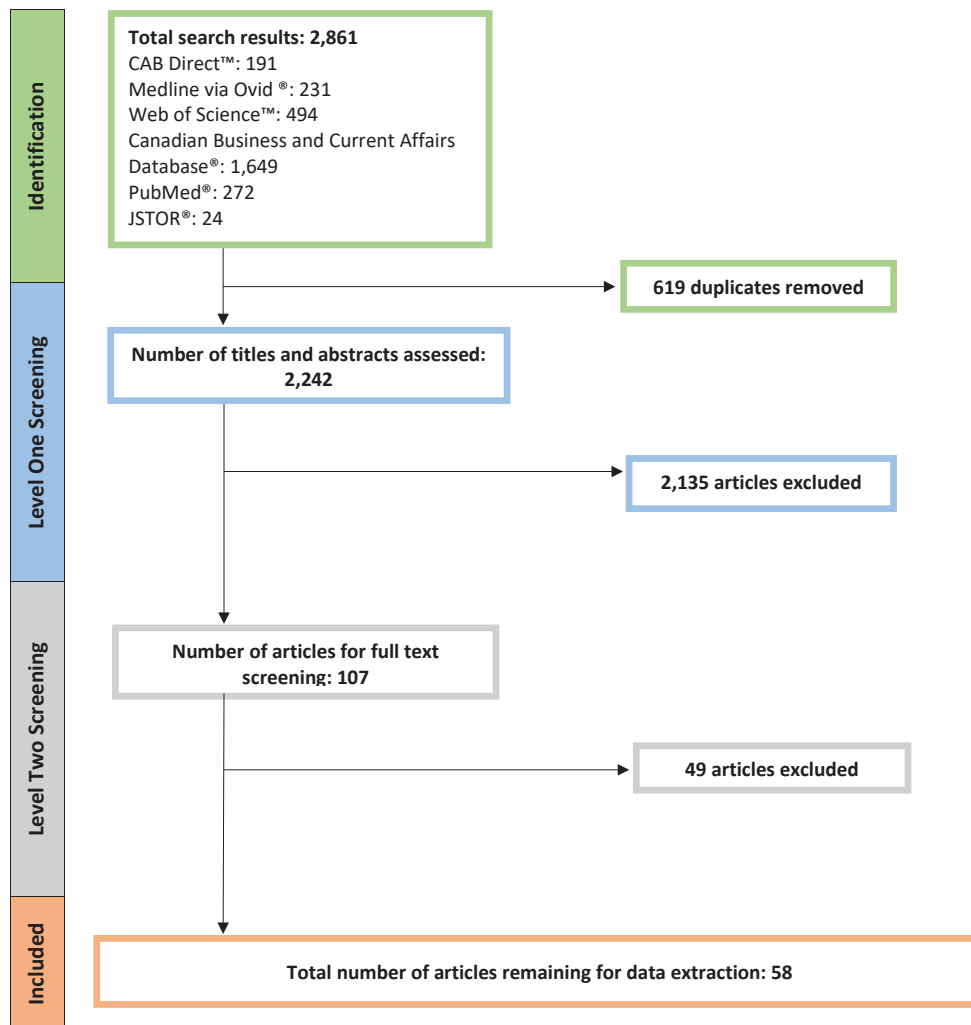


Figure 1. Number of articles identified in the database search and screened for relevance.

On a per capita basis, the region with the highest number of articles was Nunatsiavut (6.6 articles/1,000 residents), and the Inuvialuit Settlement Region had the second-highest articles per capita (2.4 articles/1,000 residents). Nunavik had the third-most numerous appearances on a per capita basis (1.3 articles/1,000 residents), and Nunavut had the fewest per capita appearances (0.6 articles/1,000 residents).

Thirty-one articles (53% of total) were classified as a primary research study and 27 articles (47%) were classified as a review study (Figure 3). Almost half, 47% (n=27) of articles, captured qualitative data, while 43% (n=25) captured a mix of qualitative and quantitative data. Only 10% (n=6 articles) focused solely on quantitative data.

Holistic Conceptualizations of Health were the Most Commonly Discussed Health Outcome

Articles were grouped into physical health, mental health, a holistic view of health, or a combination of two or three. About three-quarters of articles (74%, n=43) discussed more than one area of health. For example, one article noted that,

it has been argued that one of the strongest links between the health of Aboriginal peoples and their environment is traditional foods. Industrial development and other anthropogenic activities have resulted in the contamination of traditional foods and medicines, thereby causing the degradation of Indigenous peoples' physical and spiritual health. (Black & McBean, 2016)

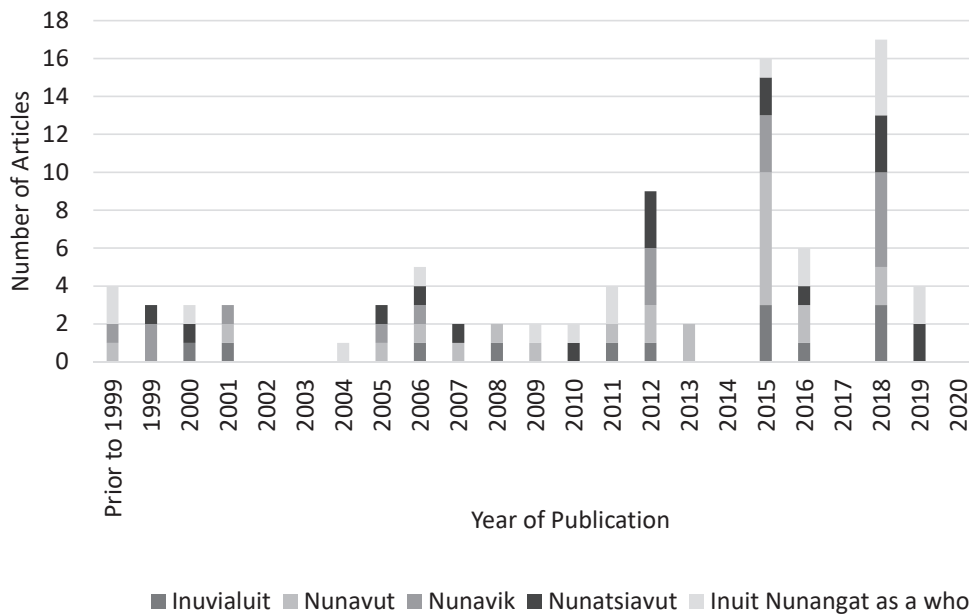


Figure 2. Year of publication by Inuit region for all included articles. Note: More than one Inuit region can appear in an article so location categories are not mutually exclusive.

Most articles (91%, n=53) discussed a holistic view of health, while 81% (n=47 articles) discussed physical health, and 43% (n=25) of articles discussed mental health.

The earliest published articles focused on physical health (Verdier et al., 1987; Wismer, 1996; Langlois & Langis, 1995). For example, one study from 1987 focused on the nutritional status (through blood and urine samples) of Inuit before and after a lead-zinc mine become operational in Nanisivik, Nunavut (Verdier et al., 1987). Another study from 1995 focused on contaminants in wildlife that Inuit consumed, for a baseline study preceding the potential impoundment of a hydroelectric facility reservoir in Nunavik (Langlois & Langis, 1995). This was followed by an increase in articles discussing holistic health in the late 1990s. From 2000 to 2013, the articles mostly focused on holistic health, followed by physical health and mental health, respectively.

From 2015 to 2020, the trends changed, whereby articles discussing mental health were still the least common, but the number of articles discussing physical and holistic health were nearly equal (n=26 and 27 articles, respectively). All four regions of Inuit Nunangat, and Inuit Nunangat as a whole, had similar trends with holistic and physical health being the most common health outcome discussed and mental health being the least discussed. In terms of primary research studies and review studies, there were no substantial differences in the number of studies discussing physical health (n=25 primary research articles and n=22 review articles) and holistic health (n=28 primary research articles and n=25 review articles). However, with mental health discussions, there were more primary research articles (n=16) than review articles (n=9).

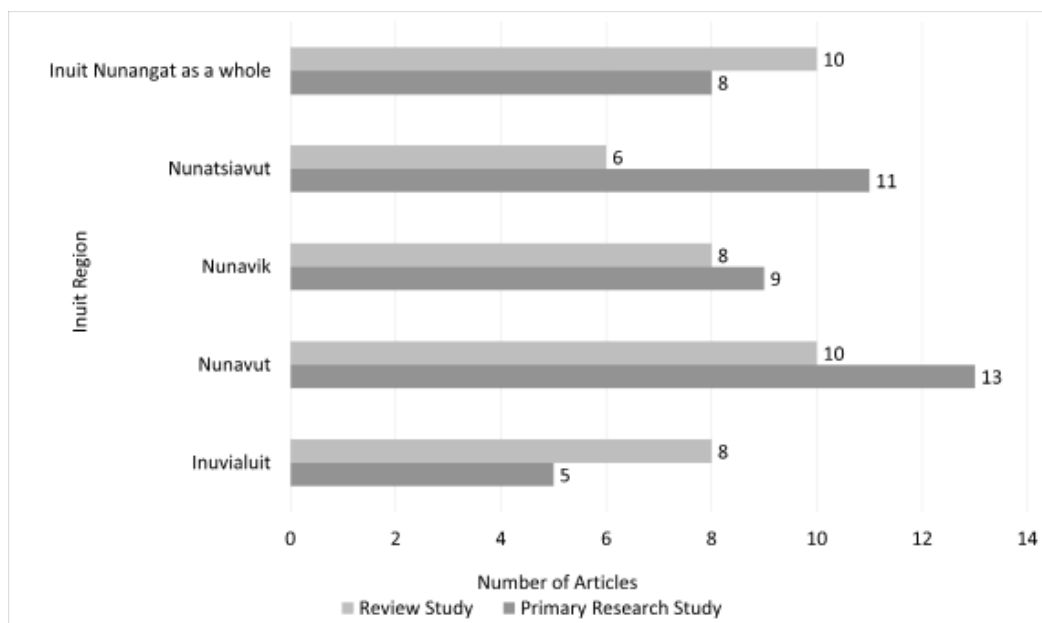


Figure 3. Type of study, by Inuit region, of all included articles. Note: more than one Inuit region can appear in an article; therefore, location categories are not mutually exclusive.

Regarding the relationship between health outcomes and methodology, all three shared a similar relationship for qualitative research articles, and articles that were a mix of qualitative and quantitative analysis. Quantitative research articles mostly focused on physical health (n=6 articles). Two quantitative articles focused on holistic health and one on mental health.

Throughout the data extraction, there were noticeable references to gender and women-specific impacts of natural resource development. While 24% (n=14 articles) mentioned gender as a factor, 45% (n=26) mentioned women specifically, 22% (n=13) mentioned both gender and women as important components of analysis, and 17% (n=10) had an in-depth (more than one paragraph) discussion on Inuit women-specific impacts of natural resource development. These discussions centred around the impacts of contaminants (PCBs and methylmercury) from natural resource developments, Inuit women's involvement in the environmental assessment process, increased domestic violence concerns, overall health of Inuit women, and gender considerations in employment and workplace experiences of Inuit women. For example, Cox and Mills (2015) reported "Inuit women in non-traditional occupations described barriers to advancement, difficulty gaining acceptance in the workforce, experiences of discrimination, and being treated as token hires" (Cox & Mills, 2015, p. 253). In 14% of articles (n=8), the authors reported communication with or attempts to communicate with health officials. In 86% of articles (n=50), the authors did not report communication with or attempts to communicate with health officials. While communication was not frequently reported, authors in 72% of articles (n=42) did include recommendations on how to improve identified health-related issues (Figure). For example, one article provided the following recommendation, after a small mineral exploration site was abandoned:

Developing a low-cost, community-based environmental health monitoring tool is an ideal strategy to generate baseline information and further follow-up ... the results empowered the indigenous community by generating their own evidence that can be utilized for future reference. (Sarkar et al., 2019, p. 939)

Also, for the Inuvialuit Settlement Region, Nunatsiavut, and Nunavut, one article spoke of the environmental assessment process and how Inuit women were not meaningfully included or considered (Dalseg et al., 2018). Inuit women were deeply concerned about the impacts of natural resource development on the health of their communities, and it was recommended for future EAs that,

it will be necessary to go further in exploring innovations required for fair accommodation of Indigenous women’s participation in EAs, and appropriate scoping of EAs to encompass gender issues. Simply including Indigenous governments or Indigenous peoples in EA processes does not automatically mean that Indigenous women are effectively included or gender analysis scoped in. (Dalseg et al., 2018, p. 159–160)

Just over one-quarter of articles (28%, n=16) did not include recommendations on how to improve identified health-related issues.

Mining was the Most Frequently Discussed Natural Resource Development

Not quite half of articles (42%, n=24) discussed two or more natural resource developments. Most articles (78%, n=45) discussed mining operations and/or exploration, and some discussed oil and gas operations and/or exploration (38%, n=22), and hydroelectricity construction and/or operations (29%, n=17). From 1987 to 2014, articles related to mining were the most numerous (n=20), followed by hydroelectricity (n=12) and oil and gas (n=11). From 2015 to 2020, articles related to mining were still the most numerous, but oil and gas related articles were more than double (n=11) those of hydroelectricity (n=5).

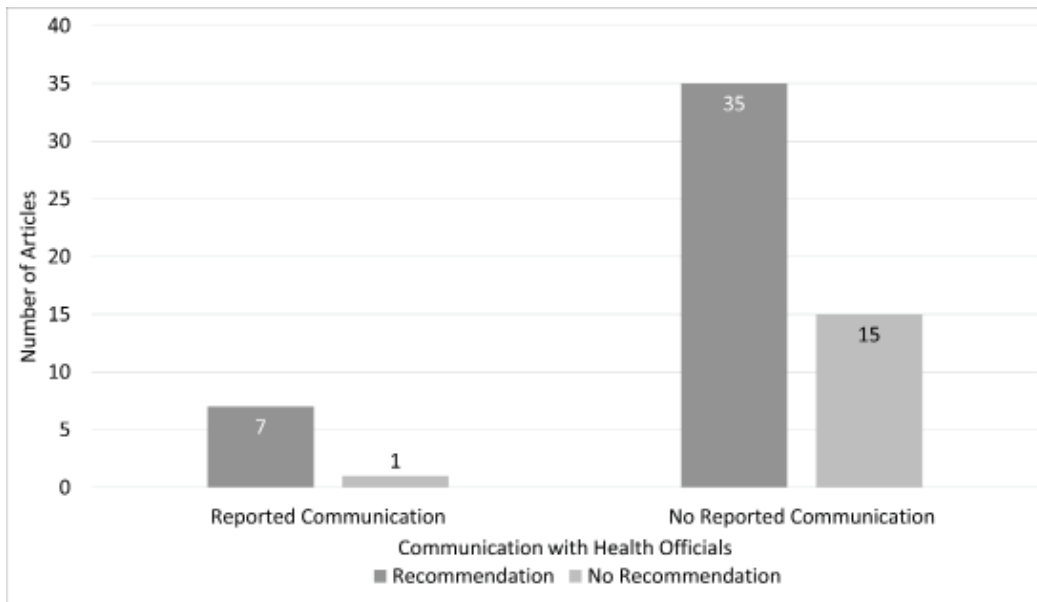


Figure 4. Reported communication with health officials by whether authors provided recommendations on how to improve identified health issues.

In all regions except the Inuvialuit Settlement Region, mining was the most discussed resource development. Oil and gas was discussed most frequently in relation to the Inuvialuit Settlement Region (n=9 articles). Hydroelectricity was the most discussed in Nunavik (n=10), but also was the second most discussed resource development in Nunatsiavut (n=6). Most of the articles focused on mining and hydroelectricity were primary studies (n=24 and n=11, respectively), while most of the studies focused on oil and gas were review studies (n=15).

Mining had an equal number of qualitative and mix of qualitative/quantitative articles (n=21), while quantitative articles discussing mining were less numerous (n=3). Articles related to oil and gas were mostly a mix of qualitative/quantitative methods (n=13), followed by eight qualitative articles and one quantitative article. Hydroelectricity mostly had qualitative articles (n=9) followed by a mix of qualitative/quantitative articles (n=5). Three quantitative articles discussed hydroelectricity.

In 83% of articles (n=48), the authors did not report communication with or attempts to communicate with industry officials for their study (Figure 5), and 17% (n=10 articles) of articles reported communication or attempts to communicate with industry officials. For example, one article communicated with industry officials, along with many other key knowledge holders:

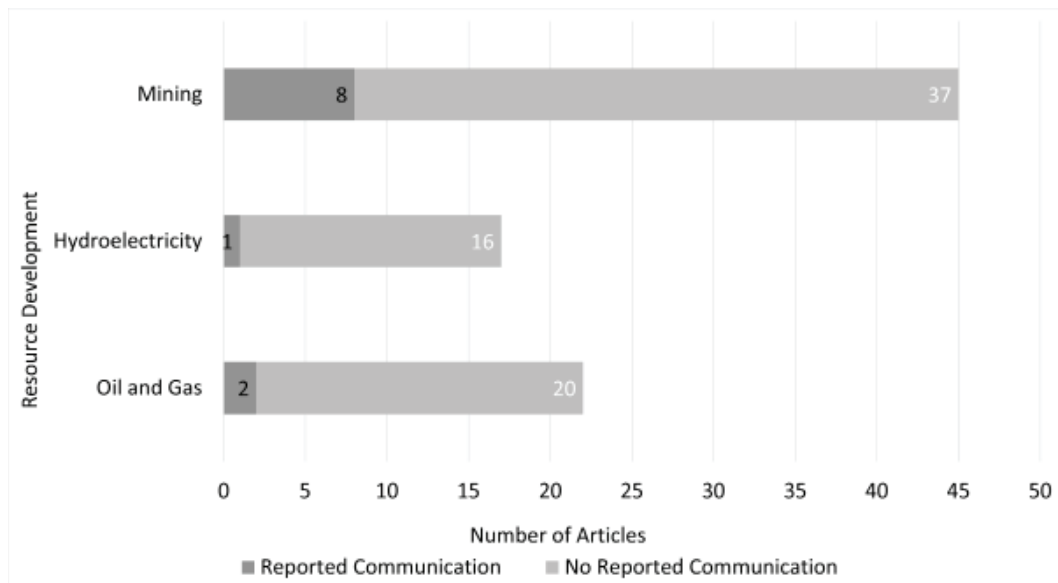


Figure 5. Reported communication, or attempts to communicate with, industry officials, by resource development, in included articles.

informants included Nunatsiavut Government representatives who had been involved with the EA process and with the IBA negotiations, some union representatives, one member of the Environmental Impact Assessment Panel, and personnel for Vale, the Brazilian multinational mining company that bought Inco in 2006 and became owners of Voisey’s Bay Nickel Company. (Cox & Mills, 2015, p. 249)

Health and Natural Resource Development-Related Policies were Most Frequently Discussed

Most of the articles (91%, n= 53) discussed and/or identified policies of government (municipal, provincial, federal, and/or Indigenous) (Table 4). The most discussed and/or identified deductive (pre-conceived) policy themes were those related to natural resource development (included in 90% of articles, n=52), followed by health policies (included in 60% of articles, n=35). The most common inductive (derived from data) policy theme discussed and/or identified was related to environmental assessments (included in 36% of articles, n=21), followed by policies related to land claims (included in 19% of articles, n=11).

Table 4. Deductive and inductive policy themes discussed and/or identified in included articles

Deductive (pre-conceived) Policy Themes	Appearance % of Total Articles (#) ^a
Natural resource development	90% (52)
Health	60% (35)
Impact and Benefit Agreements (IBA)	34% (20)
Employment	31% (18)
Royalty payments	24% (14)
Inductive (derived from data) Policy Themes	Appearance % of Total Articles (#) ^a
Environmental assessment	36% (21)
Land claims	19% (11)
Co-management of resources	12% (7)
Indigenous Knowledge (including Inuit Qaujimagatuqangit) in policy making	10% (6)
Sovereignty	10% (6)

^a If a policy theme appeared more than once in an article (i.e., two different discussions on health policies) it was counted as one appearance. Percentages calculated based on total number of included articles (58).

There were numerous references to the late Justice Thomas Berger, who led an inquiry into the Mackenzie Valley Gas Pipeline in the 1970s that challenged the traditional way Canadians had viewed natural resource development in the North (Berger, 1977). About one-quarter (26%; n=15) of the articles mentioned the Berger Inquiry, which was seen by many as a “watershed moment in the development of the North” (Southcott et al., 2018, p. 396). Berger himself visited all the northern communities that would be impacted by the pipeline and heard from hundreds of residents, many of whom were Indigenous (Southcott et al., 2018). While natural resource development was thought to automatically be a positive impact on a region, including the North, Berger challenged this basic assumption and recommended the pipeline not proceed for ten years so land claims could be settled (Southcott et al., 2018). Berger also recommended these land claim agreements give Indigenous Peoples better control over natural resource development in their region to ensure that the well-being of their communities would be seriously considered (Southcott et al., 2018). The Berger Inquiry was called “revolutionary” for how Canada views the North and the people who call it home (Myers, 2001). It is said to have changed how natural resource development is conducted in the North and is the foundation for much of the policy in place today that provides health and well-being safeguards to northern communities impacted by natural resource development (Myers, 2001).

Environmental assessments (EA) and Impact Benefit Agreements (IBA) appeared in articles an almost identical number of times (21 and 20 articles, respectively). It has been noted that the relationship between EAs and IBAs, however, is not well defined in the literature and is often case-specific (Cox & Mills, 2015, p. 247). While some included studies have applauded IBAs as a mechanism to address weaknesses in the EA processes, others have problematized the use of IBAs as a regulatory mechanism arguing that IBA negotiations can lessen the effectiveness of EA processes and that power differences constrain the ability of communities to ensure that companies follow through on their IBA commitments (Cox & Mills, 2015).

Most Articles were Authored by Academics, and Inuit Involvement Decreased Since 2015

Most of the articles (91%, n=53) were authored or co-authored by an academic. There were 86 scholars in eleven categories of academic disciplines represented, with political science and public policy (21%), environmental studies (17%), and geography (14%) most frequently represented. Government of Canada departments and/or agencies, and non-government organizations (NGOs) each authored or co-authored 10% of articles (n=6 each), while Indigenous governments/organizations authored or co-authored 7% (n=4).

Industry representatives and Inuit community members each authored or co-authored 3% of articles (n=2 each), while territorial government representatives, municipal government representatives, a legal expert, a private consultant, and a representative of a national government outside of Canada each authored or co-authored 2% (n=1 each). Since the first article published in 1987, academics have consistently been part of the authorship of the articles included in this review study. From 1987 to 2014, academic authors represented 66% of total authorship. However, from 2015 to 2020, academics made up a significant majority of authors (88%).

Academic authors were also the most numerous for articles concerning each of the Inuit regions. The different types of authors showed similar trends across all Inuit regions in terms of their involvement except for NGOs. Only when discussing Inuit Nunangat as a whole were NGOs represented in the authorship of articles (n=6 articles). Academic authors mostly authored qualitative studies (n=26 articles) or a mix of qualitative/quantitative studies (n=22 articles). Authors representing the Government of Canada (department or agency) mostly authored articles that were a mix of qualitative/quantitative methods (n=4 articles) rather than solely qualitative or quantitative (n=1 article each).

Beyond simply the involvement of Inuit in the collection and/or analysis of the data, Inuit were included as authors or co-authors in 14% of articles (n= 8), while 45% of articles (n=26) reported including Inuit in the collection and/or analysis of the data. For example, one article clearly noted the involvement of Inuit in the collection of data by including Inuit translators: “Our data collection relied primarily on participatory workshops (focus groups) ... workshops were facilitated by research assistant(s) ... with translations provided by Jonathan and Carolina Tugak” (Rixen & Blangy, 2016, p. 301). Another 38% of articles (n=22) did not report including Inuit in the collection and/or analysis of the data, while in 17% (n=10), it was not clear if Inuit were involved based on the text in the article. Reporting Inuit involvement improved over time from the earliest article published in 1987 up until 2015. From 1987 to 2004, 40% of articles (n=4) included Inuit, 40% (n=4) did not, and it was unclear if the remaining 20% (n=2) included Inuit in the collection and/or analysis of the data. From 2005 to 2015, involvement of Inuit improved to 55% of all articles (n=16) published during this time frame, with 24% (n=7) not reporting involvement of Inuit and the remaining 21% (n=6) being unclear if Inuit were involved in the collection and/or analysis of the data. However, from 2016 to 2020, there was a decrease in reporting of the overall involvement of Inuit. During this time frame, 32% (n=6) of articles described including Inuit in the collection and/or analysis of the data, while 58% (n=11) did not. It was unclear in the remaining 11% (n=2) if Inuit were included. In one article, former ITK President and now Governor General of Canada Mary

Simon provided her thoughts on not involving Inuit in matters of importance to them: “The old days of Inuit being passive observers to fundamental decisions being made about our homeland are dead and buried” (Simon, 2011, p. 890).

Articles reporting Inuit involvement in the collection and/or analysis of the data was the highest in Nunatsiavut (65%, n=11), Nunavik (59%, n=10), and Nunavut (48%, n=11), respectively. The Inuvialuit Settlement Region (54%, n=7) and Inuit Nunangat as a whole (50%, n=9) had the highest number of articles that did not report involvement of Inuit in the collection and/or analysis of the data.

In terms of Inuit involvement by type of study, there were equal numbers of articles that reported and did not report involving Inuit (50%, n=3 articles each) for quantitative studies (Figure 6). Articles reporting Inuit involvement was highest for research that used a mix of qualitative/quantitative methods (56%, n=14), while qualitative studies had the fewest number of articles that reported Inuit involvement (33%, n=9).

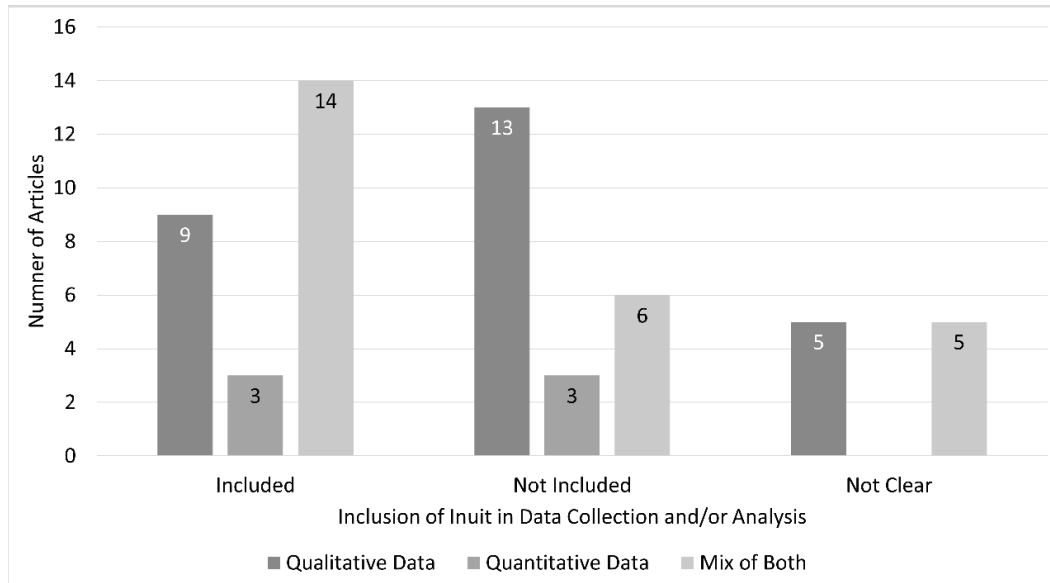


Figure 6. Inclusion of Inuit, by type of data collected, in the data collection and/or analysis in included articles.

Discussion

Fifty-eight articles discussing the relationship between natural resource development and well-being in Inuit Nunangat met the inclusion criteria for this study. In this scoping review, articles were wide-ranging, diverse, and mostly written by non-Inuit and non-Indigenous authors with academic affiliations. Most of the articles focused on mining and had a holistic view of health. Inuit have long held a holistic view of health (Inuit Tapiriit Kanatami, 2014), so the finding that almost all articles discussed this view of health aligns with Inuit world views. It is clear from the articles that natural resource development can both positively and negatively impact the social determinants of health (Rodon & Levesque, 2015).

The majority of articles were published between 2015 and 2020, and there were nearly equal numbers of articles discussing physical health and holistic health. The timing of this focus on health aligns with the November 2014 release of the comprehensive report entitled “Social Determinants of Health in Canada” by ITK (Inuit Tapiriit Kanatami, 2014). This report identified an increase in the literature focusing on chronic illnesses and infectious diseases that were linked to social determinants of health such as crowded and poor housing conditions. This trend was also observed in this scoping review, whereby the literature discussing physical and holistic health became more numerous. Other research on Inuit health and well-being also showed similar trends whereby matters potentially impacting mental health, such as climate change and food security, were studied more than mental health itself (White, 2021). This could be a practical reflection of the fact that Inuit are keenly aware of the mental health situation they are facing (Inuit Tapiriit Kanatami, 2014), and are now focusing on fixing the problem through improving the social determinants of health, including adapting to climate change, language revitalization, and increased connection to the land. It appears that research is not focusing on mental health but, rather, on the social determinants of health that cause decreased or poor mental health. This approach is in line with Inuit priorities as ITK called for this type of research approach in 2014 (Inuit Tapiriit Kanatami, 2014).

Most of the articles were published since 2015. This is an interesting finding as other research investigating Indigenous health research in Canada found similar trends (Caughey et al., 2021). This literature provides possible explanations tied to Government of Canada funding, which could explain the increase in articles since 2015. In Prime Minister Trudeau’s first post-election budget in 2016, the Government of Canada allocated an ongoing additional \$95 million per year to research granting councils in Canada—the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC)

(Department of Finance Canada, 2016). Also, ArcticNet, an organization funded by the Government of Canada to conduct climate change research, focuses on the Arctic region in Canada (ArcticNet, n.d.). Since 2015, ArcticNet's funding from the Government of Canada increased from \$9.6 million in 2015 (ArcticNet, 2017) to \$16.7 million in 2020 (ArcticNet, 2020), an increase of 74%.

More specifically, other studies suggest there are increases in published articles towards the end of the federal government's funding program (White, 2021). Initiatives such as ArcticNet and the Resources and Sustainable Development in the Arctic (ReSDA) network both received significant Government of Canada funding and were scheduled to conclude their programs in 2018. While ArcticNet has since had their funding renewed and increased, the previously planned conclusion of funding could be part of the reason we see more publication of articles post-2015. Similarly, with ReSDA, their funding ended in 2019 and, as a result, at least six articles in this review were connected to ReSDA with publication dates in 2015 and beyond. While it is outside the scope of the review, there is evidence to suggest a strong connection between federal government funding and the increase and/or decrease in articles.

While this scoping review included 2020 in the search range, no articles meeting the inclusion criteria were published in 2020. The COVID-19 pandemic initiated a long crisis that had to be managed by Inuit in Inuit Nunangat (Inuit Tapiriit Kanatami, 2020). It is likely that the vast majority of research, if not all, was postponed or cancelled for 2020 (Penney & Johnson-Castle, 2020), leading to delays in article publication. No articles discussed COVID-19 and the extraordinary impact it had on Inuit Nunangat and the natural resource industry, particularly the mining industry (Caughey, 2021; NWT & Nunavut Chamber of Mines, 2020). As such, there was no discussion on how mining companies operating in Inuit Nunangat with a significant fly-in, fly-out workforce from southern Canada responded to the pandemic. At the onset of the pandemic there were fears that companies would endanger Indigenous communities by exploiting the pandemic for economic purposes (Earthworks et al., 2020), but it is unclear how companies responded to the pandemic in Inuit Nunangat.

The Berger Inquiry in the 1970s was the catalyst for change in how resource development was conducted in the North, by ensuring that health and well-being safeguards for impacted communities were in place. The onset of a pandemic that threatened Inuit communities and how companies responded is an important area of study to evaluate whether the EAs, IBAs, and the legacy of the Berger Inquiry have actually instituted those envisioned safeguards. This is a research gap that should be filled since extraordinary global events, such as commodity price collapses, could lead to significant impacts to the natural resource industry in Inuit Nunangat, which could then lead to health and well-being impacts for Inuit. For

example, if gold prices collapse, the gold mines in Nunavut, which make up the vast majority of the operational mining industry in Nunavut, may need to reduce or cease operations as it may not be economically feasible to operate. Similarly, some mines in Inuit Nunangat ceased (Careen, 2020) or slowed down operations (George, 2020) at the onset of the COVID-19 pandemic for economic and/or public health concerns. The trickle-down effect on employment, procurement, and social investments could lead to significant health and well-being impacts for Inuit and this is an important area for further study.

In the articles reviewed for this study, authors rarely report communicating or attempting to communicate with either industry or health officials, despite the policy-related topics of natural resource development and well-being. However, regardless of the lack of communication with health officials reported in articles, the results indicate that over two-thirds of the articles provide recommendations on how to improve identified health related matters. This is important as Inuit have long argued that research must be useful for Inuit (Inuit Tapiriit Kanatami, 2018b), and simply identifying health issues without recommendations on how to improve them would not be considered useful. Future health research in or about Inuit Nunangat should include recommendations on how to improve identified health-related matters and it should include input from all relevant stakeholders (in this case industry and health officials) and, most importantly, Inuit themselves.

Most research included in this review focused on qualitative data or a mix of qualitative and quantitative data. Only a small number of articles focused solely on collecting quantitative data, which provides insight into the future type of health and natural resource development research that may occur in Inuit Nunangat. This differs significantly from other health-related research in Inuit Nunangat whereby quantitative methods made up a significant majority of the methods used in published articles (Caughey et al., 2021). Indeed, Inuit have said that much of the investment going into research in Inuit Nunangat is focused on the biological and physical sciences, which tend to be more quantitative, and this takes away attention from Inuit research priorities such as health and social sciences, which tend to be more qualitative (Inuit Tapiriit Kanatami, 2018b). While Indigenous ways of knowing tend to be more qualitative in nature, an important factor in evaluating research methodologies in Inuit Nunangat is to ensure they are Inuit-led methodologies, as described in ITK's National Inuit Strategy on Research (NISR).

In terms of Inuit involvement in the research, slightly less than half of all articles reported clear Inuit involvement in the data collection and/or analysis, while only 14% of articles included Inuit as authors or co-authors, and included beyond the data collection and/or analysis (i.e., included in study design, conclusion, or

findings). Research in other regions of Canada has shown similar low levels of Indigenous involvement (White, 2021). As ITK wrote in the NISR, this lack of Inuit involvement in research is unsurprising as Inuit have long experienced research exploitation and research racism, which has previously included many examples of exclusion and failure to acquire free, prior, and informed consent of Inuit (Inuit Tapiriit Kanatami, 2018b). Further, research in Inuit Nunangat has been governed and resourced in a manner that has traditionally limited Inuit participation, a practice that continues today in Canada despite promises of reconciliation (Inuit Tapiriit Kanatami, 2018b). Inuit self-determination, whether about research or other decisions impacting their communities, is vitally important for a higher quality of life (Ritsema et al., 2015). For any research completed in Inuit Nunangat, Inuit must be meaningfully included for the research to be of value, and for it to be considered ethical (Inuit Tapiriit Kanatami, 2018). Inuit have stated, most prominently through the NISR, that they want and must control access, ownership, and control over the research data (Inuit Tapiriit Kanatami, 2018b). Future research, especially in critical areas such as health, must address this inequity, and include and report the inclusion (not just involvement) of Inuit at all stages of research as many articles in this review failed to include/involve Inuit or report on inclusion/involvement. A failure to involve Inuit in all aspects of research would be symptomatic of a continuing inequity in Inuit leadership in research in their home territories, as indicated by ITK in the NISR (Inuit Tapiriit Kanatami, 2018b).

Natural resource developments in Canada are influenced and subject to multiple levels of government policies (Southcott et al., 2018; Koutouki et al., 2018; Hanrahan, 1999), and Inuit Nunangat is no exception. In all but five articles, there was discussion on government policies, with 90% of articles discussing natural resource development policy. Impact and Benefit Agreements (IBAs) are commonly utilized in natural resource developments when Indigenous Peoples are involved (Cox & Mills, 2015; Southcott et al., 2018; Rodoni & Levesque, 2015); however, only one-third of articles discussed IBAs. All Inuit regions require developers to negotiate IBAs with the respective Inuit government or organization (Inuit Tapiriit Kanatami, 2014), and, as such, it was expected that more articles would discuss IBAs given the significant importance placed on them by Inuit. For example, an entire chapter of the Nunavut Land Claims Agreement focuses on IBAs for major development projects (Tungavik Federation of Nunavut & Indian and Northern Affairs Canada, 1993). IBAs get mixed reviews on whether they are useful tools to address socio-economic impacts of a resource development and whether the economic benefits of the development would help offset the health and well-being impacts (Cox & Mills, 2015; Jones & Bradshaw, 2015):

it is far from clear that the securing of financial benefits through an IBA ... to identify and mitigate health impacts has produced net positive health outcomes for Indigenous populations located proximate to mine developments in the Circumpolar North. This concern has been increasingly expressed in scholarship focused on mining, community well-being, and the social determinants of health. (Jones & Bradshaw, 2015, p. 83)

Many IBAs in Inuit Nunangat, and across Canada, are confidential (Southcott et al., 2018) but usually have chapters concerning preferential hiring and training, business opportunities, environmental protection, workplace conditions, and community well-being initiatives (Cox & Mills, 2015; Rodon & Schott, 2014). Despite the presence of IBAs, in order to effectively address the social determinants of health Inuit must be part of all decision-making processes that impact them (Jones & Bradshaw, 2015). Only 10% of the articles in this scoping review explicitly discuss Indigenous Knowledge and/or Inuit Qaujimajatuqangit (IQ, Traditional Inuit Knowledge (Henderson, 2007) in policy making. This represents an important research gap that needs to be considered in future studies examining the impacts of natural resource development in Inuit Nunangat, as the lack of inclusion and/or erosion of Inuit Knowledge has the potential for producing policies that do not reflect Inuit needs and priorities and/or can cause long-term harm (Suluk & Blakney, 2008).

The literature also informed us that the groundwork for natural resource developments happens in the EA process, and also that most Indigenous-negotiating-leverage is lost after a project is approved and released from EA (Alcantara, 2007; Roburn, 2018). As such, the literature clearly indicates that the EA and IBA negotiation processes are key events that often dictate the long-term success of natural resource developments for Indigenous Peoples. There were also several articles (Cox & Mills, 2015; Dalseg et al., 2018) that spoke of the importance of the involvement of Indigenous women in the EA and IBA process, and pointed to Voisey's Bay as a case study of an EA that included a gender analysis (Cox & Mills, 2015). The authors also reported that few studies have adopted a gender-based analysis of Indigenous participation in EA processes (Cox & Mills, 2015), which could explain the low percentage (10%) of articles that focused on gendered impacts of natural resource development in Inuit Nunangat.

Based solely on the number of appearances in articles, Nunavut would be considered the most studied region. However, when viewed on a per capita basis, the least populous region of Nunatsiavut was researched the most and the most populous region, Nunavut, was researched the least. Depending on how one evaluates how much research is happening in a region, opinions will vary—but

regional gaps in research should be reviewed to ensure Inuit research priorities are being met regionally; however, ITK's National Inuit Strategy on Research suggests there are significant gaps in research across Inuit Nunangat that need to be filled (Inuit Tapiriit Kanatami, 2018b).

Resource-dependent regions are often referred to as “boom and bust” regions, and Nunavut and the Inuvialuit Settlement Region have experience with “boom and bust” scenarios (Duerden, 2004; Rixen & Blangy, 2016), as they are more involved in non-renewable resources such as mining and oil and gas, while hydroelectricity would likely see the “boom and bust” scenario during the construction phase and not the operational phase. However, none of the literature discussed what the “bust” scenario of a long-term, one-mine dependent region like Nunatsiavut looks like and how that will impact Inuit communities. For example, none of the articles discussed what employees and their families will do for residency and employment once the Voisey's Bay mine potentially closes in 2034 (CBC News, 2018b). Typically, employees in these types of situations relocate to wherever the next job is (Rixen & Blangy, 2016), but Indigenous people are strongly connected to their homelands (Chanteloup et al., 2018) and may not necessarily leave, or be able to leave, their home region. However, in other Inuit regions, Inuit employees and their families have historically felt the need to move after a mine closure (Cater & Keeling, 2013; Tester et al., 2013; Rodon & Levesque, 2015). It is important for the long-term sustainability and well-being of communities to understand what Inuit employees and their families will do for employment and residency in regions like Nunatsiavut after their main natural resource is fully exploited. As such, there is a significant gap in the literature whereby there is little documented focus on mine closures and the health and well-being impacts on an Inuit region.

Another key area for further research and examination is the connection between Inuit health and well-being at all stages of the mine life cycle, including exploration, operations, closure, and remediation. Inuit employees often face a dilemma that in order to continue their traditional lifestyle, they need access to snowmobiles, boats, all-terrain vehicles (ATVs), and other expensive items that can be secured with high-paying jobs at a mine that has negative environmental, social, and cultural impacts (Rixen & Blangy, 2016). Also, future research should focus in-depth on mine closures and the potential health and well-being impacts on Inuit and their communities, so that effective planning can occur and so mitigation strategies to lessen the impact of the “bust” can be implemented.

This scoping review focused on three areas of natural resource development and excluded others, such as fisheries, forestry, wind energy projects, or other energy developments. These other natural resource developments could be more meaningful to study for some communities, but were beyond the scope of this

review. Also, while beyond the scope of this study, the impacts of a mine in one Inuit region could look quite different than mines in other areas, depending on the proximity to communities, location of fly-in, fly-out employees, dependency on the mine for employment, or other factors that require further study. Finally, this study only reviewed published, peer-reviewed articles in selected databases, which could have omitted useful grey literature, book chapters, and volumes.

Conclusion

This scoping review offers insights into the research focusing on the relationship between natural resource developments and health and well-being in Inuit Nunangat. The unlimited time frame used in this review allowed us to view the trends and progress of the included published, peer-reviewed research. While the increase in the number of articles published over time is notable, the decline in reported Inuit involvement and meaningful inclusion in research is not. Marginal gains in reported Inuit involvement over time, with a decrease in most recent years, is discouraging and needs to be addressed within the research community. With the release of the National Inuit Strategy on Research, it is anticipated there will be an increase of reported Inuit involvement in future research in or about Inuit Nunangat. Anything short of full and meaningful inclusion at all stages of research would be counter to the intent of the NISR. Increased reporting of communication or attempts to communicate with health and industry officials would be helpful in order to identify information gaps or confirm reluctance of parties to communicate with researchers, as industry and health officials play an important direct and indirect role in the outcomes of health and well-being in Inuit Nunangat.

With the legacy of the Berger Inquiry and the implementation of environmental assessments and impact and benefit agreements, ensuring that natural resource development considers and values the health and well-being of Inuit and their communities has become the expectation on how to do business in Inuit Nunangat. Future research should explore how the natural resource development industry responded to the COVID-19 pandemic. This would provide valuable insights into whether the commitments made in EAs and IBAs were honoured. Future research should also focus on mine closure impacts, as only two articles discussed mine closures. Given the significance of reclamation, environmental protection, royalty payments, employment, and business opportunities, there is an opportunity and a need to begin researching Inuit well-being after mine closure in Inuit communities.

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Primary Author Positionality Statement

The primary author is an Inuk and a beneficiary of the Labrador Inuit Land Claims Agreement in Nunatsiavut. Raised in Happy Valley-Goose Bay, Newfoundland and Labrador, Matthew Pike has maintained strong connections to his Inuit heritage and culture, and connections to the land. Professionally, Matthew has been employed in multiple resource development projects impacting Inuit for over ten years, including the Muskrat Falls hydroelectric project (2010–2016), and most recently with the Voisey's Bay Mine in Northern Labrador (2018–2022).

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Research Article

The Duty to Consult and Colonial Capitalism: Indigenous Rights and Extractive Industries in the Inuit Homeland in Canada

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Abstract: This article contributes to academic debates about the relationship between Indigenous rights and the expansion of capitalism and colonialism in Canada. Using case studies of duty to consult litigation related to resource extraction on and near Inuit territory, I argue that Inuit experiences with the duty to consult have been mixed. While Inuit have won some important victories in the courts, in other cases the duty to consult has provided a notably weak legal mechanism for Inuit to either stop unwanted extraction or compel the government to impose effective mitigation measures to safeguard Inuit harvesting rights. The duty to consult appears to mostly enable, rather than impede, the expansion of colonial and capitalist social relations in the Inuit homeland.

There is ongoing debate about the relationship between the Canadian state's recognition of Indigenous rights and the reproduction and expansion of colonial and capitalist social relations. Indigenous scholars associated with the "resurgence" approach to decolonization argue that the liberal recognition-based approach to Indigenous political grievances—present in the constitutional entrenchment of Indigenous rights, land claim and self-government agreements, and countless other gestures towards "reconciliation"—has not fundamentally altered Canadian colonialism and has instead entrenched it (Alfred and Corntassel, 2005; L. Simpson, 2011; A. Simpson, 2014; Coulthard, 2014). These scholars argue that the circumscribed recognition of Indigenous Peoples' rights and interests in these supposedly progressive legal and policy reforms is extremely limited in its potential to disrupt colonial relationships. At the same time, rights recognition serves to intensify and expand both colonialism and capitalism in several ways. For example, liberal approaches to Indigenous rights can lead to a "politics of distraction" that ultimately "diverts energies away from decolonizing and regenerating communities and frames community relationships in state-centric terms" (Alfred & Corntassel, 2005, p. 600). What's more, the Canadian state constructs Indigenous legal identities in a manner that is consistent with Canadian sovereignty and capital accumulation (Alfred & Corntassel, 2005; Coulthard, 2014). In the Canadian North, the recognition of Indigenous rights, especially in modern treaties and self-government agreements, has tied Indigenous governments to economic development strategies that are premised on capitalist extraction (Coulthard, 2014).

Other scholars and public intellectuals see the state's recognition of Indigenous rights as a potential mechanism of decolonization, especially if it includes the recognition of Indigenous legal orders (Borrows & Tully, 2018). Pam Palmater (2015), and Arthur Manuel and Roland Derrickson (2015) argue that Indigenous Peoples' constitutionally entrenched rights are the best hope for Canadians to prevent the ecological destruction threatened by extractive capitalism. Naomi Klein (2014) and Peter Kulchyski (2013) assert that Indigenous rights should play an important role in socialist politics. While these authors are sharply critical of the ways in which the Canadian state currently recognizes and defines Indigenous rights, they nonetheless see potential for the doctrine of Indigenous rights to play important roles in decolonial and anti-capitalist struggles.

This article contributes to academic debates about the relationship between colonialism, extractive capitalism, and the Canadian state's recognition of Indigenous rights, with a critical examination of duty to consult case law surrounding resource extraction in Inuit territory in Canada. I consider how the duty to consult has served as a tool for Inuit communities resisting proposed

extraction, as well as how it has undermined and discouraged resistance. While Inuit have used this legal doctrine to win victories against extractive industries, legal requirements for consultation have often served to facilitate, rather than hinder, the expansion and intensification of colonial and capitalist social relations in the Canadian Arctic.

1. Resource Extraction and the Duty to Consult and Accommodate

In the twenty-first century the “duty to consult and accommodate” has become one of the most important legal mechanisms for addressing Indigenous rights claims in the context of resource extraction in Canada. This doctrine was articulated in a series of precedent-setting decisions by the Supreme Court of Canada (for helpful overviews, see: Doyle, 2019; Bankes, 2020a). The duty requires the Crown to consult Indigenous Peoples whenever it is contemplating an action (for example, permitting resource extraction or regulating Indigenous resource use) that could negatively affect constitutionally entrenched Aboriginal and/or Treaty rights.

The extent of consultation and accommodation required varies with circumstances. The court has used the concept of a spectrum to characterize the content of the duty. If an Indigenous right is clearly established (for example, if the right has been proven in court or recognized in a treaty), and if there is potential for serious harm, “deep consultation” is required. Deep consultation can include formal Indigenous involvement in decision making, funding to support Indigenous participation, and accommodation of Indigenous Peoples’ concerns and interests. By contrast, if the rights being asserted are not clearly established and the potential for harm is less severe, then a lower standard is acceptable. In some cases, simply notifying the Indigenous group of the proposed action may suffice (Bankes, 2020a; Doyle, 2019).

The courts have been clear that, even when “deep consultation” is required, Indigenous Peoples do not have a “veto” over government decisions. In other words, the Crown is usually not required to obtain the consent of an Indigenous group before permitting resource extraction. Indigenous consent is only required in cases where Aboriginal title has been proven in court (Bankes, 2020a). Moreover, even when proven Aboriginal title is concerned, the Crown can still infringe on title lands without securing Indigenous consent, provided the infringement is “justifiable” (Scott & Boisselle, 2019). Insofar as the court has stated that resource extraction is a justifiable reason to infringe on Aboriginal title, the Crown appears to be well-positioned to circumvent the question of Indigenous consent when authorizing extraction on title lands (Coulthard, 2007). As a result, the duty to consult and accommodate Indigenous Peoples is generally limited to a requirement for the Crown to negotiate in good faith and address Indigenous interests and concerns in government decisions (Bankes, 2020a).

The duty to consult and accommodate lies with the Crown, even when dealing with extraction projects proposed by private corporations. Procedural aspects of the duty can be delegated to regulatory tribunals and corporate actors, and the duty can often be wholly satisfied by existing environmental impact assessment (EIA) processes. However, it is the Crown's legal responsibility to ensure that Indigenous concerns are meaningfully addressed (Bankes, 2020a).

When the Supreme Court of Canada issued its initial decisions on the matter in the early twenty-first century, the duty to consult was celebrated by some as an important tool to protect Indigenous rights before they are proven in court or recognized in agreements with the Crown (Fenwick, 2005). However, there is now mounting criticism of the way the duty has been characterized in Canadian law. Some scholars argue that, because the doctrine does not allow Indigenous communities to provide or withhold their consent to Crown actions, it allows the Crown to act unilaterally, reinforces Crown sovereignty, and therefore undermines the ability of many Indigenous Peoples to establish true nation-to-nation relationships with Canada (Scott & Boiselle, 2019; Doyle, 2019; Hamilton & Nichols, 2019; Ritchie, 2013). Others note that, because the focus is on procedural fairness rather than substantive outcomes, there is an insufficient attention to accommodating Indigenous Peoples' rights and interests in duty to consult litigation (McIvor, 2018). With regards to extractive industries, accommodations are generally limited to changes to project terms and conditions, rather than a decision to reject a proposed project (Bankes, 2020a).

McIvor (2018) argues that the doctrine discourages civil disobedience and other forms of direct action. The power differential between Indigenous organizations and corporate actors, as well as the Crown's ability to act unilaterally, also discourage opposition more generally. Rather than opposing proposals for unwanted extraction and risk ending up with nothing, it often makes strategic sense for Indigenous negotiators to provide support-in-principle, in an effort to win concessions that reduce negative effects and maximize local benefits (Scott, 2020; Zalik, 2015).

Scholars have also raised practical concerns with the consultation processes the Crown relies upon. In practice, consultation processes often fail to meaningfully address issues of concern to Indigenous communities (McIvor, 2018). In some cases, the communities lack the capacity to participate, creating burdens and drawing into question whether consultations are meaningful. Consultation can be more of a curse than a blessing if it requires time and resources from Indigenous communities without providing them meaningful roles in decision making (Huntington et al., 2012; Ariss et al., 2017).

The fact that the Crown can delegate procedural aspects of the duty to consult has also been a source of controversy. The mining companies and

regulatory tribunals that end up carrying out consultations are often poorly suited to address concerns Indigenous Peoples raise, especially with regards to cumulative effects of industrial development (Van Lier, 2020; Slowey & Stefanick, 2015; Ritchie, 2013). This project-specific approach to consultation can amount to the piecemeal extinguishment of Aboriginal rights and title (McIvor, 2018). Moreover, the gross imbalance of power between most Indigenous organizations and mining companies—including the mining industry’s considerably greater ability to navigate and manipulate regulatory processes—often limits the types of concessions Indigenous Peoples can obtain by negotiating directly with industry (Cameron & Levitan, 2014; Zalik, 2015, 2016).

This article provides a critical analysis of attempts by Inuit to address concerns with proposed extraction through duty to consult litigation. Rather than examine the duty to consult as an abstract legal principle, I focus on the material effects it has had on Inuit relationships with extractive industries. While I make some comments and observations about the duty to consult more broadly, I centre Inuit experiences with duty to consult litigation. In particular, I consider the degree to which the duty to consult has enabled Inuit to resist unwanted extraction and/or impose adequate mitigation measures to resolve their concerns. To conduct this analysis, I examined legal decisions, regulatory documents, and media coverage related to each of the case studies.

2. The Duty to Consult and Inuit Rights in Canada

Most Inuit in Canada are signatories to modern treaties (sometimes called comprehensive land claim agreements) with the Crown. While the specifics of these agreements vary considerably, these treaties all provide mechanisms for Inuit to participate in decisions about extractive industries. This participation often unfolds through Inuit land ownership and mineral rights to some sections of their traditional territory, combined with co-managed impact assessment and land use planning processes. As a result, the duty to consult is a supplement for, rather than the basis of, Inuit rights vis-à-vis extractive industries in Nunatsiavut (north shore of Labrador), Nunavik (Arctic Quebec), Nunavut, and the Inuvialuit Settlement Region (Northwest Territories). However, despite these provisions for participatory rights, Inuit communities with modern treaties are increasingly relying on duty to consult litigation to address resource conflicts. Moreover, the Inuit of NunatuKavut (southern Labrador) have not negotiated a treaty with the Crown. At present, the only legal recognition of Indigenous rights for NunatKavut Inuit is a series of duty to consult cases, which I examine in detail later in this article.

Given the increasingly prominent role of the duty to consult in resource conflicts in Inuit territory, an analysis of Inuit experiences with duty to consult

litigation is a timely contribution to scholarly literature about Indigenous rights and northern politics. At the time of writing, Inuit had initiated duty to consult lawsuits against three proposals related to resource extraction: offshore hydrocarbon exploration in Lancaster Sound (Rodon, 2017); offshore hydrocarbon exploration in Baffin Bay (Johnson et al., 2016; Rodgers & Ingram, 2019); and the Muskrat Falls hydroelectric project in Labrador (Procter, 2020).

The Muskrat Falls hydroelectric project may strike some readers as an odd case study for an analysis of extractive *capitalism*, insofar as it is owned and operated by Nalcor, a Crown corporation of the Government of Newfoundland and Labrador. However, while the project may be state owned, it has nonetheless driven the expansion of capitalist social relations in the Arctic. By disrupting subsistence economies, absorbing some Inuit into the wage labour workforce, and establishing others as small business owners, projects like Muskrat Falls facilitate the development of capitalist class relationships, regardless of whether they are privately or publicly owned (Kulchyski, 2013).

3. Offshore Oil and Gas in Nunavut: Seismic Surveys in Lancaster Sound and Baffin Bay

There is a long history of conflicts over offshore oil and gas extraction in the Qikiqtani (Baffin Island) region of Nunavut. In the 1960s and 1970s, oil and gas companies conducted exploration work in the High Arctic Islands, Lancaster Sound, Baffin Bay, and Davis Strait. By the mid-1970s Inuit had consolidated their opposition to these activities. Major flashpoints in the Inuit struggle against offshore oil and gas included opposition to proposals to extract natural gas from the High Arctic Islands (Erickson et al., 2022). A proposal for exploratory drilling in Lancaster Sound was also the source of significant conflict (Bernauer & Roth, 2021).

In 1993 Inuit and the Government of Canada signed the Nunavut Land Claims Agreement, a modern treaty wherein Inuit exchanged their Aboriginal title to their homeland for specified rights and benefits. Inuit received \$1.14 billion, fee simple title (including some mineral rights) to small portions of their traditional territory, and a co-management system for making decisions about land and resources. Famously, the Nunavut Agreement resulted in the division of the Northwest Territories in 1999, creating the new territory of Nunavut. While it is a public government in which all residents can participate, the Government of Nunavut (GN) was intended to provide Inuit with a degree of self-determination, because the overwhelming majority (over 80%) of its electorate are Inuit (Hicks & White, 2015).

Notably, the federal government did not cede political authority over resource extraction in Nunavut. The Government of Nunavut does not have jurisdiction over Crown lands, and Nunavut's co-management boards are advisory, with the federal government retaining final decision-making power on proposed resource extraction (Banks, 2019; Kulchyski, 2015). The federal government also refused to negotiate clearly-defined rights to many offshore resources in the Nunavut Agreement (Henderson, 2007).

As a result, Inuit do not own any mineral or hydrocarbon resources in marine areas. Nunavut's co-management process for impact assessment and land use planning applies to some marine areas. However, these co-management boards have no formal jurisdiction beyond the "outer land-fast ice zone." While an organization called the Nunavut Marine Council can make recommendations about offshore development beyond this boundary—and the Nunavut Agreement provides mechanisms for Inuit to participate in decisions about offshore fishery quotas—the treaty did not establish a participatory process to make decisions about hydrocarbons beyond the outer land-fast ice zone (Banks, 2019).

An Inuit organization called Nunavut Tunngavik Incorporated (NTI), established shortly after the Nunavut Agreement was signed, represents Inuit rights and manages Inuit owned lands under the agreement. It shares these responsibilities with three regional Inuit associations. The Qikiqtani Inuit Association (QIA) represents Inuit in the Qikiqtani region. Each community in Nunavut also has a Hunters and Trappers Organization (HTO), which represent Inuit harvesting rights at the local level.

Despite significant historic discoveries of oil and natural gas in the Sverdrup Basin and regular calls for bids for oil and gas rights in the High Arctic between 2000 and 2013, corporate interest in Nunavut's oil and gas resources has been almost non-existent since the Nunavut Agreement was negotiated (AANDC, 2014). The only proposals for hydrocarbon exploration in Nunavut in the twenty-first century were two proposals for seismic surveys near Baffin Island. The first was developed by the Geological Survey of Canada and included surveys in Lancaster Sound (an area Inuit had long sought to protect). The second proposal was developed by a consortium of geophysical companies and focused on Baffin Bay and Davis Strait. Qikiqtani Inuit successfully resisted both proposals with duty to consult litigation.

3.1. Qikiqtani Inuit Association v. Canada (Minister of Natural Resources)

In 2009, the Geological Survey of Canada submitted a proposal to conduct seismic surveys in Lancaster Sound and Baffin Bay. A significant portion of the exploration work was to be carried out within the outer land-fast ice zone, and therefore fell within the jurisdiction of the co-management boards established in

the Nunavut Agreement. Because the proposed seismic surveys were described as “research,” the proposal was referred to the Government of Nunavut’s Nunavut Research Institute, which has jurisdiction over research conducted in the territory. This created a unique situation where a Nunavut cabinet minister—in this case Daniel Shewchuk, Minister for Nunavut Arctic College—had decision-making authority on offshore resource extraction. The Government of Nunavut referred the proposal to the Nunavut Impact Review Board (NIRB), which began screening the proposal in March 2010.¹

Several community groups from the northern Qikiqtani region submitted written comments opposing the proposal. A submission from the Qikiqtani Inuit Association (QIA) argued that community consultation had been insufficient and recommended the proposal be returned to the proponent for further development prior to proceeding with the screening.

The Nunavut Impact Review Board submitted its screening report on May 21. It recommended the project be allowed to proceed without a full environmental review and suggested several terms and conditions to reduce environmental impacts and address public opposition. These recommended conditions included directing the proponent to conduct additional public consultation before the project commenced (NIRB, 2010).

On June 30 the Government of Nunavut responded to the NIRB report and issued permits for the surveys. On August 3 QIA filed an application with the Nunavut Court of Justice, requesting the court quash the research permit. The governments of Canada and Nunavut were listed as respondents. QIA also asked the court to issue an interlocutory injunction, temporarily preventing the government from conducting the surveys until the case went to trial. It alleged that both orders of government had failed to fulfill their duty to consult Inuit about the seismic surveys.

The court heard submissions for an interlocutory injunction on August 4 and 5. QIA argued that the NIRB screening and community meetings hosted by the federal government were not effective consultations and that the seismic surveys could significantly interfere with Inuit hunting of marine mammals. Canada and Nunavut argued that the proposed surveys would not have significant impacts and that the duty to consult had been satisfied.

An interlocutory injunction was issued on August 8, one day before the surveys were scheduled to commence. The judge took no position on the “nature or value” of consultations that took place, other than noting that there were “serious issues” to be considered by the trial judge (*Qikiqtani Inuit Association v. Canada*, 2010, para. 30). Because of the political controversy surrounding the injunction, the federal government abandoned the proposed surveys. As a result, the case did not proceed to trial. In 2019 the QIA and Government of Canada signed an

agreement for the creation of a national marine conservation area (Tallurutiup Imanga), which will permanently ban hydrocarbon extraction in Lancaster Sound (Bernauer & Roth, 2021). Inuit were therefore successful in using duty to consult litigation as part of a broader campaign to prevent oil and gas extraction in Lancaster Sound.

3.2. Clyde River (Hamlet) v. Petroleum Geo-services Inc.

In early 2011, less than a year after conflict erupted over seismic surveys in Lancaster Sound, a consortium of geophysical companies applied to conduct seismic surveys in Baffin Bay and Davis Strait. The proposed surveys would take place over five years, during the open water season. The resulting data was intended to support future exploratory drilling in the area.

Because the proposed surveys would be conducted beyond the outer land-fast ice zone, they were not screened or reviewed by the Nunavut Impact Review Board. Instead, the National Energy Board (NEB) reviewed the proposal. The NEB was Canada's national regulator for energy resources, including oil and gas, until it was abolished in 2018. When it reviewed the proposal for seismic surveys, the NEB was the centre of significant public controversy, as many argued that it had been "captured" by the oil industry. Among other things, critics pointed to the large number of board members that had previously worked for oil companies, as well as the NEB's tendency to strictly limit who could participate in public hearings. These criticisms were part of a broader public concern with the Harper administration's approach to environmental governance, including changes to federal legislation that relaxed requirements for environmental assessment (Gibson, 2012; Peyton & Franks, 2016; Doelle & Sinclair, 2021).

The National Energy Board review of the proposed seismic surveys was consistent with the Harper administration's broader approach to resource management. The review lacked several common features of environmental assessments (EA) in Canada, including participant funding and formal hearings. Instead of public hearings, the NEB hosted "public meetings" in Qikiqtani communities and accepted written submissions from stakeholders and the public.²

Throughout the NEB review, Qikiqtani communities repeatedly expressed clear opposition to the project. Residents of Pond Inlet and Clyde River submitted petitions to the NEB opposing the proposal. The transcripts from the NEB's public meetings, as well as the reports from industry engagement, document significant public opposition to the surveys.

QIA's final comments, submitted in October 2013, requested that the NEB not issue authorizations for the project. It claimed that there had been inadequate consultation with communities and insisted that the federal government conduct

a strategic environmental assessment (SEA) into oil and gas extraction in the Qikiqtani region before permitting proposals for seismic surveys and exploratory drilling.

On June 26, 2014, the NEB issued authorizations for the survey. Its report noted that QIA and Qikiqtani communities participated in the assessment through numerous written submissions and in-person meetings. There was, however, no indication that these letters and oral statements mostly opposed the proposed surveys (NEB, 2014).

QIA's initial response to the NEB's decision was oppositional. President Okallik Egegesiak told media that QIA was considering legal action over the planned surveys ("Ottawa greenlights", 2014). However, three days later QIA's approach became conciliatory. Northern media reported that QIA was "disappointed" that the NEB approved the surveys, but that it would focus its energies on negotiating benefits and improving mitigation measures (Gregoire, 2014a).

The community of Clyde River, by contrast, remained steadfast in its opposition. Mayor Jerry Natanine told the press that he was determined to continue fighting the surveys. On July 23, residents held a rally to protest the NEB decision. According to the press, over 100 people attended (from a community of roughly 1,000 residents) (Gregoire, 2014b).

In the absence of litigation from QIA, the Clyde River Hamlet Council and Hunters and Trappers Organization (HTO) opted to pursue legal action. In late July, they applied to the Federal Court of Appeal for a judicial review of the National Energy Board's decision to grant authorizations for seismic surveys. The application was filed by the Hamlet of Clyde River, the Clyde River HTO, and Mayor Jerry Natanine. It named the seismic survey companies and Attorney General of Canada as respondents and argued that the Crown had not satisfied its duty to consult Inuit.

The case was heard in April 2015 in a Toronto courtroom. Clyde River argued that Inuit were owed deep consultation and that the NEB process fell well below this standard. They pointed to several procedural shortcomings in the NEB review, including the lack of formal hearings and the proponent's inability to answer basic questions during public meetings. Clyde River also argued that the NEB's assessment alone could not satisfy the duty to consult, because the Crown, not the NEB and seismic companies, should have engaged directly with Inuit.

The Court delivered its decision in August. In a unanimous decision the judges found that the Crown had adequately consulted Inuit and that the NEB's decision to grant authorizations was therefore legal. The Court agreed with Clyde River's assertion that Inuit are owed deep consultation on issues related to the offshore.

However, the Court accepted the Crown and seismic companies' claims that the NEB process had provided deep consultation, and therefore dismissed Clyde River's application for judicial review. In the Federal Court's view, consultation was adequate because Inuit organizations and community members had several opportunities to meet with the proponent and express concerns to the NEB. Moreover, the Court found that the proponent had reasonably accommodated Inuit concerns by making minor changes to the spatial extent of the proposed surveys (*Hamlet of Clyde River v. TGS-NOPEC*, 2015).

Notably, in dismissing the appeal, the Court concluded that Clyde River's legal position had been undermined because it had acted in bad faith: "It was not helpful, or consistent with reciprocal, good faith consultation" that the Hamlet and Hunters and Trappers Organization had refused to participate in an Indigenous Knowledge study conducted on behalf of the proponents (*Hamlet of Clyde River v. TGS-NOPEC*, 2015, para. 91). Clyde River's refusal to participate in an industry-sponsored Indigenous Knowledge study was arguably a reasonable position, given that the Hamlet and HTO both opposed the proposed surveys. Under these circumstances, participation would have contradicted the community's position. In this regard, the types of negotiations provided for in the Federal Court's interpretation of the duty to consult appear to preclude principled opposition.

Clyde River was undeterred, and the Hamlet and HTO appealed the decision to the Supreme Court of Canada (SCC). The case was heard in conjunction with a similar appeal brought forward by the Chippewas of the Thames First Nation (CTFN), an Anishinaabe nation in Southwestern Ontario. Written arguments were submitted in Fall 2016 and oral arguments were heard that November.

The SCC issued decisions for both cases on July 26, 2017. In Clyde River's case, the Court found that the Crown had indeed breached its duty to consult Inuit when the NEB issued authorizations for the seismic surveys. The Court therefore overturned the Federal Court's ruling and quashed the NEB's authorization. In a unanimous decision, the judges ruled that Inuit were owed deep consultation and that the NEB assessment fell far short of this. They noted that the NEB process lacked many common mechanisms used to promote procedural fairness in other environmental assessment processes in Canada, including participant funding, formal hearings, and Indigenous representation on review panels (*Clyde River (Hamlet) v. Petroleum Geoservices Inc.*, 2017).

In the *Chippewas of the Thames* case, the Court found that the Crown had fulfilled its duty to consult and dismissed the appeal. The Supreme Court of Canada concluded that the First Nation was not owed the same extent of consultation as Inuit. Moreover, in the Court's view, the NEB process that CTFN had participated in was more robust and participatory than the environmental

assessment for seismic surveys in Nunavut (*Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017).

For Nunavut Inuit, the decision was an important affirmation of their rights to offshore resources. Recall that the federal government had refused to recognize Inuit offshore rights in the Nunavut Agreement, depriving Inuit of any direct control over, or clearly-defined financial stake in, offshore oil and gas extraction. The court's recognition that Inuit are entitled to deep consultation when offshore extraction is concerned will provide Inuit with significantly more leverage in future discussions about offshore oil and gas extraction. This may lead to an increased ability to participate in decisions and collect revenue, if or when extraction proceeds.

At the same time, Clyde River's campaign against seismic surveys, including the Supreme Court of Canada's decision, created a great deal of political momentum against hydrocarbon extraction in Nunavut. This momentum may have played a role in the federal government's decision to impose a moratorium on Arctic offshore oil and gas extraction in 2016 (Bernauer & Roth, 2021). Thus, for a second time, Nunavut Inuit successfully used duty to consult litigation to not only stop a specific proposal for hydrocarbon exploration, but also to pressure the federal government to prohibit oil and gas extraction in large parts of the Arctic offshore.

However, the *Clyde River* and *Chippewas* decisions may have contributed to a narrowing of the duty to consult, insofar as they suggest that even "deep consultation" can be satisfied through a regulatory process (Van Lier, 2020). All of the major deficiencies the judges identified with the National Energy Board's approval of seismic surveys—a lack of oral hearings and participant funding, as well as the inability of the proponent to answer basic questions about project impacts in an accessible manner—could be resolved within the framework of a regulatory tribunal. The Supreme Court of Canada had previously held that administrative tribunals with the power to answer questions of law have a responsibility to determine whether Indigenous consultation is sufficient. However, the *Clyde River* and *Chippewas* decisions appear to be the first where the Court clarified a regulatory tribunal can satisfy the duty to consult in full, even when "deep consultation" is required (d'Eca, 2020; Bankes, 2018).

4. Hydroelectric Development in Labrador: The Muskrat Falls Project

While there is a long history of proposed hydroelectric development along the lower Churchill River, the current iteration of the project began in 2006, when Nalcor Energy (a Crown corporation owned by the Government of Newfoundland and Labrador) submitted an application to provincial and federal regulators for a

multi-phase project involving several components. The first phase of the proposal involved a generating station and control structure at Muskrat Falls, upstream from the town of Happy Valley-Goose Bay. The project was referred to a federal-provincial joint review panel (JRP) for environmental assessment. Despite clear opposition from Inuit, the proposal was approved by the governments of Canada and Newfoundland and Labrador in 2012. Construction of the Muskrat Falls dam was completed in 2020, and it began generating power the following year.

The case of Muskrat Falls is considerably more complex, both legally and politically, than the case of offshore oil and gas exploration in Nunavut. There are several Indigenous Peoples affected by the project, including Innu from Labrador and Quebec, the Inuit of Nunatsiavut, and the Inuit of NunatuKavut. Located on the north shore of Labrador, Nunatsiavut is governed by the provisions of the Labrador Inuit Land Claims Agreement, a modern treaty signed in 2005 (Kuokkanen, 2019). Nunatsiavut Inuit are politically and legally represented by the Nunatsiavut Government—a self-government organization established under the land claim and a member organization of the national Inuit Tapiriit Kanatami (ITK).

The NunatuKavut Community Council (NCC) is an organization representing people in southern and central Labrador who previously self-identified as “Labrador Métis” or “Inuit Métis,” and who now claim Inuit identity (Kennedy, 2014). NCC claims that its members possess Aboriginal rights and title to southern and central Labrador (Hudson, 2021). In 2019 the NunatuKavut Community Council and Government of Canada signed a memorandum of understanding to, among other things, initiate discussions about NCC’s land claim.

However, the Indigeneity of NCC members has been challenged by the Innu Nation and Nunatsiavut Government, whose territories overlap with the lands claimed by the NCC (Procter, 2020). Both the Innu Nation and Nunatsiavut Government have initiated litigation to block the negotiation of a land claim between the NCC and the Government of Canada. Moreover, Inuit Tapiriit Kanatami does not recognize the NCC’s status as an Inuit organization.

NCC members’ Indigenous rights were given a degree of legal recognition by the Courts, because of duty to consult litigation that began before the Muskrat Falls project was formally proposed. In 2006, the trial court found that the Government of Newfoundland and Labrador had a duty to consult the NCC (then known as the Labrador Métis Association) regarding the expansion of the Trans-Labrador Highway (*Labrador Métis Nation v. Her Majesty in Right of Newfoundland and Labrador*, 2006). The Government of Newfoundland and Labrador appealed the decision, arguing that the Labrador Métis had not provided sufficient evidence of their Indigeneity. The Court of Appeal upheld the

trial judge's decision that the Labrador Métis People possessed "a credible but unproven claim" to Aboriginal rights to hunt, fish, and trap in southern Labrador. While the claim to Aboriginal rights, and therefore an Indigenous legal identity, remained unproven, it was "at least strong enough to trigger a duty to consult at the low level requested" (*Newfoundland and Labrador v. Labrador Métis Nation*, 2007, para. 53). According to the Court of Appeal, this right is rooted in an Inuit, rather than Métis, legal identity, because the respondents "established a prima facie connection with pre-contact Inuit culture and a continuing involvement with the traditional Inuit lifestyle" (para. 51).

Most infrastructure associated with the Muskrat Falls project is in Innu Territory, and Nalcor and Newfoundland initially focused consultations and benefit negotiations with the Innu Nation. However, the NunatuKavut Community Council also claims Indigenous rights to the Muskrat Falls area. The project is located upstream of land and waters covered by the Nunatsiavut land claim, leading to concerns that downstream effects (especially methylmercury contamination) could negatively affect Nunatsiavut Inuit harvesting activities. Because of political and legal actions on the part of the NCC and Nunatsiavut Government, both Nalcor and the Government of Newfoundland and Labrador were ultimately forced to include Inuit in consultations (Procter, 2020).

In addition to the complexity of Indigenous legal claims to the project area, there has also been considerably more litigation over the Muskrat Falls project than the seismic surveys in Nunavut. Relevant legal actions include several duty to consult challenges brought forward by Nunatsiavut (*Nunatsiavut Government v. Newfoundland and Labrador*, 2015; *Nunatsiavut Government v. Canada (A.G.)*, 2015); the NCC (*NunatuKavut Community Council v. Nalcor*, 2011; *Grand Riverkeeper Labrador v. Canada*, 2012; *NunatuKavut Community Council v. Canada*, 2015); and the Innu of Ekuanitshit (*Ekuanitshit v. Canada*, 2013). Nalcor also successfully applied for injunctions related to direct action protests (*Nalcor v. NunatuKavut Community Council*, 2012; *Nalcor v. Anderson*, 2017), and several Labrador residents have initiated a class action lawsuit related to property damage as a result of reservoir flooding (*Chiasson v. Nalcor*, 2021). In this article, I focus on duty to consult cases involving Nunatsiavut and NunatuKavut.

4.1. Impact Assessment by a Federal-Provincial Joint Review Panel

The Joint Review Panel's assessment of the Muskrat Falls project began in 2008. Like the National Energy Board's assessment of seismic surveys in Baffin Bay, the JRP's assessment of Muskrat Falls was consistent with the Harper administration's approach to resource management. As panel member Meinhard Doelle later noted, the terms of reference issued by Canada and Newfoundland and Labrador resulted in a comparatively narrow environmental impact assessment (EIA)

process, with fewer opportunities for public intervenors to shape the process or influence its outcome. Unlike most other EIA processes in Canada, the panel was not directed to independently determine the scope of issues to be addressed, recommend whether the project should proceed, or report on the adequacy of consultations with Indigenous Peoples (Doelle, 2013).

The Joint Review Panel held public hearings for the project in March 2011 and issued its final report later that year. It concluded that the project would likely have significant adverse effects on fish, caribou, and seals. It made numerous recommendations to minimize the negative effects of the project on the environment. However, because of its unusually narrow terms of reference, it made no recommendation regarding project approval (JRP, 2011).

In 2012 the governments of Canada and Newfoundland responded to the JRP report, approving the project and rejecting many of the panel's recommendations related to methylmercury contamination (Calder et al., 2020). JRP panel members Meinhard Doelle and Cathy Jong would later publicly criticize the rejection of the JRP's recommendations (Doelle, 2015; "Mercury levels", 2015). Both orders of government issued authorizations and licences the following year.

4.2. NunatuKavut Legal Challenges to the Joint Review Panel Process

The NunatuKavut Community Council launched two lawsuits against the Joint Review Panels's assessment of the Muskrat Falls project. When the JRP held public hearings in 2011, the NCC boycotted the proceedings and applied for an injunction to prevent the JRP from continuing with hearings until the NCC's concerns were addressed. Its application argued that Canada, Newfoundland and Labrador, Nalcor, and the JRP had failed to meaningfully consult the NCC. In addition to requesting an injunction to stop the hearings, NCC also requested a court order requiring Nalcor and the province to negotiate an impact and benefit agreement with the NCC (*NunatuKavut Community Council v. Nalcor*, 2011).

The trial judge dismissed the NCC's application. He found that the NCC failed to show sufficient evidence of irreparable harm if the public hearings proceeded or that the balance of convenience favoured granting the injunction. The judge disagreed that consultation thus far had been inadequate. Because neither the consultation nor environmental assessment process had concluded, he also found that it would be premature to rule that NunatuKavut had not been meaningfully consulted. In dismissing the application, the judge noted an apparent contradiction between NunatuKavut's demand to be meaningfully consulted and its decision to boycott JRP hearings, suggesting the NCC was acting in bad faith.

The second lawsuit was initiated after the JRP report was released in late 2011. The NCC, together with two environmental organizations, applied to the Federal

Court for a judicial review. The applicants argued that the JRP failed to fulfill its mandate to consider the need for the project, possible alternatives to the project, and potential cumulative effects of the project. According to the applicants, the JRP's analysis of these issues was insufficient, because they were mostly deferred to further studies, to be conducted after the environmental impact assessment was completed. The litigation also raised issues of Indigenous consultation. The NCC argued that the JRP's failure to sufficiently consider cumulative effects prevented it from meaningfully addressing the NCC's concerns. According to the NCC, this resulted in a breach of its right to procedural fairness.

The NCC's application for judicial review was dismissed. The judge found that the JRP had adequately examined the need for, alternatives to, and cumulative effects of the project. Moreover, he concluded that the NCC was provided with ample funding and opportunities to provide information to the JRP regarding its rights and interests, opportunities which (the judge found) the NCC chose not to utilize by boycotting portions of the JRP hearings (*Grand Riverkeeper v. Canada*, 2012).

4.3. Nalcor Application for an Injunction against NunatuKavut

Nalcor began pre-approval construction activities related to the Muskrat Falls project in 2012. As a result of these activities, the trapline of an NCC member was clearcut without his prior knowledge. In response, the NCC organized a protest in October 2012 that included a one-day blockade of an access road. The following day, Nalcor successfully applied to the Supreme Court of Newfoundland and Labrador for a temporary injunction preventing NCC members from further disrupting construction work.

In November, the Court considered whether the injunction should be made permanent. The NCC argued that the protest was an expression of its members' Indigenous rights. It claimed it had not been provided with the resources to meaningfully participate in decisions about pre-approval construction, and that the provincial government's duty to consult the NCC about these pre-construction activities had been breached. As a result, when determining the balance of convenience, the Court considered whether the Crown had breached its responsibility to consult and accommodate NCC members with regards to pre-approval construction activities related to the Muskrat Falls project.

The judge concluded that the balance of convenience weighed in favour of Nalcor and granted a permanent injunction. He found that the NCC had been adequately consulted about the Muskrat Falls project and criticized the NCC for not raising concerns about participant funding sooner. The decision also suggested that the NCC's claims about consultation were undermined because it had not negotiated in good faith.

The response of NCC appears to be similar to its response to the JRP hearings. Rather than concentrate its resources and energies on the task at hand, it mounted a rear guard action. With respect to the JRP hearings, an injunction was sought. In respect of the Phase V consultation, a battle of correspondence was waged, while never, even for a single application, responding in accordance with the approval guidelines. Ultimately, NCC staged the protest. (*Nalcor Energy v. NunatuKavut Community Council Inc.*, 2012, para. 97)

Thus, for a second time, the NCC's legal arguments regarding consultation were dismissed, partially because of its participation in political protest and direct action.

The NCC appealed the decision. The appeal court granted the NCC's appeal and lifted the injunction, finding that the trial judge made several errors in law, including issuing an injunction with inappropriately broad terms. However, the Court did not determine whether the NCC had been adequately consulted about the Muskrat Falls project, instead finding that the duty to consult was irrelevant to the question of the injunction (*NunatuKavut Community Council Inc. v. Nalcor Energy*, 2014).

4.4. NunatuKavut Legal Challenge to Federal Authorizations

The NCC challenged federal authorizations for the Muskrat Falls project, issued in 2013, arguing that the federal government breached its duty to consult. Its grievances included the fact that participant funding was not provided for most consultations after environmental assessment, and that the government had failed to address outstanding issues identified in the JRP report related to the land use of NCC members. The NCC also challenged the federal government's decision to rely on monitoring, rather than mitigation, to address mercury contamination.

The NCC's application for judicial review was dismissed. The judge acknowledged that the lack of participant funding for post-EA consultation was "unfortunate" (*NunatuKavut Community Council Inc. v. Canada*, 2015, para. 314). However, she also found that Canada's decision to rely on monitoring rather than mitigation to address mercury contamination was a reasonable way to address Inuit concerns. Moreover, the judge concluded that the NCC had acted in bad faith because it had declined to meet with Nalcor and the Department of Fisheries and Oceans about the authorizations. She also noted that the NCC did not fully take advantage of opportunities to provide the JRP and Canada with more information about its members' land use—presumably she found this because NCC had boycotted portions of the JRP hearings.

4.5. Nunatsiavut Legal Challenges to Authorizations

The Nunatsiavut Government also initiated legal challenges to federal and provincial government authorizations. The first was directed at Newfoundland and Labrador. Nunatsiavut argued that the duty to consult had been breached, in part because the province rejected recommendations from the JRP that would have helped minimize the effects of mercury contamination on Inuit harvesting rights.

A provincial judge dismissed Nunatsiavut's application, finding that the decision to issue the permits did not directly interfere with harvesting rights, and that Nunatsiavut should have challenged an earlier (2012) decision releasing the project from further environmental assessment. He noted that just because Inuit disagreed with the province's approach to addressing mercury contamination, it did not constitute a violation of the duty to consult (*Nunatsiavut Government v. Newfoundland and Labrador*, 2015).

The second lawsuit from Nunatsiavut was directed at federal authorizations. It argued that Inuit were not adequately consulted, in part because concerns with methylmercury contamination were not fully considered or accommodated when the authorizations were issued, due in part to the fact that many of the JRP's recommendations were not adopted.

This challenge was dismissed by a federal judge, who found that Canada was reasonable in its approach to balancing Indigenous rights and interests with the potential benefits of hydroelectric development. The judge concluded that Canada's response to the JRP's recommendations—to accept some recommendations for monitoring and reject others related to mitigation—was a reasonable accommodation of Inuit concerns with methylmercury contamination. Paraphrasing the Supreme Court of Canada's decision in *Little Salmon*,³ he noted that “although the duty to consult may require accommodation where appropriate, the test is not a duty to accommodate to the point of hardship” (*Nunatsiavut Government v. Canada*, 2015, para. 167). He did not, however, explain how or why mitigation for methylmercury would cause “undue hardship.”

4.6. Ongoing Conflicts over Methylmercury and the Independent Expert Advisory Committee

In 2015, after construction on the project had begun and the Nunatsiavut and NunatuKavut legal challenges had been dismissed, new research conducted by scholars from Harvard University in partnership with the Nunatsiavut Government suggested that the impacts of methylmercury contamination were likely to be more severe than anticipated. This led to increased concern with the project, especially from Inuit, who continued to demand the implementation of

JRP recommendations (Calder et al., 2020) There was initially no serious response from government (Doelle, 2015).

Government passivity regarding methylmercury contamination led to direct action, including hunger strikes and an occupation of the Muskrat Falls construction site in the fall of 2016 (Atlin & Stoddart, 2021). As a result of this political pressure, Nalcor and Newfoundland agreed to explore options for mitigation. An Independent Expert Advisory Committee (IEAC) was established to provide advice on approaches to mitigation (Calder et al., 2020).

The IEAC's recommendations, issued in 2018, were similar to those of the JRP, and included the full removal of topsoil and wetland capping. In early 2019, Newfoundland announced it would implement wetland capping only. However, this was a pyrrhic victory as by this point the window of opportunity for wetland capping had passed, as it would have been impossible to complete before flooding began that summer. As a result, no mitigations were implemented before flooding was completed in October 2019 (Calder et al., 2020).

4.7. Public Inquiry

In 2017 a public inquiry into the Muskrat Falls project was established by the Government of Newfoundland and Labrador in response to growing public frustration with delays and cost overruns. The final report was released in March 2022. Titled *Muskrat Falls: A Misguided Project*, it was sharply critical of the Crown's consultations with Indigenous Peoples.

GNL [Government of Newfoundland and Labrador] failed to ensure that it and Nalcor acted fairly in its consultations related to Indigenous Peoples and environmental matters. While this Report does not speak to GNL's legal obligation regarding consultation with Indigenous Peoples, it does point out that Nalcor did not act fairly with the Nunatsiavut Government, the NunatuKavut Community Council and the Innu of Ekuanitshit. (Muskrat Falls Inquiry, 2020, p. 39)

The inquiry's findings raise serious questions about the ability of Inuit to use the duty to consult to safeguard their rights. The Nunatsiavut Government initiated two lawsuits in an attempt to halt the Muskrat Falls project and/or compel Canada, Newfoundland and Labrador, and Nalcor to implement adequate mitigation measures. Both attempts failed. Subsequent protests and direct action appear to have been much more effective in pressuring the government to commit to taking action on the issue of methylmercury, and even then the government and Nalcor failed to follow through with promised mitigations. For its part, the

NCC was involved in four separate lawsuits that dealt with the Crown's duty to consult NunatuKavut about the Muskrat Falls project. In all cases, the court ruled against the NCC. If the duty to consult can be satisfied by a process so fraught that a public inquiry determined it was unfair to Inuit, the duty would appear to be of limited value to Inuit seeking to protect a hunting way of life in the face of capitalist expansion.

5. Discussion and Conclusions

Inuit experiences with the duty to consult are clearly mixed. Inuit have used duty to consult litigation to win legal victories against extractive capital, most notably in struggles against offshore oil and gas extraction in Nunavut. The Qikiqtani Inuit Association (QIA) succeeded in using duty to consult litigation to stop seismic surveys in Lancaster Sound. QIA only won an interim injunction, and it is unclear if the court would have granted a permanent injunction or quashed the permits for seismic surveys. However, the QIA successfully used the interim injunction to pressure the federal government to cancel the surveys and, as a result, the case never made it to court. Oil and gas exploration was later banned in Lancaster Sound, as part of a new national marine conservation area.

Clyde River was similarly successful in using the duty to consult to stop seismic surveys in Baffin Bay. In addition to stopping the proposed exploration activities, Clyde River's legal action created political momentum against offshore oil and gas extraction in Nunavut. This momentum was likely one factor in the federal government imposing a moratorium on offshore oil and gas in the Canadian Arctic. Clyde River's legal victory also strengthened Inuit claims to offshore resources, which the federal government had previously refused to include in land claim negotiations.

While these victories are important and noteworthy, the duty to consult nonetheless appears to be a weak safeguard for Inuit rights, and its potential to serve as a legal tool to resist extractive capitalism is clearly limited. Clyde River's appeal was successful only because the National Energy Board's assessment of seismic surveys in Baffin Bay was lacking in many of the hallmarks of procedural fairness in Canadian assessment processes, including formal hearings and participant funding. It is also important to note that Clyde River only won on appeal to the Supreme Court of Canada, as a federal court had previously found that the NEB's (clearly deficient) assessment satisfied the Crown's obligations.

While Qikiqtani Inuit successfully used the courts to stop hydrocarbon extraction in the region for the foreseeable future, they did so in the context of extremely limited pressure from the oil and gas industry. In the twenty-first century, extractive capital has expressed almost no interest in the region's hydrocarbon

deposits. Had Inuit been dealing with multiple proposals for extraction, or resisting a project that a large company had already substantially invested in, it is unclear whether these legal victories would have led to the same political outcome. With regards to Clyde River's litigation, the proponent responded to the Supreme Court of Canada ruling by abandoning its proposal, rather than reapplying for licences and permits. In the case of Lancaster Sound, the proponent abandoned its proposed surveys before QIA's case even went to trial.

With regards to hydroelectric development in Labrador, six separate lawsuits dealt with the Crown's duty to consult the Inuit of Nunatsiavut and NunatuKavut about the Muskrat Falls project. None of these legal actions were successful in halting the project, despite examples of apparent bad faith and negligence on the part of the Crown, culminating in the government's failure to implement promised mitigation measures for methylmercury contamination. A public inquiry later found that Newfoundland and Nalcor did not act fairly in their dealings with Nunatsiavut and NunatuKavut. Yet all attempts to stop the project with duty to consult litigation failed. Moreover, all attempts to use duty to consult litigation to compel the government to mitigate methylmercury contamination were unsuccessful. The duty to consult therefore provided a weak tool to either resist extraction or to protect Inuit rights and interests in the context of "responsible" resource development.

The requirement that Indigenous Peoples must negotiate in "good faith" was used by the courts to dismiss litigation and discourage principled opposition to proposed extraction. When it dismissed Clyde River's legal challenge to seismic surveys, the Federal Court of Appeal found that Clyde River's refusal to participate in a proponent's Traditional Knowledge study was evidence of bad faith. Similarly, several of NunakuKavut's legal challenges to the Muskrat Falls project were dismissed (in part) because the NCC's participation in direct action (a boycott of public hearings and a blockade of a construction site) were apparently evidence of bad faith. Thus, not only does Canadian law criminalize Indigenous resistance (Pasternak et al., 2013), it also uses it as grounds to override Indigenous Peoples' right to be consulted.

Rather than providing a means for Inuit to resist extractive capitalism, the duty to consult imposes compromises between Inuit and extractive capital. It requires the state to consider and meaningfully address Indigenous concerns. In the context of resource extraction, this leads to a legal imperative for the Crown to balance the rights and interests of Indigenous Peoples with those of extractive capital. While the state's consultative processes (like environmental assessment) occasionally reject proposals for extraction, the state can usually satisfy its duty to accommodate with terms and conditions on project authorizations.

However, the ability of Inuit to use arguments about consultation and accommodation to compel the government to impose mitigation measures is also limited. The courts have placed restrictions on the types of accommodations that can be owed to Indigenous Peoples, insofar as they cannot cause “undo hardship.” This was used as a rationale for rejecting Nunatsiavut’s request that government implement measures to mitigate mercury contamination.

The duty to consult has several structural similarities with the resource management processes established in modern treaties between Inuit and the Crown. While both the Nunavut and Nunatsiavut agreements provide opportunities for increased Inuit participation in decisions about extraction (Gondor, 2016; Bankes, 2020b; Peletz et al., 2020), Inuit authority over extraction remains limited (Kulchyski, 2015; White, 2018; Kennedy Dalseg et al., 2018; Kuokkanen, 2019). In the case of Nunavut, the federal government has retained jurisdiction over mineral and hydrocarbon resources (Hicks & White, 2015). The Nunatsiavut government has much broader law-making authority with regards to resources, although this authority is geographically limited to lands Nunatsiavut Inuit retained ownership over under their treaty with the Crown (Bankes, 2019).

In both Nunatsiavut and Nunavut, co-management process like land use planning and environmental assessment are structured to impose compromises between Inuit and extractive capital. These processes minimize conflicts between Inuit and extractive industries by rejecting some types of extraction and imposing mitigation measures on others (Procter & Chaulk, 2012; Bernauer, 2020a; Dokis, 2023). However, despite the creation of participatory structures for resource management—and support for extraction-based economic development by most Inuit organizations—colonial patterns of uneven development persist, insofar as many of the long-term economic benefits from extraction continue to flow out of Inuit territory (Rodon, 2018; Bernauer, 2019), and extractive industries continue to disrupt the resource base that Indigenous subsistence economies depend upon (Parlee et al., 2018; Watt et al., 2021). Elsewhere (Bernauer, 2020a) I have argued that this balancing of interests is part of a hegemonic form of colonial domination, wherein the state produces consent to the colonial and capitalist status quo, in part by granting concessions to subordinate groups (see for example: Poulantzas, 1978; Chaterjee, 1993). While these concessions sometimes go against the short-term economic interests of some mining, oil, or hydroelectric companies, they nonetheless serve the long-term political interests of extractive industries insofar as they help generate public and institutional support for extraction more generally (Bernauer, 2020b).

The duty to consult is similarly structured to balance interests in a way that allows extraction to proceed. It does not provide Indigenous communities

with political control over land and resources. Instead, it provides Inuit with opportunities to win concessions from extractive capital. Sometimes these concessions are substantial, like stopping offshore oil and gas extraction in Nunavut. In other instances—including the decision to monitor, rather than mitigate, mercury contamination in Labrador—they are minor. Regardless of their magnitude, concessions won through both co-management structures and duty to consult litigation form part of a broader system of compromises between Indigenous Peoples and extractive capital, which help produce consent for extractivist development strategies.

Notes

1. Documents associated with the environmental screening of the proposed seismic surveys were accessed from the NIRB's public registry (Nunavut Impact Review Board File No. 10YN017).
2. Documents associated with the review of the proposed surveys were accessed from the NEB's public registry (National Energy Board, File No. OF-EP-GeoOP-M711-55545877).
3. *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53.

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Research Article

Canada's Arctic Policies & Truth and Reconciliation: An Examination of Canada's Arctic and Northern Policy Framework through a Reconciliation Lens

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Abstract: In September 2019, the Canadian Government launched Canada's Arctic and Northern Policy Framework. One of the main goals of the framework is to achieve reconciliation with Indigenous Peoples by way of taking a co-development approach. But what does reconciliation look like exactly? And how are we to know whether the federal government is meeting the objective of reconciliation in the development of this framework? Since the release of the Final Report of the Truth and Reconciliation Commission of Canada in December 2015, a number of scholars have written about the question of how to attain reconciliation. One scholar in particular, Deborah McGregor, an Anishinaabe scholar from Whitefish River First Nation, Birch Island, Ontario, proposes six suggestions from which to assess whether reconciliation processes have been implemented in post-secondary institutions. McGregor concludes that these suggestions, while not exhaustive, represent a place from which to begin dialogue about establishing reconciliatory processes within the institution. Using McGregor's suggestions, this article examines whether the federal government has implemented reconciliatory processes in the development of Canada's Arctic and Northern Policy Framework.

Introduction

In 2018, Deborah McGregor, an Anishinaabe scholar from Whitefish River First Nation, Birch Island, Ontario, put forward the idea of “reconciliation research” in response to the transformative potential of the Truth and Reconciliation Commission of Canada (TRC) and its Calls to Action (McGregor, 2018). Reconciliation research depicts a vision of what would be at the centre of all research practices operating out of the post-secondary institution context if the Truth and Reconciliation Commission and Calls to Action were actually being practised. In the article, McGregor presents six suggestions for evaluating whether such a vision is actualizing, and suggests these can be used as a starting point for dialogue on reconciliation. While McGregor’s concept of reconciliation research is used in reference to post-secondary institutions, it offers a unique entry point into evaluating how reconciliation practices can be attained in broader contexts. Using McGregor’s suggestions as a lens, this article analyzes Canada’s Arctic and Northern Policy Framework (Canada, 2019), in conjunction with the New Shared Arctic Leadership Model report (Simon, 2017), to identify the ways in which Canada’s Arctic policy and program development processes are actualizing reconciliatory practices, and to identify further work that needs to be done.

The Truth and Reconciliation Commission of Canada

The concept of reconciliation in Canada centres around the relationship between Indigenous and non-Indigenous Peoples, and the history and contemporary issue of assimilative policies that were (and arguably continue to be) developed by non-Indigenous people. There is a broader discussion on the concept of reconciliation as it relates to truth commissions across the globe, which states that reconciliation is often sought in response to conflict and human atrocities that are in need of both truth and justice, with the intention not solely to prosecute the perpetrators but to ensure that perpetrators are held accountable and that the victims feel heard (for further detail, see Short, 2005). While reconciliation is the end goal, truth commissions are typically the vehicle to arrive at that goal.

In Canada, the term reconciliation began taking shape in 1991, when the Royal Commission on Aboriginal Peoples was established. The Commission developed a report that investigated the historical and contemporary relations between Indigenous and non-Indigenous Peoples in Canada (RCAP, 1996). It included a specific chapter on the residential school system. In 1997, in response to this report, the federal government released “Gathering Strength: Canada’s Aboriginal Action Plan,” which included the government’s acknowledgement of the role it played in residential schools (Canada, 1997). Following the release of the

plan, a commitment of \$350 million was announced for community-based healing as a beginning towards reconciliation. In 2006, the Indian Residential Schools Settlement Agreement (IRSSA) was announced. In this settlement of a class action lawsuit initiated by Indigenous Peoples, the Canadian federal government recognized the harm caused by residential schools. In the compensation package for the IRSSA, \$60 million was announced for a Truth and Reconciliation Commission to gather the experiences faced by survivors of the residential schools (Canada, 2021). The Truth and Reconciliation Commission of Canada (TRC) was established in 2008. The purpose of the TRC was to document the history and ongoing impacts of residential schools on Indigenous people in Canada. The TRC defines reconciliation as follows:

To the Commission, reconciliation is about establishing and maintaining mutually respectful relationships between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour. (TRC, 2015a, p. 6–7)

The mandate of the TRC was twofold:

Reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools, in a manner that fully documents the individual and collective harms perpetrated against Aboriginal peoples, and honours the resilience and courage of former students, their families, and communities; and

Guide and inspire a process of truth and healing, leading toward reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, governments, and Canadians generally. The process was to work to renew relationships on a basis of inclusion, mutual understanding, and respect. (TRC, 2015a, p. 23)

To achieve this mandate, three commissioners were appointed with a number of requirements for them to fulfill. Some of these requirements included developing an Indian Residential School Survivor Committee (IRSSC) to provide advice, holding events to provide the opportunity to share and document experiences, developing a research centre that would hold all documents and records gathered by the Commission, and providing recommendations based on the overall findings from the Commission. In 2015, the TRC released its final report with a total of 94 Calls to Action (TRC, 2015b). These Calls to Action have become a focus for all institutions in Canada looking to engage in reconciliatory processes

with Indigenous Peoples. It was also upon the release of this report that the term reconciliation became widely used in Canada.

The Truth and Reconciliation Commission of Canada has been met with various perspectives within Indigenous studies scholarship. A common theme across the literature is the importance of using Indigenous Knowledges, perspectives and practices as the basis from which to define, work towards, and advance reconciliation. A few examples showcase this:

research agendas should draw upon Indigenous research paradigms which privilege Indigenous worldviews, epistemologies, and knowledges as productive elements in the way forward. (McGregor, 2018, p. 810)

we focus on Indigenous methodologies and experiential knowledge as a counter-narrative to the Canadian state's notion of reconciliation (Corntassel, 2009, p. 141)

Indigenous peoples' world views, values, knowledge systems, and laws are integral to reconciliation and resurgence (Regan, 2018, p. 210)

While authors agree on the pertinence of centralizing Indigenous Knowledge, perspectives, and practices towards any kind of reconciliation process, they have different perspectives about how to achieve this. Some authors believe that the TRC is not capable of centring Indigenous world views in the reconciliation process due to the fact that the project itself is coming from the government and not from Indigenous Peoples. Corntassel states, "At its core, reconciliation is a Western concept ... Given that reconciliation is not an Indigenous concept, our overarching goals as Indigenous people should not be to restore an asymmetrical power relationship with the state but to restory our communities toward justice" (Corntassel, 2009, p. 145). In alignment with this view, George warns "we must remain critical of the emancipatory potential of these bodies when they work within state-sanctioned legal and political structures" (George, 2020, p. 109). This perspective typically critiques the TRC as doing the opposite of what it claims to do: it is a politics of distraction (George, 2020, p. 88), it is a continuation of colonialism (Kuokkanen, 2020, p. 293), and it mainly seeks to legitimize the status quo (Corntassel, 2009, p. 144). All of these perspectives share the view that the Truth and Reconciliation Commission of Canada needs to be put to the side in favour of an Indigenous-based approach to reconciliation.

Other authors highlight that the TRC could offer a transformative opportunity to centre Indigenous Knowledges, perspectives, and practices across Canada. For example, Regan (2018) states that different from other truth and reconciliation commissions, "Canada's TRC was not established unilaterally by

the state” and therefore has the ability to provide transformative processes towards reconciliation:

The commission was created as part of an out-of-court settlement agreement negotiated to resolve lawsuits filed against the federal government and churches by residential school survivors for the abuses they suffered in the schools. Thus the TRC was accountable not only to government and the churches but to residential school survivors, the Assembly of First Nations, and Inuit organizations, who were also parties to the settlement agreement. (Regan, 2018, p. 211)

There is also the view that the TRC has to align with the idea that “Indigenous self-determination is the foundation of authentic reconciliation” (Regan, 2018, p. 212) since the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is at the centre of the TRC. These authors focus on working with the TRC and the Calls to Action as a transformative possibility towards centring Indigenous Knowledges, perspectives, and practices as opposed to placing the entire Commission’s work to the side (Craft & Regan, 2020).

One example of this latter perspective can be seen from Deborah McGregor, an Anishinaabe scholar from Whitefish River First Nation in Ontario, who explores how the findings from the “Truth and Reconciliation Commission can transform the theory and practice of reconciliation research in Canada” (McGregor, 2018, p. 810). Specifically, McGregor uses the TRC as an opportunity to propose the concept of “reconciliation research,” meaning that all research within post-secondary institutions should, at its core, be based on reconciliation principles and in alignment with both the Calls to Action and UNDRIP. She provides six suggestions as a place to begin dialogue towards supporting the actualization of reconciliation research, and as a guide to evaluate to what extent a post-secondary institution is addressing reconciliation practices. The six suggestions are: 1. Recognize and reconceptualize the “Indian Problem” as a Canadian problem; 2. Critically assess the existing body of knowledge; 3. Enable structural, systemic and institutional change; 4. Respectfully engage with Indigenous Peoples; 5. Provide for cultural safety; 6. Reconciliation in post-secondary institutions: A call to action. While these suggestions are proposed specifically for post-secondary contexts, they can also provide a way to assess how the Truth and Reconciliation Commission has impacted other institutions identified in the Calls to Action, such as the Canadian Government and, more specifically, Canadian Arctic policy and program development processes.

Since the release of the TRC Final Report, several initiatives developed pertaining to northern Canada have aligned with reconciliation. For example, *CBC News* reported that the 2020 Arctic Winter Games planned for Whitehorse,

Yukon (which were cancelled at the last minute due to the COVID-19 pandemic), would have implemented Call to Action 91—“to ensure that Indigenous peoples’ territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events” (TRC, 2015b). This would have included a celebration at the Kwanlin Dün Cultural Centre with Indigenous performers, and creating three button blankets (Rudyk, 2020). There was also the Qajaq art installation at the Ottawa hospital named *Sivuniksattinu* (For Our Future), “a 17-foot long qajaq covered with kiln-formed glass panels depicting different Inuit stories” (Peloquin, 2020), led and informed by the TRC. Most relevant to this article is the federal government’s Canadian Arctic and Northern Policy Framework developed post TRC and Calls to Action, which seeks to advance reconciliation between Indigenous and non-Indigenous Peoples through co-developing the framework with Indigenous, territorial, and provincial partners.

Since the release of the TRC’s final report, studies have emerged that are informed by the Calls to Action, recommending reconciliatory initiatives in northern Canada. A number of these studies are located within the sciences. For example, one study by Liboiron et al. (2021), on plastic pollution in the Eastern Arctic, sought to provide ways to “move ... scientific work towards reconciliation while ... produce knowledge about environmental pollution in Inuit Nunangat and the Arctic more broadly” (p. 2). Wong et al. (2020) put forward ten calls to action to natural scientists, informed by the authors’ experiences in the North. To date, there are no studies that examine Canada’s Arctic and Northern Policy Framework as it relates to how policy processes have changed or been impacted by the Truth and Reconciliation Commission and Calls to Action, though there is literature on the framework more broadly (please see Kikkert & Lackenbauer, 2019; Exner-Pirot, 2019; Greer, 2019). This article seeks to fill that gap through conducting an analysis of Canada’s Arctic and Northern Policy Framework (Canada, 2019) in conjunction with the New Shared Arctic Leadership Model Report (Simon, 2017), using the lens of Deborah McGregor’s suggestions to assess to what extent Canada is establishing reconciliation processes in Canadian Arctic policy and program development.

Methodology

In this article, I use a case study approach that enables me to “take a complex and broad topic and narrow it down into a manageable research question” (Heale & Twycross, 2018, p. 7). The “complex and broad topic” concerns the Truth and Reconciliation Commission of Canada and its 94 Calls to Action, and the ability to use these Calls to Action to transform various contexts to attain reconciliation processes. The “narrowing it down” consists of exploring the question of how the

Truth and Reconciliation Commission and Calls to Action have transformed Canada's Arctic policy and program development processes. I explore this question through conducting a close reading (Bass & Linkon, 2008) of Canada's Arctic and Northern Policy Framework (Canada, 2019), in conjunction with the New Shared Arctic Leadership Model report (Simon, 2017), using Deborah McGregor's suggestions as a lens (McGregor, 2018).

I chose these two documents as the former was the official federal government framework document developed after the release of the TRC Final Report, and the latter was a report produced two years earlier, which represented the voices of those in the Canadian Arctic in response to the development of a Canadian Arctic and northern policy framework. I chose to use McGregor's suggestions given that they represent a framework rooted in Indigenous perspectives, which provides a tangible way to think through how an institution can use the TRC and Calls to Action to truly transform its practices. Also, these suggestions are themes that can be found across Indigenous and non-Indigenous scholarship. In this particular article, I focus on three of the six suggestions. The three suggestions include: Respectfully engage with Indigenous Peoples; critically assess the existing body of knowledge; and recognize and reconceptualize the "Indian Problem" as a Canadian problem. I chose these three suggestions because they can be assessed in the first phase of development (that the framework is currently in), which primarily develops the overarching goals of the framework. Once the framework enters the second phase, where governance processes, implementation, and financial planning will be developed, McGregor's remaining three suggestions can be used to assess the status of reconciliation in the development and implementation of the framework. These include: Enable structural, systemic, and institutional change; provide for cultural safety; and reconciliation in post-secondary institutions: A call to action (this last suggestion would be modified for the purposes of a Call to Action for the Canadian Government).

An Analysis of Reconciliation in Canada's Arctic and Northern Policy Framework and the New Shared Arctic Leadership Model Report

In September 2019, the federal government launched Canada's Arctic and Northern Policy Framework. The purpose of the framework is to close the gaps between northerners and people in southern Canada, specifically in terms of "services, opportunities, and standards of living" (Canada, 2019, p. 1), and to do so through a unique co-development approach.

The document itself is informed by a number of foundational documents, one of which is a 2017 report produced by current Governor General Mary Simon, who at the time was the Minister's Special Representative on Arctic Leadership (and is now Canada's first Indigenous Governor General). Entitled "A New Shared

Arctic Leadership Model” (Simon, 2017), this report was submitted two years before the launch of the framework, and was developed by Simon at the request of the former minister of the former Department of Indigenous and Northern Affairs to provide advice from the people of the North on two key topics:

1. New ambitious conservation goals for the Arctic in the context of sustainable development;
2. The social and economic priorities of Arctic leaders and Indigenous people living in remote Arctic communities. (Simon, 2017, p. 6)

Simon’s report drew on engagements across northern Canada in order to represent the diverse voices, and was structured into two parts: “(1) What I heard: Our strengths and challenges in the Arctic; (2) Developing a new Arctic Policy Framework” (Simon, 2017).

In addition to this report (and other foundational documents), the framework is also informed by engagements with several organizations, governments, and leaders, as well as the opportunity for Indigenous, territorial, and provincial partners to develop chapters that articulate their own visions and priorities. Based on the feedback received, the framework was developed into three parts. The first section covers the overall vision of the Canadian Arctic and walks through its past and present. The second section addresses the feedback the federal government received from the engagements, chapters, and foundational documents, and articulates a shared future based on these discussions. The final part outlines the specific goals and objectives that have been set out to accomplish this future and concludes with next steps. Following, I conduct an analysis of Canada’s Arctic and Northern Policy Framework (Canada, 2019) and the New Shared Arctic Leadership Model report (Simon, 2017) through three of Deborah McGregor’s suggestions for reconciliation research—respectfully engage with Indigenous Peoples; critically assess the existing body of knowledge; and recognize and reconceptualize the “Indian Problem” as a Canadian problem—to assess whether Canada’s Truth and Reconciliation Commission and Calls to Action have transformed Canada’s Arctic policy and program development context and to identify what aspects still need work.

Respectfully Engage with Indigenous Peoples

McGregor states that too often Indigenous people have been brought into projects as “research subjects’ and participants” (McGregor, 2018, p. 824) and not as equal partners or, as she states, “universities have failed consistently to engage with Indigenous peoples as *people*” (p. 825). Coyle (2017) also cites this issue in “The Transformative Potential of the Truth and Reconciliation Commission:

A Skeptic’s Perspective,” stating that reconciliation will require “reciprocal engagement to establish a more harmonious relationship grounded in respect for the individual and collective aspirations of Indigenous peoples” (Coyle, 2017, p. 791). One of the biggest issues is that Indigenous Peoples are engaged with not on their terms but on the terms of the institution. From this perspective, engagement becomes more of a checklist exercise, as opposed to an authentic approach to engaging collaboratively. Corntassel (2009) discusses this in the context of what is called asymmetrical power relationships. Corntassel states,

When state objectives, such as certainty and legitimation, tend to override questions of justice, it becomes clear that any pursuit of reconciliation with the state must first acknowledge the asymmetrical power relationships between states and Indigenous peoples which can so easily derail questions of justice and decolonization. (Corntassel, 2009, p. 145)

Given these insights, ensuring Indigenous Peoples are collaboratively a part of the process is central. Ultimately, McGregor talks about the importance of establishing relationships at multiple levels to support dialogue and the mutual exchange of ideas, and holding engagements on equal terms as opposed to the institution’s own. The co-development approach that the federal government cites in the development of the framework would, in theory, align nicely with these authors’ perspectives on engaging with Indigenous Peoples on equal terms as opposed to just on an institution’s terms. To begin with, the engagement is framed around consensus-based traditions of Arctic and northern Indigenous Peoples. It reads:

Inspired by the consensus traditions of Arctic and northern Indigenous peoples, the federal government sought to engage representatives of territories, provinces, and Indigenous peoples as partners in the development of this policy framework. (Canada, 2019, p. 6)

The document identifies who the federal government committed to include in co-developing the framework, which includes: Inuit, First Nations, Métis, territorial governments, and the governments of Manitoba, Quebec, and Newfoundland and Labrador (Canada, 2019).

In addition to committing to working with the above partners, the document also details the types of engagements that took place:

This federal framework is informed by extensive engagement, including:

- Regional roundtables held in Arctic and northern communities
- Internet-based roundtables
- A public submission process (Canada, 2019)

Furthermore, the document states that an important part of the co-development approach was the development of chapters from each of the groups the federal government committed to working with. It reads:

A crucial element of this innovative, cooperative form of policy making is the inclusion of chapters from our Indigenous, territorial and provincial partners. Through these chapters, our partners speak directly to Canadians and to the world, expressing their own visions, aspirations and priorities. These critical components of the Arctic and Northern Policy Framework map out areas of present and future collaboration between partners and the Government of Canada, and will provide guidance on the implementation of the Framework. (Canada, 2019, p. 2)

Finally, the document outlines the prior extensive work it built upon. It reads:

In developing this framework, we have built on the extensive work already done by Indigenous, territorial and provincial partners. This includes the Pan-Territorial Vision for Sustainable Development, which is foundational to the framework ... Other key policy initiatives that have contributed to the development of the framework include:

- Strategies developed by Inuit Tapiriit Kanatami such as:
 - *National Inuit Suicide Prevention Strategy*
 - *National Inuit Strategy for Research*
- The *Parnasimautik Consultation Report* produced by Nunavik Inuit
- The Government of Quebec's Plan Nord
- The work of the Look North steering committee appointed by the Government of Manitoba

... Another important contribution to this framework was made by Mary Simon, the Special Representative of the Minister of Indigenous and Northern Affairs, who advised the federal government on the most pressing issues facing the region. (Canada, 2019, p. 7)

In sum, the document identifies what appears as a fulsome engagement process, including everything from committing to working with Indigenous Peoples, using Indigenous consensus-based practice as a foundational approach to engagement, holding roundtables, using past policy documents, and inviting chapters from each of the impacted representatives in the North.

While this co-development approach is quite fulsome, there are other aspects of the document that raise questions around how effective this engagement

process actually was. For example, before listing all of the aspects that constituted the engagement, the document reads:

All have made considerable contributions. There is not unanimous agreement on all issues, but robust and respectful discussion has shaped this document. (Canada, 2019, p. 6)

Identifying the engagements as “contributions” suggests that there is not an equal participation in the development of the framework, but rather a central source, that being the federal government, that is incorporating aspects of the engagement on its own terms. This kind of language indicates a possible reproduction of asymmetry in the engagement process. Further to this, the document ends with a quote regarding the chapters, stating:

As part of the development of the framework, we decided it was important for partners to be able to express themselves directly, to lay out their visions, aspirations and priorities. While the framework chapters are an integral part of this process, they do not necessarily reflect the views of either the federal government, or of the other partners. (Canada, 2019, p. 38)

Again here, it is confusing to read that on the one hand the chapters formed an integral part of the development of the framework, while on the other hand they do not represent the federal government’s views and are seen as separate communications from the actual framework that is outlined in the document. While these remarks raise questions, they could also mark a difficulty encountered in achieving what was intended with the co-development approach.

In the New Shared Arctic Leadership Model final report, Mary Simon provides what she calls “principles of partnership” (Simon, 2017, p. 21), which could serve as a guide to planning engagement, or working through barriers encountered in engagements with Indigenous Peoples in the North; she also provides guidance about how to best work together to establish reconciliatory relationships. A few of the nine principles include:

1. Understanding and honouring the intent of Section 35 of the Constitution Act of 1982: All partners should understand and honour Canada’s commitment to upholding Section 35 of the Constitution and strive to achieve forward momentum in defining how Section 35 can be applied to evolving policy and program initiatives.
2. Reconciliation: Reconciliation in partnerships and policy-making involves, at a minimum, a commitment to restoring relationships, seeing things differently than before, and making changes in power relationships.

5. Arctic leaders know their needs: Recognize that Arctic leaders know their priorities and what is required to achieve success.

9. Respecting Indigenous Knowledge: Indigenous and local knowledge must be valued and promoted equally to western science, in research, planning and decision-making. (Simon, 2017, p. 21–22)

Simon's guidance, specifically principle #2 on reconciliation, could help act as a guide for the federal government in terms of approaching potential obstacles. For example, this principle recommends a commitment to seeing things differently and making changes to power relationships. This principle may be useful for the chapters where the framework document states that there are views not shared by the federal government (or other partners), although these chapters are identified as integral to the framework. Perhaps a further step towards reconciliation would be to ask how those views could be shared or be more centralized in the framework as opposed to remaining on the outside.

Critically Assess the Existing Body of Knowledge

McGregor talks about the importance of critically examining “what is currently ‘known’ about Indigenous peoples” (McGregor, 2018, p. 824), and the knowledge that exists within the institution. She cites the fact that most of this “knowledge” is based upon non-Indigenous people doing research on or about Indigenous Peoples, clarifying that this kind of knowledge does not represent who Indigenous Peoples are. Coyle (2017) also speaks to this point, by stating “A determination to correct the continuing manifestation of colonialism in Canada’s relationship with Indigenous peoples implies recognition of their existence and their persistence in shaping that relationship today” (Coyle, 2017, p. 784). In fact, Smith’s “Decolonizing Methodologies: Research and Indigenous Peoples” (2005) is based upon the idea that all of what is “known” about Indigenous Peoples has been constructed through colonial research practices, and that decolonizing methodologies need to be put in place in order to create space for Indigenous Peoples to define for themselves who they are. In alignment with all of this, McGregor suggests that a reconciliatory approach would create space for Indigenous Peoples to define who they are and what knowledge is important to know.

In the framework document we come to know northern Canada and the Arctic, and the Indigenous people who live there, in a number of ways. First and foremost, we learn that Indigenous Peoples do not have access to the same living standards and opportunities as other Canadians.

For too long, Canada's Arctic and northern residents, especially Indigenous people, have not had access to the same services, opportunities, and standards of living as those enjoyed by other Canadians. (Canada, 2019, p. 1)

We also know that Indigenous Peoples have been deeply impacted by colonialism, and the document recognizes some of the impacts of pre- and post-settlement.

The impacts of colonialism in the Arctic and the North affected Indigenous peoples in many ways, including diseases, cultural assimilation including through residential schools, coerced relocation, and the drawing of international boundaries severing familial and cultural ties. (Canada, 2019, p. 8)

Finally, the document recognizes some of the achievements of northern Indigenous Peoples over the last fifty years. As an example, it lists various land claim agreements that have been settled. Some of these include the 1975 James Bay and Northern Quebec Agreement, the 1984 Inuvialuit Final Agreement, the 1993 Yukon Umbrella Final Agreement, and the 1991 Nunavut Agreement.

Northern Canada is also viewed as an area at risk with both climate change and international and security issues. The document states:

The Canadian North is warming at about 3 times the global average rate, which is affecting the land, biodiversity, cultures and traditions. At the same time, climate change and technology are making the Arctic more accessible. The region has become an important crossroad where issues of climate change, international trade and global security meet. As melting sea ice opens shipping routes, it is also putting the rich wealth of northern natural resources within reach. Increased commercial and tourism interests also bring increased safety and security challenges that include search and rescue and human-created disasters ... As the region undergoes rapid environmental change and international interests surge, Canada must demonstrate renewed Arctic leadership. (Canada, 2019, p. 3)

While Mary Simon's report (Simon, 2017) would align with some aspects of these descriptions—for example, the acknowledgement of colonialism and its impacts, or the accomplishments that Indigenous Peoples have achieved—other aspects need to be challenged, such as thinking of Indigenous Peoples as needing to “catch up” to southern Canadians, or seeing the Canadian Arctic as centrally a highly desirable region for international trade and commercial and tourism interests.

Simon outlines in her report how Indigenous Peoples in the Canadian Arctic would like to be seen. To begin with, she states that a common thread in her discussions with people has been a request for a “shift in thinking about the Arctic as a remote, marginal and sparsely populated region of Canada, to thinking about the Arctic as a representation of who we are as an Arctic nation, linked to a new era in intercultural relations, global science and sustainable development” (Simon, 2017, p. 6). The framework could begin with making a shift in this very idea of what the Canadian Arctic is. Instead of it being a place that is highly desirable for international trade and interest, it is a place filled with resilient people who have established self-governance over the past fifty years, and who are willing to represent Canada on the international stage in terms of ensuring Canada’s Arctic security in the global context.

Further to this, Simon lists the strengths of Indigenous Peoples in northern Canada. She states,

In the last 40 years, a lot of hard work has produced:

1. section 35 of the 1982 Constitution Act, providing constitutional protection to the Aboriginal and treaty rights of Aboriginal peoples in Canada
2. new governance models, including a new government in Nunavut
3. constitutionally-protected land claims agreements across the Arctic
4. devolution agreements concluded with two of three Arctic governments and one in discussion
5. negotiation of Permanent Participant status for Indigenous organizations on the Arctic Council
6. the emergence of a 21st century economy in the Arctic that includes wide participation by Indigenous-owned companies
7. successful models where communities and local champions have taken concrete action on social issues
8. Canada’s full endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, and the Calls to Action by the Truth and Reconciliation Commission
9. a concerted effort to promote and protect Canadian sovereignty in the Arctic. (Simon, 2017, p. 8–9)

The framework certainly mentions some of these accomplishments, for example the land claim agreements, UNDRIP, the new governance models in Nunavut, and the devolution agreements, two of which have been signed with the Northwest Territories and the Yukon, and one currently in negotiation with Nunavut. For

the framework to recognize Indigenous Peoples in the Arctic in the way that they are asking to be represented, the framework could go further to discuss section 35, the emergence of a twenty-first century economy specific to Indigenous-owned companies, and Indigenous Peoples' role in promoting and protecting Canadian sovereignty in the Arctic. These suggestions from Simon are a good place to identify the gaps in the framework regarding how Indigenous Peoples in the Canadian Arctic are recognized within the policy development process, and ways to address those gaps.

Recognizing and Reconceptualizing the “Indian Problem” as a Canadian Problem

Deborah McGregor talks about “recognizing and reconceptualizing the ‘Indian Problem’ as a Canadian Problem.” Here, she refers to a statement made by the Honourable Justice Murray Sinclair in regard to the TRC:

The Honourable Justice Murray Sinclair has stated repeatedly that the findings of the TRC highlight problems which are not uniquely Indigenous: they are problems shared with Canada (and Canadians) based on a shared colonial history and conflict-ridden present. Therefore, we must fundamentally challenge the fact that research continues to focus on ‘addressing the Indian Problem’ or addressing the damage rather than recognizing that the challenges are faced by us all ... ‘The Indian Problem’ or the ‘Indian as a Problem’ is a persistent yet fictional construct that continues to haunt Indigenous peoples ... (McGregor, 2018, p. 823)

This notion of the “Indian Problem” is discussed across Indigenous studies scholarship. Most notably, Newhouse and Belanger give a detailed account of how this framing has been used over many different governments in their chapter entitled “The Canada Problem in Aboriginal Politics” (2011). They state,

Since the arrival of the Europeans and the establishment of governments in Canada after 1763, government officials have been trying to decide what to do with the original inhabitants: each government over the years has had a particular view of the ‘Indian problem’. At one time or another, the problem would be framed as ... how to civilize them; how to assimilate them; and now how to transform them into an ethnic group as part of the multicultural environment of Canada. Each of these views of the Indian problem has led to a particular policy solution and a set of actions by government officials. (Newhouse & Belanger, 2011, p. 355).

In “A Move to Distract: Mobilizing Truth and Reconciliation in Settler Colonial States” (George, 2020), George speaks to this concept of “the Indian problem”

stating that there has been a “trajectory of elimination” (p. 90), whereby the state has developed various policies and programs based on the idea that Indigenous sovereignty is a problem and needs to be fixed (as opposed to honouring Indigenous sovereignty and finding a way to co-exist). In alignment with these authors, McGregor highlights Justice Sinclair’s quote to suggest that a reconciliatory approach means, first and foremost, ensuring that this approach to the concept of the “Indian problem” is not repeated, and that it be understood that the concept is rooted in assimilatory perspectives and practices. Once this is acknowledged, work towards reconciliation should be done together, with the “problem” involving all Canadians and hence, the “Indian problem” as the “Canadian problem.”

Thinking about this idea in the context of Canada’s Arctic and Northern Policy Framework, I ask: does the framework reflect this pattern of the “Indian problem” or does it embrace the notion of a “Canadian problem”? At first glance, the framework appears to embrace the notion of a “Canadian problem” by way of acknowledging that the policies about the North made in Ottawa (southern Canada) have not been successful, and suggesting a co-development approach to developing the framework as a way to remedy these past mistakes. This would essentially indicate a shift from the “Indian problem” to the “Canadian problem.” The former minister’s foreword to the framework states,

Our government recognizes that ‘made in Ottawa’ policies have not been successful. The new approach puts the future into the hands of the people who live there to realize the promise of the Arctic and the North. Through the co-development of the framework, and by working in partnership to realize its vision and implement its goals and objectives, this initiative will advance reconciliation and renew Canada’s relationship with Inuit, First Nations, Métis and support the non-Indigenous residents of Canada’s Arctic and North. (Canada, 2019, p. 2)

The recognition of the lack of success of northern policies “made in Ottawa” suggests that the framework acknowledges the assimilative nature of past policies, and that there may be a move from conceptualizing policy from the perspective of “the Indian problem” in the Canadian Arctic, to one of a “Canadian problem.” Using a “co-development” approach as a way in which to remedy past mistakes shows just how the government plans to approach the framework as a Canadian Problem.

And yet, while this has been recognized in the document, the question remains: does the central problem identified in the framework reflect one of a “Canadian problem” or one of an “Indian problem”? As cited earlier when considering critically assessing the existing body of knowledge, another look at the following quote illuminates the central problem identified in the document:

For too long, Canada's Arctic and northern residents, especially Indigenous people, have not had access to the same services, opportunities, and standards of living as those enjoyed by other Canadians. There are longstanding inequalities in transportation, energy, communications, employment, community infrastructure, health and education. While almost all past governments have put forward northern strategies, none closed the gaps for the people of the North, or created a lasting legacy of sustainable economic development. (Canada, 2019, p. 1)

This statement suggests that the problem is that Indigenous people living in northern Canada do not have “access to the same services, opportunities, and standards of living” as southern Canadians. In this statement then, there is still the suggestion that Indigenous Peoples are the problem and that they need to be “caught up” to southern Canadians. For it to fully reflect a shift to a “Canadian problem,” the process would have to start with the problem as identified by those living in the North. A look to Simon's report provides the groundwork for that kind of approach. She states,

I kept returning to two vexing questions:

Why, in spite of substantive progress over the past 40 years, including remarkable achievements such as land claims agreements, Constitutional inclusion and precedent-setting court rulings, does the Arctic continue to exhibit among the worst national social indicators for basic wellness?

Why, with all the hard-earned tools of empowerment, do many individuals and families not feel empowered and healthy?

Embracing the magnitude of these two questions in my opinion, lies at the heart of a new Arctic Policy Framework. (Simon, 2017, p. 7)

Simon makes clear that these two questions should be at “the heart” of any Canadian Arctic Policy Framework. The current problem as outlined in the framework document does not address these questions as central. Perhaps using the above questions as a starting point for the development of the framework would show a shift from the “Indian Problem” to a “Canadian Problem,” as it would reflect a willingness on the part of the federal government to examine the answer to these questions, and to frame a problem that comes from northern Indigenous Peoples as opposed to from policies made in Ottawa.

Conclusion

Craft and Regan (2020) state that

reconciliation is not only an ultimate goal but a decolonizing process of journeying in ways that embody everyday acts of resistance, resurgence, and solidarity, coupled with renewed commitments to justice, dialogue, and relationship building. Reconciliation is, after all, according to the final report of the Truth and Reconciliation Commission (TRC) of Canada, ‘an ongoing process of establishing and maintaining respectful relationships’.
(Craft & Regan, 2020, p. xi)

This quote is quite fitting for what this reconciliation analysis of Canada’s Arctic and Northern Policy Framework (Canada, 2019) and the New Shared Arctic Leadership Model report (Simon, 2017) has illuminated. On the one hand, the analysis reveals the framework has been impacted by the Truth and Reconciliation Commission of Canada through nuanced attempts by the federal government to establish reconciliatory processes in the development of the framework. For example, establishing a co-development approach to developing the framework aligns with the suggestion to “respectfully engage with Indigenous Peoples” (McGregor, 2018, p. 824). Recognizing the impacts of colonialism and the accomplishments over the past fifty years aligns with the suggestion to “critically assess the existing body of knowledge” (McGregor, 2018, p. 823). Finally, acknowledging the fact that policies “made in Ottawa” are not always successful aligns with the suggestion to “recognize and reconceptualize the ‘Indian problem’ as a Canadian problem” (McGregor, 2018, p. 823).

On the other hand, there are still gaps that need to be addressed to truly see a process of reconciliation practices on the ground. For example, using the framework’s chapters or Simon’s principles of partnership as the starting point for the framework would take the current co-development approach one step further to a reconciliation-based approach. Another example would be using Simon’s report to describe who Indigenous Peoples in the Canadian Arctic are as a way in which to move beyond what has been previously produced and to enable Indigenous Peoples to define what that is within the framework. Finally, using Simon’s recommendations on what should be at the heart of any future Canadian Arctic and northern policy framework, would ensure that the problem that the framework is based around to begin with starts with the problems identified by northern Indigenous Peoples themselves, and in that way would be based in a reconciliatory approach.

As work on the framework moves into the next stages of implementation, the progress made and the ongoing gaps can be taken to further move dialogue with

partners and to continue building relationships so that reconciliatory processes can actualize in the Canadian Arctic policy and program development context. Moving into the next stages of implementation will also allow for an opportunity to further this analysis by examining McGregor's (2018) three remaining suggestions more closely. The lessons from this analysis are also significant for other reconciliatory initiatives taking place in northern and Arctic Canada, and will allow for a "decolonizing process of journeying" (Craft & Regan, 2020) to unfold so that reconciliatory processes can be seen unfolding across the various contexts in the North.

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Report

Métis Commercial Fishing: A Legal and Historical Overview of Métis Involvement in the Commercial Fishing Industry

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Abstract: The Métis freshwater, or inland, fishery has been a contentious issue in the Canadian courts for decades, with little progress from the Métis perspective. This report begins by documenting the long history of the Métis as commercial fishers through their employment contracts with the Hudson's Bay Company (1823–1888), and then discusses the challenges the Métis have faced in acquiring rights to a commercial fishery through numerous legal cases since the 1993 Supreme Court of Canada decision *R v. Powley*. A pathway to resolving the Métis commercial fisheries impasse is probably best found at the negotiation table between Canada, the provinces, and the Métis Nations.

1. Introduction

This report is a contribution to a larger research program that is exploring the ongoing struggle of the Métis Nations of Canada to achieve greater access to, and control over, the natural resources they depend upon, but which have all too often been alienated from them by federal and provincial government policies.¹ For decades, the Métis have fought for their freshwater commercial fishing rights through all levels of courts in Canada, leaving little resolved from the Métis perspective. The Province of Saskatchewan recognizes that certain Métis people in Northern Saskatchewan have an Indigenous right to fish for food, while the Supreme Court of Canada 1993 *R v. Powley* decision outlines the legal test for determining which Métis communities possess Indigenous rights and who can exercise those rights (*R v. Powley*, 2003). The onus is on individual Métis to prove they have the right to fish for food. Some of the Powley Test factors include long-standing self-identification as a Métis, community acceptance, and membership in a modern Métis community with ties to an historic Métis community. In addition, the right is site-specific; that is, it can only be exercised within the traditional area of the individual Métis community (*R v. Powley*, 2003).

However, fishing for food is different from fishing commercially. The ability of Métis people in Northern Saskatchewan to fish commercially has historically been impeded by both provincial and federal law. Quotas are particularly troubling. Although quotas are used to protect the ecology of lakes and to prevent overfishing, Métis fishers argue that quotas are too low to provide a sustainable income. Consequently, many Métis fishers rely on employment insurance during the off-season. The various Métis Nations across Canada support the expansion of Métis commercial fishing rights.

This report begins with an historical review of Métis commercial fishing activity in Northern Saskatchewan as captured by the contract history of the Hudson's Bay Company (HBC). This provides evidence of extensive and long-term Métis commercial fishing based on legal contracts between the HBC and individual fishers into the late nineteenth century. Legal and political impediments began to curtail the Métis commercial fishery in the twentieth century, and this is explored in the next section of the report with a legal timeline. The rights of the Métis to fish commercially in the four western provinces is then reviewed. This leads to a review of their rights as determined by Supreme Court of Canada decisions pertaining to Indigenous rights. The report concludes with recommendations for approaches to resolving the impasse outside the courts, which stress balancing the competing interests through negotiated agreements, and the need to move towards reconciliation.

2. The Métis and Commercial Contracts with the Hudson's Bay Company

The history of the Métis People of Northern Saskatchewan and their involvement in the commercial fishing industry is well-documented. Métis Elder Ed Theriau holds that it was common practice for Métis people in Saskatchewan to learn to fish commercially (Theriau, n.d.). It was a way of life sustained by the North's ecological richness and geography. The Churchill River system was at the heart of this industry, and yielded a successful fishing industry (Macdougall, 2010, p. 50).

The Hudson's Bay Company archival records of "Servant's Contracts" indicate that many fishers of Métis ancestry relied on labour contracts with the company to bring hard cash into the economy. Accessible through the Hudson's Bay Company Archives, this searchable online database of contracts provides a wealth of information including the name of the "servant" and the date of their contract, occasionally their age, their own place of origin and their place of work, their occupation (or more specifically what they were contracted to do for the Company), and the value of their contract and its duration (Archives of Manitoba, n.d.). Finally, Company specific location codes indicate whether documentation was from the governor and committee, or post records. For this report, the database of HBC Servant's Contracts was searched in both English and French for common labour activity terms related to fishing. This resulted in 171 unique entries, although some were not complete (see example in Table 1).

The Hudson's Bay Company records indicate that Métis fishers were compensated for their work based on contractual terms, just as were other workers from Eastern Canada and Britain (Archives of Manitoba, n.d.). The HBC records do not differentiate contractors based on ethnicity or race, but they do provide information on place of hire and place of work. This requires linkage of the Servant's Contracts to Métis community genealogy records. Fortunately, the Hudson's Bay Company Archives,² as well as the Gabriel Dumont Institute (<https://gdins.org/>) and the Glenbow Museum (<https://glenbow.org/>), among others, have undertaken extensive genealogies of the Métis in Western Canada. The authors have used these sources to build, for the first time, a probable list of Métis involvement in the commercial fishery by linking the HBC Servant's Contracts to genealogical profiles. These three main Métis genealogy sources were sourced online. Inevitably, new biographical entries are being made, some of the Servant's names may be different from those of their biographical entries, and where uncertainty existed the decision was made not to include contractors that could not be clearly defined as Métis. Discussion of these decisions is provided in the text below.

This dataset represents perhaps some of the earliest journey-to-work data available to Canadian labour historians, with dates in our sample ranging from 1823 to 1888, a span of sixty-five years covering most of seven decades. Métis

participation is definitively found throughout the pre- and post-Confederation eras, as is a broad sweep of workers from Eastern Canada and Britain, mainly Scotland.

The results tallied 171 contracts with references to fishing, of which 166 provided the name and profession of the contractor, with dates of employment and value and term of contract along with location of work and a code for the HBC post or territory. We have less complete data on age and origin. “Origin” creates a challenge for researchers, as in many cases of Métis hires an origin is not provided; only the place of work as per the contract is available. In most cases of non-Métis hires, especially those coming from Britain or Quebec, place of origin (i.e., hire) and place of work are regularly provided. For example, Jean Baptiste Sylvestre of Métis origin headed to Île-à-la-Crosse in 1852, and he is listed as originating in Canada, perhaps meaning locally (see Table 1).³ But this does not appear to be the case with possible Métis workers such as Baptiste Ducharme (dit) McKay⁴ who has neither origin nor place of work listed, but who received payment in 1860 at Fort à la Corne east of Prince Albert. Although this appears to be a Métis name combining French and Scottish heritage, the records accessed to date do not confirm his Métis heritage as we found that the only Baptiste was born after the contract was signed. Perhaps this is his son.

Table 1. Examples from the Name Index. Hudson’s Bay Company Records Servants’ Contracts (1780–ca. 1926)

Name	Date	Age	Origin	Work Location	Occupation	Miscellaneous (Value/Years)	Location Code*
Sylvestre, Jean Baptiste	1852	–	Canada	HB [SK] Île-à-la-Crosse	Fisherman	£20 pa. (1) his mark	A.32/55 fo.283
Beaudrie, Joseph	1855	–	Canada Indian Country	No Data	Interpreter	£30 pa. (3) his mark to receive sterling for animals given to company + ½ 8-gall keg crash sugar 1 bag flour 4 lbs tea	A.32/21 fo.211-212

* See https://www.gov.mb.ca/chc/archives/hbca/resource/post_rec/types.html

Source: Archives of Manitoba. (n.d.). *Servants' Contracts (1780–ca.1926)*. Hudson's Bay Company Archives Resources. https://www.gov.mb.ca/chc/archives/hbca/name_indexes/hbc_servants_contracts.html

Of the 162 records indicating a known origin of the HBC fishery contractor, 35% of those contracted between 1823 and 1888 were of Métis ancestry, based on our preliminary cross-referencing of names to genealogical records. Scots made up some 38% of the fishery contractors, while the remaining 28% had origins elsewhere in Canada including Quebec and Manitoba. Métis contractors accounted for slightly more than a third of the HBC's contracted fishery workforce throughout this sixty-five-year period. However, it is important to consider that the ancestry of several workers could not be traced, and thus this number could be higher.

We can also break out the fishery contracts by whether the workers were domestic or international hires. Throughout the sixty-five years in question the HBC appears to have had a strong investment in local hires, with 51% of their fishery labour force coming from within what is today Canada. But worker's roots in the Scottish Highlands and Islands is well documented—35% of the fishery labour force originated in Britain from places such as Ullapool in Lochbroom, in northern Scotland, or from Stromness, Sandwick, and Linklater, in the Orkney Islands. These place names appear along with Canadian places of origin such as “Rupert's Land,” Trois Rivières, St. Michel d'Yamaska, “North West America,” Île-à-la-Crosse, and English River. The place of origin of some 14% of the contractors was not included.

The place of origin of “North West America” and the location of work within North America certainly speaks to the far-ranging nature of the Métis contractors hired. For example, in 1854 Antoine Tourangeau was paid £23 per annum on a three-year term; he made “his mark” (indicating he was illiterate) and promised to remain inland in North West America for one of the three years. He was paid out of Norway House, Manitoba, and was listed as a fisherman middleman. Another example is perhaps indicative of the barter system still being essential to Indigenous workers, with Alphonse Lieucheux signing a contract in 1885 as a fisherman and sawyer for 30 MB (Made Beaver) per month, plus tea and tobacco—a contract he resigned in 1886. In 1843–44 at Fort Vancouver, 30 MB would have bought 90 lbs of tobacco or thirty blankets (Holloway, 2012). However, by the 1880s an MB was actually a value of currency, not an actual beaver pelt.

The data also speaks to the question of wage equality within the commercial fishing industry with domestic contractors averaging £24.3 per annum compared to £24.6 per annum for contractors originating out of Scotland. Given the inequality in the wage economy today between the Indigenous and settler societies, one would expect that it has an historic precedence. This is not the case. Métis fishers were actually paid slightly higher contractual rates than other contractors at £25 per annum compared to £23.8 per annum for “other Canadian” contractors, and

£24.6 per annum for the mainly Scottish European contractors. Clearly the HBC did not financially discriminate against its Métis contractors, seeing them as an important element within their business.

In total, 166 contracts in the database between 1823 and 1888 provided term limitations for the workers, with a two-year contract being most common (63 or 38% of all contracts) (Figure 1). Working in the fishery also created long-term employment opportunities for the Métis and other contractors who signed up out of Quebec and the Scottish Highlands—contracts were one to three years for domestic hires, with the longer five-year contracts (19/166) held by the Scottish contractors. Throughout the period, HBC fishery contracts averaged just over £28 for contracts of between one and two years, but dropped to £23 plus for three and five-year contracts—which suggests that contractors traded income for longer term security (see Figure 2).

However, cash payments were not the only payments made to the contractors, as their contracts could include gratuities such as “a large, dressed Moose skin at Peel River” for Magnus Harvey, from Sandwick, Orkney Islands (Archives of Manitoba, n.d.); or “two large dressed moose skin & reindeer skins 20 lbs grease” (Archives of Manitoba, n.d.) in 1870 for Alexander McLeod C, a Scot out of Stornoway and paid out of Fort Chipewyan. Gratuities, though, were not the norm.

The contracts also provide a unique time series on the value paid over time. Figure 3 displays the rise in the average fishery contract between 1823 and 1888 from £19.65 to about £29 by the end of the 1880s. Two data points have been pulled out, from a low of £17 during the worldwide recession, which especially hit western North America in 1876, and a high of £34 per annum a decade later when labour would have been scarce in the west due to the Riel Rebellion. One of the highest contracts awarded was to John Stuart, a Scot—for his work as “Fisherman, Teamaker, General Service” in Athabasca for two years at £40 per annum.

Across Western Canada, Métis people harvested fish at HBC trading posts. They especially did so in Northwestern Saskatchewan (Reimer & Chartrand, 2002). They were both valued labourers and skilled fishers. Several Métis fishers were employed by the Hudson’s Bay Company to provide fish to feed sled dogs in the region (Theriau, n.d.). This is because travelling by sled was a common mode of transportation at this time, especially during the harsh winter months (Theriau, n.d.).

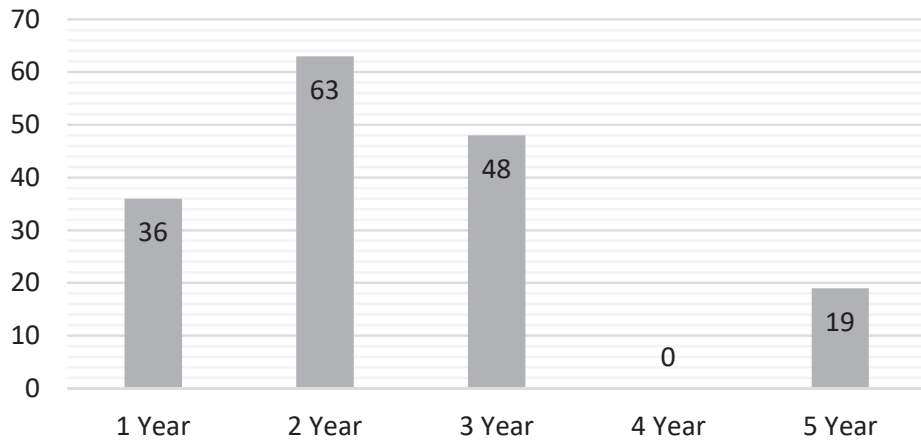


Figure 1. Number of HBC contracts per length of fishing contract, 1823–1888.

Source: Archives of Manitoba. (n.d.). *Servants' Contracts (1780–ca.1926)*. Hudson's Bay Company Archives
 Resources: https://www.gov.mb.ca/chc/archives/hbca/name_indexes/hbc_servants_contracts.html



Figure 2. Average HBC payment in £ Sterling, per length of fishing contract, 1823–1888.

Source: Archives of Manitoba. (n.d.). *Servants' Contracts (1780–ca.1926)*. Hudson's Bay Company Archives
 Resources: https://www.gov.mb.ca/chc/archives/hbca/name_indexes/hbc_servants_contracts.html

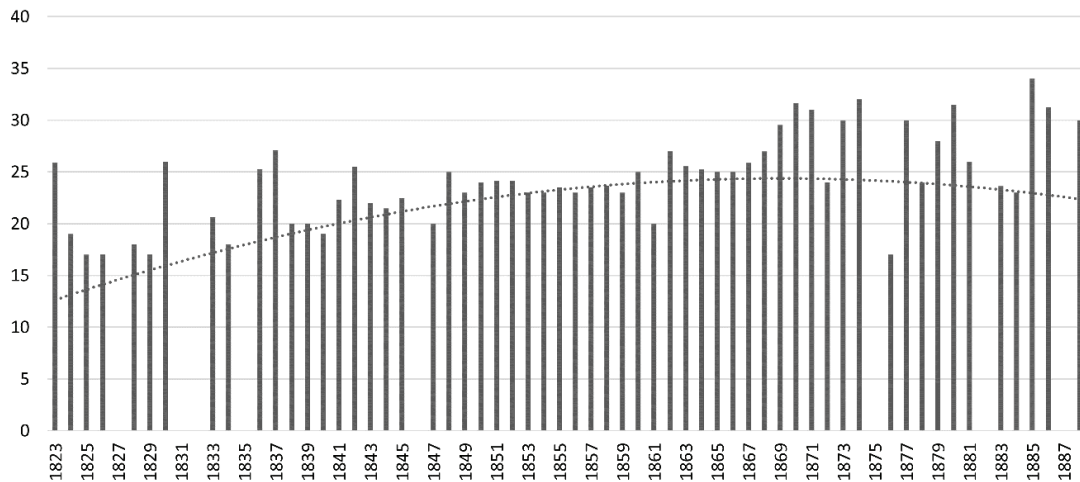


Figure 3. Average HBC payment per year in £ Sterling, HBC fishing contracts 1823–1888 (n=166), with polynomial trendline. Source: Archives of Manitoba. (n.d.). *Servants' Contracts (1780–ca.1926)*. Hudson's Bay Company Archives Resources. https://www.gov.mb.ca/chc/archives/hbca/name_indexes/hbc_servants_contracts.html

Records from the HBC also document payment to several contractors referred to as possessing a “Native mark” (Archives of Manitoba, n.d.). Many of the men listed in the name index as Indigenous, such as Joseph McLellan and Baptiste dit McKay Ducharme, possess easily identifiable European names. This suggests that the workers were of mixed Indigenous and European ancestry. These names are only a portion of the extensive research completed into the genealogies of hundreds of HBC contractors. For example, Michel Bouvier, of Île-à-la-Crosse, is recorded as holding a contract in 1842 for one year, and again in 1857 for a single year. In 1857 the contract included allowances of food supplies for his services during the winter as carpenter and *coureur* (runner). Did he only work on contract these two years? That seems unlikely given that he was seen as a valuable carpenter and *coureur de bois*, leaving us to question the completeness of the HBC contracts that are available. Perhaps Michel was employed each year on annual contracts and they have just not survived.

Another example is that of Île-à-la-Crosse resident Pierre Laliberté (dit Lachouette), a family name of considerable history in the community to this day. Pierre is listed twice in the name index as he went by two names, and these are recorded as separate entries. (In our research this second name was removed from the baseline record.) Pierre also appears in two entries, 1842 and 1851, signing up first for a two-year contract, and then a three-year term—as noted by his mark. By 1851, he had moved up to be a “Gouvernail Steersman,” the most responsible position in a canoe. His previous position was listed as *Boute*, which may be *J’suis à boutte*, literally meaning “I’m at the end,” so he was always the steersman.

The HBC fishery contracts indicate that these Métis men were regarded as contractors working for the HBC in the fishing industry, illustrating that their history is rooted in commercial fishing practices. The contracts also indicate that these Métis fishers accounted for a significant portion of the commercial fishing industry during the HBC's economic monopoly, acting as entrepreneurs harvesting the region's natural resources for profit through the sale of their services to the Company.

3. Legal Timeline

In 1878, the Canadian government first interfered with Indigenous fishing rights by making a distinction between fishing for subsistence purposes (food) and fishing for sale and trade (that is, small-scale commercial fishing); and in 1889, the *Federal Fisheries Act* prohibited Indigenous people from selling fish or owning fish licences (British Columbia Ministry of Education, n.d.). Canada first modified Indigenous fishing rights through the *Constitution Act 1930*, “which dictated that First Nations would retain the right to fish and hunt off reserve, but only for subsistence rather than commercial purposes” (Pitawanakwat, n.d.). Since then, Canadian courts have restricted the Indigenous right to sell and trade fish, or have allowed the Crown to limit the right through regulations intended to protect fish stocks (Pitawanakwat, n.d.).

Running parallel to this fishing history is the history of an emerging legal framework that recognizes the Métis as distinct Indigenous Peoples with fishing rights that mirror the rights of First Nations Peoples, and recognizes the need to renew nation-to-nation relations with the Métis based on co-operation and partnership.

The Métis “have had a unique ... route to Canada's recognition of [their] rights. The genesis of the limited Métis rights dynamic can be traced to Canadian policymakers in the nineteenth century who either downplayed Métis Indigeneity, or only recognized Métis rights and title in order to extinguish them” (Gaudry, 2018). It was only in 2003, with the Supreme Court of Canada decision in *R v. Powley*, that the Métis as a rights-bearing community distinct from First Nations or Inuit Peoples were first recognized. In 2016, the *Daniels v. Canada* decision established that the federal government, rather than provincial governments, holds the legal responsibility to legislate on issues related to the Métis (and non-status Indians). In this case, the Supreme Court of Canada reaffirmed the Crown's fiduciary duty to consult with Indigenous Peoples when they have credibly asserted or established their rights and claims, a duty originally recognized in 1984 in *Guerin v. The Queen*. The Métis community has taken this to mean that the federal government has the heightened responsibility to negotiate with the Métis

on such issues as land and natural resource rights (Manitoba Métis Federation, 2020). On June 27, 2019, the federal Liberal government signed self-government agreements with the Métis Nations of Ontario, Alberta, and Saskatchewan. The agreements set out a process for negotiating other agreements, such as fishing agreements. These agreements are a breakthrough for some Métis communities who have long demanded the right to own, govern, and use the fishing resources on their Traditional Territories (Tasker, 2019). Since these negotiations are in their earliest stages, the precise nature of future Métis commercial fishing rights remains unsettled.

The historical legal timeline shows that Métis fishers have relied heavily on the courts to define the nature and scope of Indigenous fishing rights and the interrelationship between Indigenous rights and both federal and provincial laws. When Métis fishers approach the courts for recognition of their rights to sell and trade fish, they must work within and against this framework. It is important to note that their recourse for this right is to use a system that has historically oppressed them and denied them their rights. It is not surprising then, that Métis fishers have routinely been dissatisfied with how the courts have characterized their right to sell and trade fish.

Although Métis fishers have traditionally relied heavily on the courts, the courts have nevertheless routinely suggested that the best way to balance the competing interests of Métis fishers with the right of the Crown to manage fisheries is through negotiation and compromise. The courts should only be used as a last forum to settle disagreements.

4. Selling and Trading Fish in Western Canada

a. British Columbia

Commercial fisheries are a significant contributor to the economy of British Columbia (BC). The industry includes the commercial harvesting of more than eighty different species of fish and marine plants from both freshwater and marine environments (Government of British Columbia, n.d.).

Satisfying the legal test that will yield a constitutional right to fish commercially is a hurdle for any Métis fisher who wants to fish commercially. In 1995, Dorothy Van der Peet, a member of the Stó:lō Nation, was arrested for selling ten salmon that were caught under a food-fishing licence intended for food and ceremonial purposes. Van der Peet believed that section 35(1) of the *Constitution Act, 1982* enshrined her right to sell fish. She was found guilty both by the provincial court and on appeal (*R v. Van der Peet*, 1996).

The Supreme Court of Canada upheld the conviction, finding that to constitute an Aboriginal right, an activity must be an element of a custom, practice,

or tradition forming an integral part of a distinct culture of the Aboriginal group claiming the right in question. In the words of the Court, Van der Peet had “failed to demonstrate that the exchange of fish for money or other goods was an integral part of the distinctive Sto:lo society which existed prior to contact” and so it was not an “Aboriginal right recognized and affirmed under s. 35(1) of the Constitution Act, 1982” (*R v. Van der Peet*, 1996, para. 91). Thus, Van der Peet’s fishing rights did not extend to the right to exchange fish for money or other goods. As noted by Hanson and Salomons:

Critics of the *Van der Peet* test also point out that the test situates Aboriginal cultural practices in the past. Critics argue that both the ruling and the test rely on the notion that Aboriginal cultures and traditions are static and unchanging, and ignore the inherently dynamic, adaptive nature of culture. (Hanson & Salomons, 2009)

During the salmon fishing season, tensions between Indigenous and non-Indigenous fishers are common on the Fraser River. In 1998, a group of non-Indigenous fishers protested an Indigenous-only opening on the lower Fraser River that had been negotiated by three First Nations under a pilot sales agreement (Indigenous Foundations, 2009). The non-Indigenous fishers argued that the agreement gave the First Nations an unfair “race-based” advantage that “violated equality guarantees in the Constitution” (Indigenous Foundations, 2009). Both the BC Court of Appeal and the Supreme Court of Canada rejected this, finding that Indigenous fisheries “are not race-based, nor were they created or ‘granted’ by the Crown” (Indigenous Foundations, 2009; The Canadian Press, 2007).

Eight years later, on July 12, 2006, Prime Minister Stephen Harper vowed to end the so-called race-based commercial fisheries in Canada. In a letter published in the *Calgary Herald*, Harper wrote “In the coming months, we will strike a judicial inquiry into the collapse of the Fraser River salmon fishery and oppose racially divided fisheries programs” (*Harper vows*, 2006). The debate about whether Indigenous fishers enjoy a race-based advantage continues.

Confrontations on river and coastal fishing grounds, such as the one on the Fraser River in 1998, represent ongoing conflicts that have deep historical roots. The Indigenous claim is that Indigenous communities used and managed the salmon fisheries as distinct political communities long before British assertions of sovereignty. With the growing importance of the West Coast non-Indigenous fisheries, the management of fisheries in British Columbia was gradually and systematically taken over by the state, which has fostered much disagreement and litigation between Métis fishers and the province (Aboriginal Fisheries in British Columbia, 2009).

On February 13, 2019, the Métis Nation of British Columbia (MNBC) wrote to the National Indigenous Fisheries Institute (NIFI) (Métis Nation of British Columbia, 2019). The MNBC supports involvement of the Métis in commercial fisheries in BC and their increased participation in fisheries management decision-making processes. In the letter, the MNBC wrote that fishing, including commercial fishing, has always been a vital aspect of Métis culture in British Columbia. The MNBC therefore requested that the Métis be included in any Indigenous-directed fishery programs administered by the Government of Canada. Inclusion would:

- acknowledge the importance of fishing to Métis culture,
- give the Métis the capacity to undertake scientific stock assessments,
- allow Métis to undertake habitat management activities in the field,
- allow Métis fishers to monitor catch and fishing activities, and
- allow the Métis to enforce rules set for food, social and ceremonial purposes. (Métis Nation of British Columbia, 2019)

It is noted in the letter that Métis participation in any Indigenous-directed fishery programs flows from the constitutionally protected rights of the Métis under section 35 of the Canadian constitution. In the letter, the MNBC states that it will work diligently to protect and enhance the fishing “resources that the Métis people in BC rely on as a way of life and cultural connection” (Métis Nations of British Columbia, 2019, para. 13).

In the spirit of reconciliation, the Métis Nation of British Columbia (MNBC) continues to highlight its commitment to work with the governments of Canada and British Columbia, as well as First Nations, to enhance Métis commercial fishing rights.

b. Alberta

Commercial fishing is not permitted in Alberta. All commercial fisheries in Alberta were closed as of August 1, 2014 (Government of Alberta, 2019). All fish resources in Alberta are managed entirely for Indigenous subsistence commitments and for tourism and sport (Freshwater Fish, 2016).

In March 2019, the Métis Nation of Alberta announced the new Métis Harvesting Agreement and Policy. The agreement recognizes the rights of eligible Métis to fish for food in five regional Métis Harvesting Areas in central and northern Alberta (Métis Nation of Alberta, 2020a). The policy “significantly expands the harvesting areas in which approved Métis fishers can ... fish,” and it “states that Métis harvesters must show both an ancestral and current connection to the area in which they would like to [fish]” (Métis Settlement of Alberta, 2019). Qualified Métis fishers can fish for food year-round on all unoccupied Crown

lands within the harvesting area. However, as mentioned above, commercial fishing is not permitted in Alberta.

On January 28, 2020, Alberta Fish and Wildlife Enforcement (AFWE) “announced the conclusion of a two-year investigation targeting the illegal trafficking of fish in northern and central Alberta” (Métis Nation of Alberta, 2020b). Charges were brought against thirty-three individuals with eighty counts of illegal trafficking of fish. The case involved several Métis Albertans. The Métis Nation of Alberta (MNA) asserted that it was “unclear whether the case is one of Métis commercial fishing rights” (Métis Nation of Alberta, 2020b). At any rate, commercial fishing “has always been a part of Métis livelihood” (Métis Nation of Alberta, 2020b). Although the MNA “does not condone poaching or overharvesting in any way,” the MNA said they will continue to assert a Métis commercial fishing right and will continue negotiations with Alberta to have the right recognized (Métis Nation of Alberta, 2020b).

c. Manitoba

Commercial fishing is a valued industry in Manitoba (Tough, 2020). The majority of production comes from Lake Winnipeg and Lake Manitoba. The Government of Manitoba “is trying to replenish the fish stock” in the lakes “by reducing the number of allowable catches ... Quotas determine how much fish can be taken from the water each year by commercial fishers” (Froese, 2019). As of 2019, the province “has bought back 126 quotas from ninety fishers, representing almost 525,000 kilograms of fish that can no longer be caught commercially ... The size of Manitoba’s fish stock has been depleting due to overfishing,” and regulation “changes will move [Lake Winnipeg] closer to a tenable population” (Froese, 2019).

On May 8, 2019, the Manitoba Métis Federation (MMF), Manitoba Keewatinowi Okimakanak (MKO), and Southern Chiefs Organization (SCO) hosted an emergency meeting to address the consequences of the Province of Manitoba’s commercial fishing licence buy-back program. According to David Chartrand, MMF President, the buy-back is devastating to “Métis villages that rely on the Lake Winnipeg fishery” (*Plans to replenish*, 2019). The resulting job losses mean not only that people are thrown out of work and families are moving away, but that these villages and a whole way of life are being lost.

d. Saskatchewan

The Government of Saskatchewan recognizes the Métis right to fish as an inherent right. However, Canada and Saskatchewan first modified this fishing right through the *Saskatchewan Natural Resources Act, 1930* by placing restrictions

on that right, which prevented Indigenous Peoples from selling or trading fish (Pitawanakwat, n.d.). In short, in Saskatchewan, Métis fishers do not possess the right to fish commercially; fish cannot be advertised, sold, bartered, or traded. Individuals may only take numbers of fish that are reasonably required to feed themselves, their families, and other community members.

On December 18, 2019, the Government of Saskatchewan and the Métis Nations–Saskatchewan (MNS) signed a memorandum of understanding (MOU) agreeing to discuss current provincial harvesting rights (hunting, trapping, and fishing). Even though harvesting rights are recognized by the courts, as MNS president Glen McCallum observed, there are “so many restrictions with regards to how we can practice our way of life, our traditions, our values” (Dove, 2019). The MNS hope that a new channel of dialogue with the province will eventually lead to agreement for Métis people to exercise their harvesting rights and create a province-wide co-management approach that will be unique in Canada (Dove, 2019; Short, 2019).

5. Supreme Court of Canada Decisions: Fishing Rights as Indigenous Rights

The following cases involve First Nations Peoples and not Métis. However, the cases are helpful for demonstrating the difficulties that Indigenous Peoples have in securing an Indigenous right to a commercial fishery.

In *R v. Sparrow* (1990), the Supreme Court of Canada held that Aboriginal rights such as fishing, which were “existing” at the time of the Canadian Constitution Act 1982, are protected and cannot be infringed without justification. Although the scope of the right was restricted to fishing for food and for social and ceremonial purposes, the SCC did not rule out the possibility that an Indigenous group could one day claim a commercial fishing right. This contentious issue came before the SCC in the *Van der Peet*, *Gladstone*, and *Smokehouse* cases.

As mentioned earlier, in *R v. Van der Peet* (1996), the majority opinion of the SCC concluded that, while Van der Peet had a right to fish for food or ceremonial purposes, this right did not extend to the right to exchange fish for money or other goods. The test involved the ability of Van der Peet to demonstrate that the exchange of fish for money or other goods was an integral part of her distinctive Stó:lō society that had existed prior to European contact. Since Van der Peet had failed to pass this test, she lost her case.

In *R v. N.T.C. Smokehouse Ltd.* (1996), the Smokehouse food processing plant was convicted of purchasing and selling fish caught without a commercial fishing licence. Smokehouse argued that the fishing regulations infringed upon the Aboriginal rights of the Tsesaht and Hupačasath Peoples from whom they bought the fish. The majority of the Court acknowledged that “the claim to an Aboriginal

right to fish commercially would be far more difficult to establish than the claim to an Aboriginal right to exchange fish for money or other goods” (Allain, 1996). They agreed with the trial judge that since sales of fish were incidental and not an integral part of the Tseshah and Hupačasath cultures, they did not constitute an Aboriginal right to sell fish.

In *R v. Gladstone* (1996), the SCC decided that, unlike in the *Smokehouse* case, the evidence at trial established that trade in fish (specifically, the trade to harvest herring eggs) was not an incidental activity of Gladstone’s people, the Heiltsuk, “but rather was a central and defining feature of the society” (Allain, 1996). Although the Court found that the Heiltsuk have a pre-existing right to harvest herring eggs and that there is a commercial component to this right, the Court also held that governments can regulate commercial fishing. The Court added that the federal government can take into account regional and economic fairness in distributing the available catch.

In *R v. Marshall* (1999), the appellant had caught 210 kg of eels, which he sold for \$787.10. He was charged with fishing without a licence, selling eels without a licence, and fishing during a closed season. Marshall claimed he had a treaty right to catch and sell fish. In September 1999, the SCC confirmed that Marshall had a treaty right to catch and sell fish but only to earn a “moderate livelihood,” which does not mean the open-ended accumulation of wealth but the modern equivalent of trading for necessities to survive. Furthermore, the Court reaffirmed that treaty rights were not unlimited and Aboriginal fishing activities could be regulated (Meloney, 2018).

In *Lax Kw’alaams Indian Band v. Canada* (2011), the Court rejected the claim of Lax Kw’alaams that it had an Aboriginal right to large-scale commercial fishing activity (of all species of fish) located in traditional waters. Lax Kw’alaams argued that it had an existing right to harvest and sell fish from their territories on a commercial scale. The Court reasoned that historically they did not fish commercially in any significant way; that is, their limited trade in fish did not translate into a broad commercial fishery right.

6. Balancing Competing Interests through Negotiated Agreements

Historically, the concept of Indigenous rights contains the protection for activities necessary to ensure the survival of Indigenous Peoples. This includes such basic rights as the right to fish for food on a small scale. However, no right is absolute, and Indigenous rights are no exception to this rule. Limitations to a fishing right are generally motivated by a concern that Métis rights to fish all year in a regional fishing area could lead to fish being overharvested. Consequently, governments claim the right to limit a fishing right for purposes of conservation (as well as

health and safety). The status quo is that, even though a Métis fisher may have the right to fish to provide a moderate livelihood for such basics as food and a few amenities, the right does not extend to the right to sell fish in quantities on a large-scale commercial basis (see *R v. Marshall*, 1999).

Consequently, catch limits can be imposed by the Crown, which could reasonably be expected to produce a moderate livelihood at present day standards (Caldwell, 1999). While recognizing the value of preserving the fish stock, Métis fishers argue that their current participation in the small-scale fishing sector is constrained by requirements dictated by sustainability and marketing requirements to the point where any rights the Métis might have are being squeezed dry (Canadian Council of Professional Fish Harvesters, n.d.). Although Métis fishers may still participate in commercial fisheries by acquiring boats and licences on the open market, this option does not achieve the goal of a community-based fishery or greater say in management (Harris & Millerd, 2010).

The issue of Métis commercial fishing rights, and the activities that spring from them, are woven into the desire for self-government and are the foundation for a renewed relationship with the Crown and a pathway to economic development. Possessing jurisdiction over ancestral territory and greater authority to manage territorial fishing resources are considered prerequisites for expanded Métis commercial fishing rights (Doerr, 2006). On the issue of self-government, the federal government has recognized that s. 35 of the *Constitution Act, 1982* includes the inherent right to self-government (Government of Canada, 2010). The Report of the Royal Commission on Aboriginal Peoples (1996) states that the right to self-government is a right of all Indigenous Peoples, including the Métis (Government of Canada, 2016).

As mentioned earlier, in June 2019 the federal Liberal government signed self-government agreements with the Métis Nations of Ontario, Alberta, and Saskatchewan. The agreements affirm the Métis right of self-government. These agreements are a breakthrough for at least some Métis communities who have long demanded that their Indigenous rights—including fishing rights—and the right to own, govern, and use the resources on their Traditional Territories be respected by Ottawa (Tasker, 2019).

Federal recognition of Métis self-government is considered an act of reconciliation (Gaudry, 2018). Until now, litigation has been the primary way in which a Métis fisher has tried to achieve an economically viable commercial fishing right. The problem is that the courts have made it difficult for Indigenous Peoples to expand constitutional commercial fishing rights in the face of the Crown's competing right to manage fisheries wherever they occur in Canada.

The above-mentioned 2019 self-government agreements between the federal government and three Métis Nations open another path to expanding

Métis commercial fishing rights. The agreements recognize that the relationship between the Crown and Indigenous Peoples requires reconciliation, and sets out processes for negotiating other agreements, such as fishing agreements, which will give the Métis greater opportunity to share decision making in a number of areas, including fishing and fisheries (Métis Nation of Alberta, 2020b).

The courts have routinely stated that negotiated agreements are preferable to litigation (Harris & Millerd, 2010); that litigation should be the last option. The preferred option is to balance interests and concerns at the negotiation table. One question to ask is: With respect to expanding Métis commercial fishing rights and balancing these rights with the rights of government to manage fisheries, where should the debate take place, before the courts or around the negotiating table?

On May 24, 2019, the Government of Canada announced its support for the development of Indigenous-owned communal commercial fishing enterprises and aquaculture operations (Government of Canada, 2019). The commitment expressed by the federal government addresses areas of mutual interest in the fisheries by:

- Upholding the SCC's decisions regarding Indigenous rights to harvest and sell fish in pursuit of a moderate livelihood;
- Reducing socio-economic gaps by supporting capacity to participate in fisheries and obtain additional fisheries' access, such as licences and quota, as well as vessels and gear; and,
- Establishing future negotiation processes regarding the co-development of a collaborative fisheries management approach. (Government of Canada, 2019)

7. Garnering Support for a Renewed Nation-to-Nation Relationship

On July 7, 2015, Prime Minister Justin Trudeau stated that,

Canadians recognize the urgent need for a renewed nation-to-nation relationship between the federal government and Indigenous peoples – one built on respect, rights, and commitment to end the status quo. A Liberal government will recognize Aboriginal governments as full partners in the federation and will work with Indigenous peoples to create fairness and equality of opportunity in Canada. (Liberal Party of Canada, 2015)

One outcome of this commitment is the 2019 self-government agreements mentioned above.

Although the Métis Nations have a seat at the negotiating table, it should be acknowledged that discussions will inevitably begin within a historical legacy where the Crown has been positioned to limit and diminish the fishing claims and

rights of Indigenous Peoples. Implementing the Liberal Party agenda will require framework and policy setting in conjunction with Indigenous Peoples to ensure that discussions do not become fixated on historical grievances.

At a two-day national summit to articulate the characteristics of a nation-to-nation relationship held on November 27-28, 2017 (Institute of Governance, 2017), Senator Murray Sinclair discussed Call to Action #45 in the Truth and Reconciliation Commission of Canada's Calls to Action. Call to Action #45 calls "upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown" (Truth and Reconciliation Commission of Canada, 2015, p. 4). According to Senator Sinclair, a Royal Proclamation would serve as a message to Indigenous leadership that the Crown is serious about upholding its intent to affirm a nation-to-nation relationship with Indigenous Peoples (Meyer, 2017). The Proclamation's commitments would include:

- Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius (land that never belonged to Indigenous inhabitants and could be taken by seizure);
- Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation;
- Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving treaties, land claims, and other constructive agreements. (Truth and Reconciliation Commission of Canada, 2015; Crown-Indigenous Relations and Northern Affairs Canada, 2022)

It is recognized that garnering both federal and provincial support for a renewed nation-to-nation relationship is easier said than done. At the National Summit meeting, the Right Honourable Joe Clark observed: "How do we change a majority mindset that is not only by and large ignorant to Indigenous reality, but may well be hostile?" (Institute of Governance, 2017, p. 14). Carolyn Bennett, then minister of Crown-Indigenous Relations, remarked that one of the biggest challenges impeding reconciliation is the racism stemming from a misinformed Canadian public (Institute of Governance, 2017).

Returning to the discussion of commercial fishing, the arguments of the Métis Nations are consistent: The separation between fishing for food and fishing for trade and sale is artificial. Although the separation had no precedence

in Indigenous societies, it opened a space into which the state inserted its management authority. Indigenous Peoples never did accept this state of affairs, and they remain separated from the wealth of their fish resources. The economic development of the Métis Nations in modern Canada depends, in large part, on the ability to exploit natural resources commercially. Activities such as commercial fishing and the activities that spring from it must be more readily available to Métis fishers.

Creating the political will to seriously consider reconciliation and a new nation-to-nation relationship requires garnering the support of the federal, provincial, and territorial governments as well as public opinion. All public governments will have to be prepared to cede some of their management authority to the Métis fishing sector. For their part, Métis fishers will have to lay aside doubts and suspicions that have grown over many years. While the negotiating table opens a channel of dialogue between the Métis Nations' and the Crown's understandings of fishing rights, discussions will take place within a legacy where the Crown's sovereignty is paramount and where Métis Nations want greater flexibility for negotiations based on the recognition of rights, cooperation, and partnership.

Notes

1. The project was initiated in 2020 at the request of The Honourable Buckley Belanger who served as a minister in numerous Saskatchewan governments and who sat in the Saskatchewan legislature for the electoral district of Athabasca in northern Saskatchewan from 1995 to 2021. See Indigenous Saskatchewan Encyclopedia. (2022). *Honourable Buckley Belanger (1960 -)*. University of Saskatchewan. https://teaching.usask.ca/indigenoussk/import/belanger_buckley_1960-.php
2. See Archives of Manitoba. (n.d.). Hudson's Bay Company Archives – Biographical Sheets. <https://www.gov.mb.ca/chc/archives/hbca/biographical/index.html>
3. Sylvestre is referenced in *Les Metis: Voyageurs and grandparents. Part Two*. Memories of Deep River: Hunting, trapping, fishing, and fur fishing in Northern Saskatchewan, Canada. <https://www.jkcc.com/voyageurs2.html>
4. There are a number of Métis contractors listed with a second surname which is shown as (dit). For an explanation of the use of *dit* names see Powell, K. (2020, August 27). *What Is a Dit Name?* <https://www.thoughtco.com/what-is-a-dit-name-3972358>

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Commentary

As War in Ukraine Upends a Quarter Century of Enduring Arctic Cooperation, the World Needs the Whole Arctic Council Now More Than Ever

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Abstract: The Arctic Council, formed in 1996, is a unique organization, with legitimacy that extends across the entirety of the Circumpolar World, representing a diverse mosaic of states and Indigenous Peoples united in their efforts to protect their fragile ecosystems, environments, and communities. The Council has nurtured an impressive and enduring consensus among its diverse ecosystem of asymmetrical actors for over a quarter century. But all that changed on March 3, 2022, when the Council’s seven democratic member states (the A7) announced an historic “pause” of their Council participation in protest of Russia’s invasion of Ukraine. This was not the first time tensions over Russian aggression in Ukraine strained the Council’s impressive track record for circumpolar unity; in 2014, after Russia’s first assault upon Ukraine, the United States and Canada jointly boycotted a Moscow-hosted meeting of the Council’s Task Force for Action on Black Carbon and Methane (TFBCM), but soon thereafter rejoined their fellow Council members in the spirit of Arctic cooperation. While Russia’s actions in Ukraine are reprehensible, boycotting the Council while Russia held its rotating chair closed off an important off-ramp to defuse rising international tensions between Russia and NATO. Indeed, Russia’s portion of the Arctic represents fully half the Circumpolar World, and the issues facing the Arctic—of which climate change is perhaps the most pressing for all stakeholders, small and large—cannot be paused. There are no half-way solutions to the future of the Arctic, whether it’s peacetime or wartime—the stakes are simply too high.

On March 3, 2022, seven of the eight Arctic Council member states, the A7—Canada, Denmark, Finland, Iceland, Norway, Sweden, United States—announced an historic, unanimous boycott of Council participation in protest of Russia’s invasion of Ukraine, after just over twenty-five years of continuous operations since the Council’s inaugural meeting in Ottawa on September 19, 1996.

While this is the first time all seven democratic Arctic states agreed to suspend participation in all Arctic Council (AC) activities, back in April 2014, after Russia’s first assault upon Ukraine, the United States and Canada jointly boycotted a meeting of the AC’s Task Force for Action on Black Carbon and Methane (TFBCM) held in Moscow, but soon rejoined their fellow Council members. As Canadian Environment Minister Leona Aglukkaq explained then, Ottawa (and Washington, as well) was taking a “principled stand” by not attending, marking the first time—but not the last—the conflict in Ukraine disrupted the long tradition of Arctic cooperation at the Council.

The March 3rd decision by the A7 was one of many similar decisions by countless organizations around the world, part of a quickly-achieved and near-global consensus to isolate Russia in protest of its naked and unprovoked aggression against its neighbour. However, the A7 decision caught several of the Arctic Council’s Permanent Participant organizations, representing the Indigenous Peoples in the region, by surprise as they were not consulted. This was a break with the spirit and long tradition of the Arctic Council, which stands first among the world’s many intergovernmental forums for its efforts to unite state and Indigenous interests, and for elevating state–Indigenous consultation to the highest of normative values.

While unequal in their institutional power, with the eight founding member states (the A8) holding all of the formal power, the Permanent Participants are essential partners in the formation of the consensus that defines Arctic Council governance, and they have played a vital and important role in both the formation of the Arctic Council in 1996, and in its operations in the quarter century since. Indeed, the stability of the Arctic region owes much to the spirit of collaborative governance that aligns Indigenous and state interests, as reflected in the Arctic Council’s structure as well as in other novel and innovative governing institutions across the Circumpolar Arctic.

While surprised, most of the Permanent Participants endorsed the decision made by the democratic Arctic states, but not all with the same level of enthusiasm, and most expressing concern for the future of Arctic cooperation. One of the Permanent Participants, the Russian Association of Indigenous Peoples of the North (RAIPON), viewed now by many as a mouthpiece for, and controlled by, Putin’s government in Moscow, came out in full and enthusiastic support of Moscow’s “peacemaking” effort in Ukraine. This outraged a network of

Indigenous leaders in involuntary exile from Russia who were formerly associated with RAIPON. They issued their own counter statement ten days later while also announcing the formation of their own parallel organization to fill the vacuum created by RAIPON's lost legitimacy and what they believe is its outrageous support for Russia's unjust assault on Ukraine.

The Boycott: A Temporary Pause in Quest of New Modalities or Permanent Collapse in Arctic Cooperation?

According to the March 3rd announcement, jointly released by officials in the seven democratic Arctic states: "Canada, the Kingdom of Denmark, Finland, Iceland, Norway, Sweden, and the United States condemn Russia's unprovoked invasion of Ukraine and note the grave impediments to international cooperation, including in the Arctic, that Russia's actions have caused."¹ They reasserted their conviction

of the enduring value of the Arctic Council for circumpolar cooperation and reiterate our support for this institution and its work. We hold a responsibility to the people of the Arctic, including the Indigenous Peoples, who contribute to and benefit from the important work undertaken in the Council.²

Their brief statement concluded by explaining that the

core principles of sovereignty and territorial integrity, based on international law, have long underpinned the work of the Arctic Council, a forum which Russia currently chairs. In light of Russia's flagrant violation of these principles, our representatives will not travel to Russia for meetings of the Arctic Council. Additionally, our states are temporarily pausing participation in all meetings of the Council and its subsidiary bodies, pending consideration of the necessary modalities that can allow us to continue the Council's important work in view of the current circumstances.³

After Russia invaded Ukraine in late February 2022 and unleashed chaos to the heart of Europe on a scale unseen since the Second World War (and exceeding the kinetic destruction of Yugoslavia's collapse if not yet its scale of human atrocities), introducing unprecedented risk to the global order—on the question of how or even whether to engage with Russia most of the world has responded with an instinctive, passionate, and near-unanimous *nyet*. In the case of the boycott of the Arctic Council by the A7, presented as a temporary pause

but without a timeline for when a reset will again be conceivable, this *nyet* would optimally mean *not yet* rather than *never*, and the wording of the boycott and the quest for new modalities it mentioned indicates a future is in the realm of the finite and not the infinite or never-ending. But even a temporary *not yet* could be for an indeterminate period, which is by definition a period with no known end point, putting into question for the first time since 1996 the very future of the Arctic Council.

This was not the case in 2014 when the Canadian and US boycott was for a single meeting in Moscow. To ensure there is a second twenty-five years for the Arctic Council, it is imperative that the A7's *not yet* be as *brief* a period as is diplomatically and politically possible. Given a protracted war with Russia and the potential for it to draw in NATO, it seems likely that a resumption of face-to-face meetings among the whole of the A8 is unlikely again under Russia's two-year rotating chair, which concludes in 2023. All things considered, a year-long boycott need not mean the end of the Arctic Council or its mutual vision of a cooperative and peaceful Arctic with Russia's full and active participation, which only became possible at the end of the Cold War when tensions with Moscow declined. But any cessation of the Arctic Council's exemplary consensual alignment of interests and values among a diverse range of states and Indigenous organizations, and which includes an even wider array of Observers, both state and non-state entities, from around the world, is worrisome. If Russia remains a pariah beyond such a limited time frame, that could spell the end of a truly exceptional vision of Arctic collaboration and an innovative experiment in inclusive, multi-level, multilateral diplomacy. The Arctic Council was among the best of what the post-Cold War world achieved, and worth preserving.

Preserving A Peaceful Arctic in a World at War

This is not to diminish the gravity of events in Ukraine, the clear and present danger to NATO itself, or the spectre of total war that could result from a collapse of the post-Cold War order, let alone the human tragedy unfolding across Ukraine in the many months since Russia launched its invasion. But the Arctic Council is a unique organization, with legitimacy that extends across the entirety of the Circumpolar World—from the western tip of the Aleutian Islands all the way to the eastern tip of Siberia—spanning a diverse mosaic of states, Indigenous Peoples, remote environments, and fragile ecosystems undergoing an historic climatic transition. The Council brings together the eight founding Arctic states—of which Russia, with its eleven time zones, is the most vast and Iceland the smallest—and includes within its innovative governance structure the six aforementioned Indigenous Peoples' organizations, the Permanent Participants, providing them with much influence and a voice at the table, together with a

diverse range of Observers, both state and non-state. Observer status allows countries as far away as Singapore, and as consequential to the world economy as China, an opportunity to participate, regardless of their domestic governing structures or ideologies—and in the case of China, in spite of its track record of oppressing minority peoples (such as Xinjiang) or the lingering legacies of invasions past (Tibet), even if a cause of symbolic diplomatic boycotts such as the absence of top officials at the Beijing Olympics.

Moreover, the issues facing the Arctic, of which climate change is perhaps the most pressing for all stakeholders, small and large, cannot be paused. Nor should they be. And excluding Russia from any discussions, with the Russian Arctic representing some half the Arctic's geographical extent, would render the Council's efforts substantially reduced. There are no half-way solutions to the future of the Arctic, whether it's peacetime or wartime. Even during the peak of the COVID-19 pandemic, the Council managed to meet virtually, finding like so many others that vast distances could be overcome through digital connections. Somehow the Arctic felt less vast, less isolated, at a moment when it was more cut off from the rest of the world than it had been for generations.

And while Russia's actions in Ukraine are reprehensible, putting at risk the post-Cold War order—of which the formation of the Arctic Council was an exemplary and illustrative moment—stopping the Council's operations now because Russia presently holds its rotating chair seems as illogical as shuttering the UN General Assembly or putting a pause on meetings of the Security Council. Intergovernmental bodies are the one space in world politics where rivals and opponents can meet face to face, even in times of war. Their business does not stop when hostilities commence; oftentimes, their responsibilities multiply manifold at such times. We need the Arctic Council no less today than we did before the Ukraine invasion and may indeed need it more than ever. Arctic Council members find unity in their diversity and approach their Arctic borders with a collaborative spirit seldom found along borders further south. The challenge, of course, is in minimizing tensions across Arctic borders, at a time when one of the Arctic states is at war with a neighbour that is on friendly terms with the other Arctic states. This is no easy feat. But it is not the first time there has been strategic dissension at the top of the world; indeed, with five of the eight Arctic Council members part of the NATO alliance (Canada, Denmark, Iceland, Norway, and the United States), there can hardly be a day without strategic dissension in the Arctic even at the best of times. And yet, the Arctic has been one of the most stable regions of the world, despite the pre-existing condition of strategic competition.

Indeed, there was a time not long ago when the Arctic Council confronted a deep division in its ranks that threatened the very consensus that serves as the bedrock of its successful first quarter century. That member challenged the

accepted consensus among all the Council's other stakeholders (member states, Permanent Participants, and Observers alike). After two impressive decades of sustained consensus in good times and bad, that member state broke ranks with that unanimity—and in so doing, made it impossible for a joint declaration to emerge from a ministerial meeting for the very first time. That time was just three years ago: in 2019. The founding member state was not Russia, but the United States. And the issue that drove a wedge between the US and its fellow Arctic Council members and other stakeholders was a change in policy on climate change, long a unifying issue for all Arctic Council stakeholders and the most pressing and salient issue before the Council and, many believe, confronting humanity. Despite this collapse in consensus, the Council—with its meaningful and enduring bridges of communication and collaboration between a diverse array of Arctic stakeholders, from the village to the national to the tribal to the transnational level—survived, and only a few short years later, consensus was fully restored. The organization proved as resilient as the diverse collective of Arctic peoples, states, cultures, and organizations it represents.

Over a decade earlier, that same Arctic Council outlier, the United States, went to war half a world away from the Arctic, bringing along a coalition of partners in its quest to rid Iraq of a fictitious Weapons of Mass Destruction (WMD) program and to depose its autocratic leader, sinking the Middle East region into chaos that would last a generation and which would see a stable, autocratic Iraq collapse into a failed state and become a breeding ground of terror, ultimately providing al-Qaeda with an opportunity it had not found before, and yielding the emergence of the Islamic State caliphate, which required a brutal air war to dismantle. Across Iraq and Syria, a generation has endured unprecedented bloodshed and destruction, all a direct result of America's own war of choice built on a foundation of lies. At the top of the world, however, the Arctic remained united and cooperative, and the US and Russia each contributed their part to the enduring Arctic peace, even as their proxies battled violently across the Middle East. America's wars may have been framed as wars of self-defence, much the way Moscow now frames its current war, and wars to pre-empt WMD programs (much as Moscow now echoes, seizing control of nuclear plants while cautioning against seemingly fictitious Ukrainian chemical weapons programs). It's as if we've seen this story before. But because it is Moscow on the offensive, and not the United States, the world is reacting differently to a similarly tragic and disingenuous masquerade.

With Russia on the war path, a path Russian Federation President Vladimir Putin describes as a "noble cause," having launched what much of the rest of the world—what many observers describe as a re-emergent "Free World," as *New York Times* columnist Thomas Friedman has described it⁴—sees as an undeniable,

unjustifiable, unprovoked war of aggression, that once again challenges the consensus that has so long united the Arctic world, we are back to this very same precipice of a collapsing Arctic consensus like we saw just three years earlier when America unilaterally quit the global coalition against climate change. The brutal conflict presently unfolding is different in nearly every way from that previous disagreement at the Arctic Council’s 2019 ministerial meeting in Rovaniemi, Finland, but the stakes are perhaps comparable, if imperfectly so—the future of humanity is once again at stake, and consensus on unifying values is once again eluding a single yet essential member of the circumpolar family. And while this comparison will not be greeted with equal receptiveness amidst the current crisis unfolding across Ukraine at the hand of Russian aggression, the moral scale of both global challenges (Ukraine and climate change) has an equivalency of risk even if not the same palpable sense of immediacy.

The Arctic Council: A Quarter Century of Arctic Cooperation

The Ottawa Declaration, formally titled the “Declaration on the Establishment of the Arctic Council,” was promulgated by the eight Arctic states—Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States of America—in 1996, in which they affirmed the following:

- commitment to the well-being of the inhabitants of the Arctic, including special recognition of the special relationship and unique contributions to the arctic of indigenous people and their communities;
- commitment to sustainable development in the Arctic region, including economic and social development, improved health conditions and cultural well-being;
- commitment to the protection of the Arctic environment, including the health of Arctic ecosystems, maintenance of biodiversity in the Arctic region and conservation and sustainable use of natural resources.

And recognized:

- the contributions of the Arctic Environmental Protection Strategy to these commitments;
- the traditional knowledge of the Indigenous people of the Arctic and their communities and taking note of its importance and that of Arctic science and research to the collective understanding of the circumpolar Arctic; and
- the valuable contribution and support of the Inuit Circumpolar Conference, Saami Council, and the Association of the Indigenous Minorities of the North, Siberia, and the Far East

of the Russian Federation in the development of the Arctic Council.⁵

The Arctic states also expressed their mutual desire “to provide a means for promoting cooperative activities to address Arctic issues requiring circumpolar cooperation, and to ensure full consultation with and the involvement of Indigenous people and their communities and other inhabitants of the Arctic in such activities;” and “to provide for regular intergovernmental consideration of and consultation on Arctic issues.”⁶

They thereby declared the establishment of the Arctic Council as a high level forum to:

provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic Indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic; oversee and coordinate the programs established under the AEPS on the Arctic Monitoring and Assessment Program (AMAP); Conservation of Arctic Flora and Fauna (CAFF); Protection of the Arctic Marine Environment (PAME); and Emergency Prevention, Preparedness and Response (EPPR); adopt terms of reference for, and oversee and coordinate a sustainable development program; [and] disseminate information, encourage education and promote interest in Arctic related issues.⁷

In addition to the eight member states, the Ottawa Declaration also designated in paragraph 2 that the “Inuit Circumpolar Conference, the Saami Council and the Association of Indigenous Minorities of the North, Siberia and the Far East of the Russian Federation are Permanent Participants in the Arctic Council” and that “[p]ermanent participation equally is open to other Arctic organizations of indigenous peoples with majority Arctic indigenous constituency, representing: a single indigenous people resident in more than one Arctic State; or more than one Arctic indigenous people resident in a single Arctic state.”⁸ This inclusive definition made possible the variation in ethnic composition of the Permanent Participant organizations as well as the variation in scale, from representing as few as several thousand constituents like the Aleut International Association (AIA) and the Gwich’in Council International (GCI) from a single Indigenous People, to over a quarter million constituents from over forty Indigenous Peoples like RAIPON. Once the Council determines “that such an organization

has met this criterion,” the Ottawa Declaration capped the total number of PP groups to “at any time be less than the number of members.” And since the Arctic states number eight, there can be no more than seven PPs, one more than the present six.⁹ While Permanent Participants lack the agency of member states to implement Arctic policies, many PPs or components thereof have achieved formal governing powers within their home states owing to an impressive variety of institutional powers, whether constitutional, legislative, or co-managerial. Indeed, at the local and regional levels, their powers often are represented by a local or regional level of governance or greatly overlap therewith. This further fulfills the aspiration of the Ottawa Declaration that the “category of Permanent Participant is created to provide for active participation and full consultation with the Arctic Indigenous representatives within the Arctic Council.”¹⁰ In addition to the Arctic states and the PPs, the Ottawa Declaration also recognized three categories of Observers that include “non-Arctic states; inter-governmental and inter-parliamentary organizations, global and regional; and non-governmental organizations that the Council determines can contribute to its work.”¹¹

The Arctic Council at 25: Lessons for the Next 25 Years

If the Arctic Council can survive the collapse of the climate consensus that was forged at its inclusive and consensual table during its first quarter century, and which came to define it in its expansive circumpolar agenda from 1996 to 2021, there is no reason it can't do the same again. Indeed, it must do so and soon. Russia is the largest of the Arctic states, with the largest Arctic population and most diverse Arctic economy and mosaic of cultures. Its portion of the Arctic represents fully half the Circumpolar World.

It took the collapse of the Soviet Union to allow for the close collaboration that the Arctic Council nurtured, with its new model of inclusive diplomacy bridging the state–Indigenous interface. But the foundations of the Arctic Council took root well before the Cold War ended, and its founding vision was articulated eloquently by the last Soviet premier, Mikhail Gorbachev, in his famed Murmansk speech in 1987. The boundary line separating the US from the USSR (and now Russia), which was negotiated by the last Soviet foreign minister, Eduard Shevardnadze, with his American counterpart, George Shultz, has been respected by both post-Cold War United States and Russia since 1990, laying a stable foundation on what could otherwise be a volatile border. The current shipping lane through the Bering Strait was jointly negotiated by the United States and Russia, reflecting the ongoing stability on this Arctic frontier, with the US Coast Guard and the Border Guard Service of Russia developing a laudable bilateral relationship that contrasts with so many of Russia's other borders. This says something about the

fundamental importance of Arctic collaboration to world order, regardless of which party or individual sits atop either country's government.

As bad as things are now, and as bad as they might become in the current war, now is not the time to shutter the Arctic Council's operations altogether, nor to stop meeting with all of the Arctic Council's diverse and important stakeholders, whether states, Indigenous Peoples' organizations, or NGOs. Framing the A7's suspension as a pause in quest of new modalities does seem to create a window of hope that the Council will find its way toward a resumption of its important business. As shocking as Russian President Vladimir Putin's recent threat to fellow Arctic Council member states Finland and Sweden on their consideration of NATO membership; as worrisome as the recent Russian military exercise in the Norwegian Exclusive Economic Zone (including the launch of a hypersonic missile near the midpoint between Norway's mainland and Svalbard, with what Moscow may next portray as a "vulnerable" Russian population requiring its "protection"); as foreboding as was the ultimate destination for Russia's northern fleet during that self-same exercise, positioning a Russian flotilla just offshore the vast and vulnerable island colony of Greenland—it is imperative that the Arctic Council find its way back together, and for meetings between its diverse stakeholders inclusive of Russia to continue, even in the absence of a unifying consensus as they once enjoyed.

Among some potential modalities to consider for resuming Arctic Council meetings under Russia's term as Chair are the following:

- boycotting in-person meetings until peace is restored in Ukraine, and until then maintaining a virtual connection among all Council stakeholders;
- deploying junior proxies in place of senior officials as a more subtle, but no less obvious, rebuke to Russia under its Chair than a complete cessation of meetings, modelled on the White House policy regarding China's hosting of the 2022 Olympics where top officials were notably absent in protest of Beijing's long occupation and mistreatment of the Uighur homeland while athletes were free to compete; and
- adoption of symbolic yellow and blue attire by attendees of such meetings to echo the world's embrace of Ukraine's flag and its spirit of independence and resilience, values embraced across the Arctic.

Additionally, if Moscow succeeds in extinguishing Ukraine's sovereignty by forcibly absorbing it (or part of it) into an expanded Russian state, Ukrainians, in their occupation and subjugation, will share an historic experience with Indigenous Peoples, particularly as experienced by the Aleuts under Russian colonization and later Japanese occupation. Indeed, common across the Circumpolar Arctic

is a shared history of state expansion and consequent partition of Indigenous homelands, as experienced by all of the Council's Permanent Participants. The de facto partitioning of Ukraine by Russia, under way since 2014 and greatly accelerated since its 2022 invasion, is thus a familiar experience across the Arctic, even in regions where state expansion and the partitioning of Indigenous homelands was achieved without war.

Additionally, the A7, united in its opposition to Russia's aggression, could assist Ukraine with an application to become an Arctic Council Observer—a move that Russia would surely oppose but the point would be made. Additionally, if Moscow succeeds in extinguishing Ukraine's sovereignty by forcibly absorbing it into an expanded Russian state, Ukrainians, in their occupation and subjugation, will share an historic experience with Indigenous Peoples, as acutely experienced by the Aleuts under Russian colonization and Japanese occupation, the Sami under state formation and expansion, and the Athabaskans and Inuit under the economic domination of the fur monopolies, which colonized so much of Arctic North America.

The Council's six Permanent Participants may thus be in a helpful position side by side with the Arctic states (inclusive of Russia). The Arctic Council can thus leverage its rich mosaic of perspectives and perhaps help the world find a way toward a multilateral solution to the current crisis. Additionally, while Russia is at war in the heart of Europe, all the world hopes and prays the war does not horizontally escalate and draw in NATO members—which could precipitate the next world war. One potential tool to leverage is the Arctic Coast Guard Forum (ACGF), which like the Arctic Council is under Russia's current rotation as Chair and which, together, works to ensure the rules-based order is maintained in polar waters. The ACGF could, if permitted by its member states, continue to collaborate on so many important issues ranging from search and rescue missions, to oil spill cleanup and environmental protection, to implementing the International Maritime Organization's International Code for Ships Operating in Polar Waters (Polar Code), to preventing illegal and unreported fishing. How to continue this important collaboration in a time of war will, of course, require diplomatic agility and ingenuity, but it's not beyond the capabilities of those who have managed the world's response to the present crisis, and is worth consideration.

Indeed, if meeting in Russia remains a non-starter, the ACGF could meet in the coal-mining community of Barentsburg on Svalbard, formally part of Norway and whose populace, owing to Soviet history, is in near equal parts Russian and Ukrainian, offering additional symbolic resonance; or in an Aleutian island community in western Alaska, once a part of the Russian Empire, and rich in Russian heritage; or even in a northern, non-member state, such as in Hokkaido in northern Japan, which maintains a constructive diplomatic relationship with

Russia even as its northernmost islands in the Kuril chain just offshore remain under Russian occupation, as they have since the Second World War—though under new strain due to Japan’s unity with the West on Russia sanctions. Any of these would be a powerful metaphor for the ACGF, or even the Arctic Council itself should it choose to end its boycott, in such an historic venue where the history of strategic competition with Russia is still palpable.

Indigenous Responses to the Arctic Council Boycott Decision

While the unprecedented inter-state unity and protracted nature of the A7’s boycott of the Council made headlines, the exclusion of Indigenous stakeholders in their deliberations prior to the boycott could indicate that a tectonic shift in Arctic governance is under way, as conceptions of Arctic security shift back from “soft” power to “hard” in the wake of Russia’s assault on Ukraine, and with this militarization of Arctic security, Arctic international relations reverts to a more “Westphalian” conception of statecraft after the quarter century of post-Cold War multi-level multilateralism epitomized by the Arctic Council. The response to and exclusion of the Indigenous Peoples of the Arctic in the decision by the A7 to boycott the Council has been noted, with regret and disappointment, by both the Arctic Athabaskan Council and the Inuit Circumpolar Council, but for the most part, the Permanent Participants, with the exception of the Russian Association of Indigenous Peoples of the North (RAIPON), which has fallen increasingly under Moscow’s influence in recent years, have sided with the A7 and voiced opposition to Russia’s aggression against Ukraine.¹²

Ten days before the Ukraine invasion began, the Arctic Athabaskan Council (AAC) called upon world leaders to remember their commitments to Indigenous Peoples, noting in particular that Crimean Tatars “comprise the largest population of Indigenous Peoples in Ukraine” as “officially recognized by the Government of Ukraine and the European Parliament as Indigenous Peoples in February 2016.”¹² With the winds of war blowing, AAC explained that it was:

urging global leaders in Canada, United States, Russia, and Ukraine not to forget commitments they have made to Indigenous Peoples. Specifically, AAC wants to remind state leaders that Canada, United States and Ukraine are all party to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), originally adopted in 2007.¹⁴

Chief Gary Harrison, AAC’s International Chair, pointed out the vital importance of the work of the Arctic Council, and the potential risk to the hard-earned diplomatic alignment of Arctic states and Indigenous Peoples,

strengthened by their unity of effort and purpose in combating Arctic climate change at the Arctic Council table:

We have warming taking place in the Arctic at three times the speed of other global jurisdictions. This reality and the future threat to Arctic water systems, marine life, wildlife, and our fragile ecosystems will affect us here in the Arctic, and globally, for generations to come. The work now at the Arctic Council table is already at a critical stage. Our relationship with the Russian Federation, as with all our regional partners, is one of diplomatic cooperation that took years to build. We fear this could be greatly disrupted if the resistance to finding a solution over the conflict in Ukraine continues.¹⁵

And Chief Bill Erasmus, the AAC's Canadian Chair, added that: "We want to remind all governments that the Arctic Council is the world's only forum where we, as Indigenous People have inclusion at a global level. As concerns over the Russian-Ukraine crisis are increasing, we feel the need to speak out."¹⁶

A Diverse Range of Indigenous Perspectives on the Arctic Council Pause

The Arctic Athabaskan Council's effort to directly reach out—not only to the leaders of the Arctic states but the global community of nations—to protect the rights of Indigenous Peoples from the ravages of war reflects the powerful diplomatic innovation of the Arctic Council, the inclusive diversity inherent in the Council structure, and the novelty of its effort to align the formal sovereign powers of the Council's state actors with the informal influence of its Indigenous actors in the formation of Arctic policies.

While all the Permanent Participants with the exception of RAIPON would ultimately endorse the Arctic Council boycott after it was announced, like AAC they did so while expressing their concern for the future of Arctic cooperation, knowing full well how great Indigenous gains have been since the Council's formation, and how much Arctic Indigenous Peoples have to lose in a world without an Arctic Council.

The Russian section of the Saami Council issued its own statement on February 27, 2022, among the first of the Permanent Participants to do so, commenting they "cannot ignore the current situation in the country or remain silent about it" and "that there is no justification for military action. In any case, all this touches us, so the Section on the Russian side considers it necessary to comment on this topic."¹⁷ They note that,

the citizens of the Russian Federation, including the Saami people in Russia, are in a situation where no one knows what awaits us in the future. We cannot plan anything and we find ourselves in a very unstable situation. Sanctions already introduced by different countries, and possible future sanctions, will primarily hit, not businessmen and owners of mega-corporations and banks, but ordinary residents of the country.¹⁸

Such impacts were immediately felt by the Sami:

Already, prices on the electronics market have increased by 30% in one day, and we expect the prices to increase even more, not only for electronics, but also, for food and essential goods. The sanctions and the measures introduced do not separate the citizens of the Russian Federation by area of work or nationality, so the Saami people in Russia find themselves in an extremely unstable, one might say, dangerous, situation. None of us can predict how the aggravated situation will end, but already now we must be prepared for additional difficulties affecting international work.¹⁹

The Sami discuss the effect of sanctions on Russian banks, including Sberbank, “which means that transactions to Russia will be difficult. This involves both projects and salaries and makes cooperation more difficult. Sberbank has conducted transactions in Norwegian kroner through a US bank, transactions in euros through a German bank, and both of these countries imposed sanctions on working with Sberbank and many other banks.”²⁰ Further impacts were felt in the everyday from a “partial blocking of Facebook” to the consequences of suspensions “from membership in the Council of Europe, the Committee of Foreign Ministers, the Parliamentary Assembly of the Council of Europe, the European Council for Human Rights, many sporting events” and even “from participating in Eurovision.” And amidst this dizzying cascade of suspensions, “the fact remains that international cooperation for Russian citizens, in any direction, is now as difficult as possible” and “the possibility of sanctions that will annul existing visas for Russian citizens” was identified as a concern of the Sami: “In many documents, the Saami Council states that the Sami are one people who live regardless of state borders. Now, this is high on the agenda, to make sure that the Sami people from the Russian side can continue to participate in international meetings and conferences, including visiting other countries.”²¹ Indeed, “Now, more than ever, the Sami people in Russia need international support to continue cooperation between the Sami of the four countries. We hope that this difficult situation will soon be resolved in the least painful way.”²²

Gwich'in Council International (GCI), representing the Gwich'in communities in the northernmost forests of Alaska, the Yukon, and the Northwest Territories, announced in its March 3, 2022 response to the joint statement by the A7 on "Arctic Council Cooperation following Russia's Invasion of Ukraine," that it "welcomes the collective pause of activities of the Arctic Council as we explore new modalities for pursuing peace and cooperation in the north." GCI reiterated that it "remains committed to engage in productive dialogues that advance the collective aim and responsibility of stewarding a peaceful Arctic region built on cooperation and our shared value of mutual respect."²³

Four days later, the Inuit Circumpolar Council released its "Statement from the Inuit Circumpolar Council Concerning the Arctic Council," noting that four of the six Permanent Participants have Russian constituents while recalling its proud heritage "as a unifying voice for Inuit across our collective homeland" from the Cold War to the present, expressing concern for "the future of the Arctic Council which is based on peaceful cooperation and mutual respect."²⁴

Just one of the Permanent Participants came out in support of Russia, the Russian Association of Indigenous Peoples of the North (RAIPON), a group that many observers have described as no longer authentically representing the voice of Russia's Indigenous Peoples.²⁵

On March 11th, a new organization called the International Committee of Indigenous Peoples of Russia put out its own statement rebutting RAIPON, signed by seven Indigenous leaders "living outside of Russia against our will" who "are outraged by the war President Putin has unleashed against Ukraine" and who "express solidarity with the people of Ukraine in their struggle for freedom and are extremely concerned about ensuring the rights of Indigenous peoples during the war on Ukrainian territory, including the Crimean Peninsula that remains illegally occupied by Russia," and who "are outraged by statements of the Russian Association of Indigenous Peoples of the North (RAIPON) on March 1, 2022 in support of the decisions of President Putin."²⁶ In closing, they both announce their own withdrawal "from all Russia-based organizations and networks of Indigenous peoples of Russia in which we were previously members," and "announce the creation of a new, independent organization—the International Committee of Indigenous Peoples of Russia."²⁷

The Russians were, to no one's surprise, disappointed by the decision of the other Arctic states, and for their obvious exclusion from deliberations regarding the Council boycott. As Gloria Dickie reported in *Saltwire.com*,

Russian Arctic officials questioned on Friday the decision of their peers on the Arctic Council to boycott future talks held in Russia, calling their actions 'regrettable.' ... Nikolay Korchunov,

Russia's senior Arctic officials chair and an ambassador-at-large of the Russian Ministry of Foreign Affairs, warned that a temporary freeze on council activity would 'inevitably lead to the accumulation of the risks and challenges to soft security in the region.'²⁸

As Dickie reports, Korchunov further "stressed the council's strong history of depoliticized dialogue in high latitudes. 'The Arctic should remain as a territory of peace ... and thus, this unique format should not be subject to the spill-over effect of any extraregional events.'"²⁹ With Russia representing "roughly a third of the entire Arctic region" and "nearly 70% of economic activity in high latitudes," Korchunov explained that, "For us there is no alternative to uninterrupted sustainable development of our Arctic territories," and that Russia would "refocus" its "Chairmanship toward addressing our domestic needs in the region," with Korchunov adding "It is of utmost importance to safeguard the project activities of the Arctic Council in order to be able to pick up where we paused and step up cooperation."³⁰

Restoring Circumpolarity: Ending the Pause Before Russia Ends its War

As mentioned above, this is not the first time that world politics has intruded into the otherwise calm spirit of Arctic cooperation. Aidan Chamandy, in *iPolitics.ca*, recounts that Council "faced a similar problem after Russia invaded Crimea in 2014," when both "Canada and the U.S. boycotted an April 2014 council meeting in Moscow, but Canada was keen 'to support the important work of the Arctic Council' in future, according to a statement that year by former Environment minister Leona Aglukkaq. The 2014 boycott was the only one, however," until now.³¹ Chamandy cites "Nicole Covey, a fellow with the North American Arctic Defence and Security Network," who explained the limited 2014 boycott by Washington and Ottawa contributed to the widely held "belief that the Arctic Council could withstand a lot of international tensions. So what happened with the pause is very substantial" with its "unified response. ... The fact that they're only pausing, and that they haven't ended the Arctic Council, is important, because that shows they're hoping things might resolve in some way."³² Indeed, as Covey further explains, "If Russia is no longer involved in the Arctic Council, you no longer get that circumpolar, holistic approach."³³ Such a view is shared by Inuit Circumpolar Chair (ICC) Dalee Sambo Dorough, who is also cited by Chamandy as explaining, "Everything (in the Arctic) is interconnected ... It (could) be difficult for seven other Arctic states ... to be effective and move forward in a constructive fashion," and the Arctic Council "wouldn't be the same if one of our clear and genuine members is absent."³⁴

Russia holds the rotating Arctic Council Chair until 2023, when it will pass to the next Arctic Council state (Norway), and thus far there has been much continuity with the rotation, testament to the endurance of consensus among its diverse stakeholders. To completely boycott the Council under Russia's Chair only undermines the very spirit of collaboration that gave form to the Arctic Council during more optimistic times. The agenda for the Arctic Council, even under Russia's Chair, shows much continuity with the previous Chair (Iceland), and this continuity alone could become an important, symbolic bridge to a restoration of that founding cooperative spirit in the future.

And because consensus is the lifeblood and governing paradigm for the Council, there is nothing Russia can achieve as Chair without the full consensus of the other Council members. Each biannual Ministerial meeting, each semi-annual Senior Arctic Officials meeting, each Working Group session, will provide an opportunity to rebuke Russia and deny it consensus on any issue that deviates from the collective will of the Arctic Council as a whole; and, on issues where consensus is preserved, it will demonstrate that Russia, even at the worst of times, remains committed to the values and principles of the Arctic Council. Looking forward, this channel of ongoing diplomatic interaction could serve as a bridge to the future, and the restoration of a world where Russia is a responsible member of the world community.

Ironically, even as Russia embarks on the path of expansionist war to its south, it remains committed, for the most part, to cooperation to its north. Consider the words, and life experience, of Russia's Senior Arctic Official Nikolay Korchunov, who presently holds the rotating chair of the Arctic Council (Russia's second tenure at chair since the AC was formed). The Arctic Council website describes Korchunov as a "a career diplomat who has served as the Ambassador at Large for the Arctic Cooperation at the Ministry of Foreign Affairs (MFA) of Russia and the Senior Arctic Official of the Russian Federation to the Arctic Council since December 2018,"³⁵ with prior service at Russia's Ministry of Foreign Affairs (MFA) headquarters, and in overseas postings to "embassies of the Russian Federation to Sweden and Finland," and as "Head of Russia's delegation to the Council's Task Force on Arctic Marine Cooperation and the Task Force on Improved Connectivity in the Arctic from 2015 until 2018." In these past positions we see a depth of knowledge, experience, and commitment to the Arctic, and to its cooperative legacy, and as he assumed the Chair of the AC, he was "especially interested in matters related to sustainable development, in finding the right balance between environmental protection and socio-economic development,"³⁶ positioning him in the very sweet-spot at the intersection of Arctic globalization and the preservation of the sublime, undisturbed Arctic free from the manifold impacts of modernization. In an interview on the Arctic Council website, he

observed, “I have visited many places in the Arctic and gotten acquainted with many people and issues. I can see now that most issues, questions and challenges in the Arctic are interconnected. So there is an obvious need for an integrated, cross-sectoral, and inclusive approach to development in the Arctic.”³⁷ A year ahead of assuming the rotating chairmanship of the AC in 2021, he noted,

We are in the early stages of the preparations for the forthcoming Arctic Council Chairmanship. There will be a number of priorities on the agenda of our Chairmanship, among them of course environmental protection and sustainable development, as well as new technologies for safeguarding the Arctic environment. The human dimension, the Arctic inhabitants including Indigenous peoples, will of course be stressed and underlined throughout our forthcoming Chairmanship.³⁸

Korchunov noted the Russian term for the Arctic Council is “Арктический советорганизация, которая должна обеспечить умное управление Арктикой. И это то, чем мы занимаемся,” which translates into English as: “The Arctic Council is the organization, which is supposed to provide the conditions for and contribute to responsible governance in the Arctic. That is what we are doing here.”³⁹ Indeed, this continues the Council's mission to 'provide the conditions for and contribute to responsible governance in the Arctic' that started in 1996 (predating it with the formation of the Arctic Environmental Protection Strategy five years earlier) and was carried forward by each of the Arctic states during their periods of service as AC chair—a tradition Russia had pledged to uphold.

That Russia could nurture a collaborative Arctic even as it engaged in regional conflicts as far afield as Syria, Libya, Crimea, and Eastern Ukraine (with only that one brief interruption when in 2014 the US and Canadian AC representatives boycotted the Moscow meeting) was the accepted view by and large for nearly the entirety of the AC from its 1996 formation to its twenty-fifth anniversary in 2021, when Russia assumed the rotating chair for its second time. While it is universally acknowledged that Russia's full invasion of Ukraine is a game changer, and a systemic risk to global security, and while threats to Finland and Sweden on Russia's far northwestern frontier and to Japan on its far northeastern frontier indicate a notable shift in diplomatic tone, one cannot readily forget the “If you're not with us, you are against us” philosophy undergirding US President George W. Bush's “Bush Doctrine” that shaped and guided the “Long War” or “Global War on Terror” that the United States waged after the 9/11 attacks.⁴⁰

While the United States did not threaten the existence of those who did not join it, it did position opponents to the American war as “against us,” which of itself was coercive diplomatically—and the regional wars that embroiled the US armed forces for a generation did not impede the enduring cooperation among the Arctic states, regardless of where they stood on America’s wars. While Russia has threatened supporters of Ukraine’s defence more forcefully, including Finland and Sweden for their considering joining NATO it must still be noted that Arctic cooperation has endured many disagreements among the Arctic states on various matters of policy, whether related to foreign wars or not (as seen in the Trump Administration’s break with fellow AC members on climate change, which under Barack Obama was conceptualized as an all-of-government war against nature-out-of-balance).

The A7 decision to boycott the AC entirely, as part of the global isolation of Russia, does risk the opportunity presented by Korchunov under his watch as AC chair, and creates a gap in multilateral cooperation that could endure for many years. Can the Arctic afford such a gap? Was the exclusion of the Permanent Participants from the discussion and decision to impose an AC boycott breaching the spirit of state–Indigenous collaboration for which the AC rightfully takes much pride for its inclusivity, likewise a gap within the gap, putting the Indigenous organizations in the uncomfortable position that President Bush put American allies and friends in during the run-up to war after 9/11? Has the A7 response to Russia’s aggression in Ukraine created its own risk to Arctic unity that continued operation of the AC during wartime, with various alternative ways of expressing profound disagreement with Russia, might have avoided?

According to *Newsweek*, “Russia’s Arctic envoy has told Newsweek that international tensions over the war in Ukraine should not spill into the northern region that also borders the United States. But recent diplomatic and military moves by Washington and its allies show the usually serene frontier has already become a frontline in the crisis.”⁴¹

Nikolay Korchunov, who serves as Russia’s ambassador-at-large to the Arctic Council, told *Newsweek* that Moscow found this decision ‘regrettable,’ arguing that it ran contrary to the apolitical nature of the intergovernmental forum founded more than 25 years ago. ‘The Council’s mandate explicitly excludes matters related to military security,’ Korchunov said. ‘It is enshrined in all its founding and strategic documents that the Arctic should remain as the territory of peace, stability and constructive cooperation. Therefore, this unique format should not be subject to the spillover effect of any extra-regional events.’⁴²

Newsweek noted with “cooperation at a standstill due to the deadly war raging in Ukraine, the future of multilateral efforts remains deeply uncertain,” and that

Korchunov said his country ‘reiterates its commitment to close and constructive engagement with all Arctic Council member-states, permanent participants, observers and other interested non-regional partners. We are open for long-term partnerships in the region with any nation ... be it the Arctic Council member state or any other country, in the interest of its sustainable development and well-being of its inhabitants, including Indigenous Peoples.’⁴³

Even in this time of war, Korchunov reiterated that

“Russia is convinced that ‘the spirit of cooperation’ inherent in the Arctic Council will help to strengthen trust and mutual understanding ... and the Council should remain a solid framework for peaceful mutually beneficial collaboration despite geopolitical tensions elsewhere in the interest of a sustainable and prosperous future of the entire Arctic region.’”⁴⁴

But for the A7, Russia’s invasion of Ukraine shattered this hitherto enduring “spirit of cooperation,” precipitating the abandonment by Nordic states Finland and Sweden of their long traditions of neutrality and decisions to join the NATO alliance, as military concerns displaced prior cooperative instincts. Faith in Arctic cooperation, as the war in Ukraine approaches the end of its first year with peace nowhere in sight, is at an all-time low. And without the continued, full participation of all Arctic Council stakeholders, inclusive of Russia, the world has lost an important forum where the “trust and mutual understanding” Korchunov described can be rekindled. With this distinctive forum for multi-level multilateralism, where the inherent asymmetry of actors and diversity of their perspectives was welcome for so long, it’s hard to imagine a way back from this impasse, and to overcome the new distrust felt across the Circumpolar Arctic. But if the risks, dangers, and enmity of the Cold War era could so quickly give way to a new cooperative spirit as witnessed in 1996 with the Arctic Council’s formation, it can happen again. But for this to happen, dialogue must resume between all Arctic stakeholders—and this restoration cannot happen too soon. The stakes are just too high, for the Arctic, and for the world at large.

There is thus much opportunity from participating in, and in so doing thwart Russia’s ambitions, with the power of consensus that undergirds the Arctic

Council. Even while Europe is aflame, the Arctic continues to melt. The challenge of climate change does not go away, nor do the many pressing challenges across the remote and isolated communities of the Arctic region. And, with tensions high in Europe, Moscow may choose to ship more of its petroleum products through the Northern Sea Route to Asian markets rather than to European ports—and if it does, its economy will come to increasingly rely on the stable border with the United States it worked so hard to create and to sustain since the final days of the Soviet Union. When Russia sold Alaska to the United States in 1867, it did so for a good reason: it was the best neighbour to have, in good times and bad. This remained true during the Second World War when that border provided a lend-lease lifeline to the Eastern Front, and it remained true during the Cold War even when tensions were high. And despite the uncertainty and chaos unleashed with Russia's invasion of Ukraine, it remains true even today.

There is every reason to isolate Russia as the war in Ukraine continues, to maintain sanctions, and to remind Putin that he has become a pariah that threatens global stability. But no matter how things unfold in Europe, Russia still remains half of the Circumpolar World. Governing the Arctic effectively, and peacefully, still requires Russia's participation and consent. The Arctic climate will continue its inexorable thaw; its still pristine ecosystems remain as fragile and sublime now as they did before Russia invaded Ukraine. Arctic Indigenous Peoples continue to offer the world their wisdom and Traditional Knowledge, and require our continued, good-faith efforts to overcome past economic marginalization and political exclusion.

By keeping today's pause on Arctic Council participation as brief as possible and resuming meetings among its stakeholders virtually and in symbolic protest, while trying to restore consensus with Russia on the many important issues that still unite the whole of the Circumpolar World, the Arctic Council can become part of the answer to, and resolution of, the current conflict. It can offer the very same bridge to a collaborative future that it has promised since 1996 and show that its second quarter century can be as successful as its first. The Arctic Council survived the collapse of consensus once before on an issue of great import—the climate change challenge that requires our collective unity to overcome. The Council can—and must—survive the current collapse in consensus that has accompanied the conflict over Ukraine and keep this important bridge to a more peaceful and united future open for the time when Moscow is ready to reset its policies and rejoin the consensus it once embraced.

Notes

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14. Arctic Athabaskan Council, "Press Release"
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41. Tom O'Connor, "Russia Says Ukraine Crisis Must Not Reach Arctic, NATO Says It Already Has," *Newsweek*, March 31, 2022, <https://www.newsweek.com/russia-says-ukraine-crisis-must-not-reach-arctic-nato-says-it-already-has-1693940>.
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Book Review

Nested Federalism and Inuit Governance in the Canadian Arctic. By Gary N. Wilson, Christopher Alcantara, and Thierry Rodon. UBC Press, 2020. 207 pp.

Reviewed by Aaron John Spitzer

Ever since Indigenous Peoples in Canada mobilized against the federal government's 1969 White Paper on "Indian policy," a vast literature has emerged on the subsequent turn toward self-determination, especially addressing the moral, legal, and political grounds for, and difficulties of, achieving land-claim and self-government settlements, or "modern treaties." Much less scholarship, however, has described the Indigenous institutions and processes enacted by the modern treaties, and almost none has sought to assess and explain their efficacy. Into this gap step Wilson, Alcantara, and Rodon, with this efficient, descriptively rich, analytically probing contribution.

In their introduction, the authors pose two research questions: What explains differences in form and function of Indigenous modern-treaty institutions in Canada, and do these institutions achieve powers and policies Indigenous groups otherwise lack? The authors focus on a trio of cases—Nunavik in Quebec, the Inuvialuit Settlement Region in the Northwest Territories, and Nunatsiavut in Newfoundland and Labrador. These regions differ from other modern-treaty cases as they involve not First Nations or Métis but Inuit, who were never subject to Canada's Indian Act or historic treaties. Yet these three cases are representative of other modern treaties, and likely all future such treaties, as they are embedded in the governance architecture of existing provinces and territories. (Hence the authors exclude from the book Canada's other, most familiar Inuit settlement region, Nunavut, which uniquely comprises a purpose-built federal subunit.)

The authors study their cases through three analytical lenses, each discussed in Chapter One. The first lens, nested federalism, imported from Wilson's work on matryoshka federalism in Russia, focuses on the aforementioned embeddedness of Inuit modern treaties—to what degree are they constrained by, and pose

challenges to, the federal subunits engulfing them? The second lens, historical institutionalism, concerns how political trajectories may be set on tracks, or alternately derailed, by historical factors both institutional (policies, players) and non-institutional (e.g., “exogenous shocks”). The third lens, multi-level politics, focuses on relations between Canadian public governments and Indigenous institutions—are these relations fixed and hierarchical, exhibiting classical “intergovernmentalism” carried over from the pre-self-determination era, or are they fluid, interactive, and innovative, allowing Inuit to co-produce policy by way of “multi-level governance”?

In Chapter Two the authors provide a background on the (re-)emergence of self-determination among Indigenous Peoples in Canada and among Inuit across the Circumpolar World. They then give a concise history of their three cases, analyzing them in the light of historical institutionalism. They identify enduring evidence of past institutional factors, foremost being the macro-level effect of “nested federalism,” which constrains each region’s opportunities for autonomy. They also confirm micro-level impacts of path dependency—exemplified by the long-standing competition between siloed administrative bodies in Nunavik—and, conversely, of “critical junctures,” such as the federal government’s proclamation in 1995 that it would stop opposing Indigenous self-government. Finally, the authors note the repercussions of past non-institutional factors, ranging from the *sui generis* influence of key Inuit and public-government leaders to the discovery of valuable resources on Inuit-claimed land, which raised the stakes for all treaty-table parties.

Then, in Chapters Three, Four, and Five, the authors dive into the Nunavik, Inuvialuit, and Nunatsiavut cases respectively, using results of semi-structured interviews to interrogate each region’s modern-treaty history, form, and function. Each chapter underscores the aforementioned salience of historical institutionalism and nested federalism. More significantly, each employs the lens of multi-level politics, studying post-treaty relations between Inuit and public authorities in three seminal policy areas: education, housing, and natural resource development. Differences among policy areas appear: Inuit generally have won little power over education and housing and more power over resource development—not just on Inuit-owned lands but, especially through “claims-based co-management,” on lands ceded to the Crown. Differences among regions also appear: Nunavik, with Canada’s first modern treaty, possesses few formal self-government mechanisms yet has nevertheless leveraged its long experience, along with exogenous opportunities, to shape certain provincial policies. The Inuvialuit, also with little formal power, have employed a “corporate governance” model to become significant economic players in their region. Conversely Nunatsiavut,

though possessing a legally robust, unified government, has lacked financial and human capacity to flex this *de jure* power.

These distinctions, as well as similarities across each case, are highlighted in the sixth, concluding chapter. Here, the authors in effect largely confirm the findings of the few past studies on modern-treaty efficacy in Canada (e.g., Dacks 2004). First, circumstances matter: Federalism and history have both placed distinct constraints and imprints on modern treaties generally and on each treaty separately. Second, whatever their formal powers, Inuit modern-treaty signatories have proceeded cautiously, in part because they are hobbled by a lack of money, personnel, and experience. Third, Canadian public authorities have resisted change, often continuing to relate to Inuit regions in a top-down, pre-treaty manner, with old intergovernmental patterns predominating and Inuit multi-level governance emerging only incrementally in certain policy areas.

However sombre these findings, *Nested Federalism* is an appealing book. Though packed with theoretical concepts, descriptive histories, qualitative findings, and cross-case analyses, it is succinct, cleanly structured, and easy to use. It should prove beneficial to specialists as well as scholars more generally interested in modern treaties in Canada. For specialists, first, it goes wide, making theoretical contributions: affirming the utility of historical institutionalism, extending the (thus far limited) application of the concept of nested federalism, and continuing to feel out the efficacy of the theory of multi-level governance. Also for specialists, it goes deep, concisely packaging rich data on the complex history, structure, and policy-making experiences of the three “nested” Inuit regions. For generalists, it provides evidence that land-claim and self-government settlements, despite generating both enthusiasm and opposition, are unlikely to spark abrupt change. On the long and fraught march of Indigenous/Canadian relations, Wilson, Alcantara, and Rodon show that modern treaties, while a distinctive step forward, still must plod uphill.

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Book Review

Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic. Edited by Wilfrid Greaves and P. Whitney Lackenbauer. University of Toronto Press, 2021. 224 pp.

Reviewed by Heather Exner-Pirot

For a variety of reasons, sovereignty and security have become the lenses through which Canadian Arctic policy has most often been analyzed, and through which the region's importance has been communicated to the public. Likely as a result, the terms themselves have been used in often contradictory and incoherent ways, suiting whatever purpose or agenda its proponent is inclined to advance.

It is in this context that Wilfrid Greaves and Whitney Lackenbauer, in their edited volume *Breaking Through: Understanding Sovereignty and Security in the Circumpolar Arctic* seek to consolidate our understanding of those terms, and shape that understanding with their own imprimatur. They promote a broad interpretation, with security going beyond military threats and dangers, and sovereignty going beyond the rights of states. They put forward the bold claim that “deepening and broadening our understanding of sovereignty and security can help reduce vulnerability and increase the resiliency of Arctic societies” (p. 14).

The volume is comprised of a dozen chapters and includes an all-star cast of Arctic security experts: many of the usual suspects in the Canadian field, alongside some well-known Russian, Norwegian, and Danish ones. Written in 2021, the reader may be inclined to ask whether it holds up against recent events, notably the Russian invasion of Ukraine, which has seen Finland and Sweden announce they will join NATO, and the Arctic Council out on an indefinite pause—dramatic changes in the Arctic security environment.

In fact, it holds up pretty well in most respects, as the Russian invasion of Ukraine in 2014 is addressed and analyzed across several chapters, with lessons that hold for today. It's an interesting test: the Arctic rupture feels very dramatic right now, in Fall 2022, but is clearly not a scenario that was wholly unanticipated.

The strength, and concomitantly the weakness, of the volume is its acceptance of such a broad definition of both sovereignty and security. As a student of human security myself, I have sympathy for this stance. But flung across the volume itself, one asks whether or what the common centre is: how to reconcile the inclusion of both Rob Huebert's pessimistic analysis (I am sure he would counter, realistic) of geopolitical trends, and Natalia Loukacheva's assessment of Nunavut food policy. Does one need to know about the other to advance policy and thinking in their own field? To be fair, Arctic studies have always taken the regional lens to its interdisciplinary extreme. The book reflects that: we are meant to address climate change, Indigenous rights, and geopolitical tensions together and always.

While there is intellectual merit to critiques, such as that provided by Hoogensen, of security defined strictly as state-centred, the analysis that Kikkert and Lajeunesse provide in their chapters is, I would say, necessarily concerned with a Westphalian, legalistic framework. We are free to expand our definition of Arctic security and sovereignty, and question why some issues get more attention and resources than others. But let us not pretend we are comparing apples with apples when we do. There is a considerable difference in how to approach policy over boundary disputes than with asylum claims.

That said, the security analysis, though wide ranging, holds up well despite the events since it was published. The energy analysis, however, comes across as being from a simpler time. Despite excellent analysis by Østhagen in his chapter arguing that there are many Arctics, extraction of hydrocarbons is described too often as a regional phenomenon, including in the afterword, where it is described as one of three Arctic security "pathologies," in the context of climate change. In fact, it is almost wholly a Russian Arctic one, with marginal contributions by Norway and Alaska, who have both seen production decline over decades.

Given the recent rupture with Russia and Putin's weaponization of its oil and gas production, it would be devastating if Norway were to voluntarily cut off its supply to the European continent. For a volume that privileges human security, defining it in the classic sense as "freedom from fear and freedom from want," there is no consideration of the need for reliable and affordable hydrocarbons for the material well-being of northern and Indigenous residents, who depend a great deal more than southern populations, per capita, on diesel generation for heat and power, and long-distance air transportation for medical and food deliveries. The energy crisis is and will be devastating for northern communities.

The book also describes resource extraction in the Arctic as choosing "short-term financial benefit" over long-term ecological and social catastrophe. But as the world races to advance the green energy transition, the reality that it will require an enormous expansion of the mining industry, not least in the Arctic region, is not addressed at all. "Resources" are often conflated with hydrocarbons

in the volume, but in the twenty-first century, mining may very well be the bigger political, economic, and environmental driver. This is something that will need to be more prominent in future Arctic security analyses, including energy security ones.

This book is well worth reading. It is an invaluable resource for students of Arctic security, exactly due to its breadth. Even those who would favour a narrower approach to security and sovereignty will find what they are looking for in the first eight chapters of the book, and will do well to be exposed to the broader conceptions found in the subsequent four chapters, and afterword.

If the volume does not deliver consensus on a definition of Arctic security and sovereignty, it does its part in mapping how those at the forefront of the field choose to approach it.

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Book Review

The Right to Be Cold: One Woman's Story of Protecting Her Culture, the Arctic and the Whole Planet. By Sheila Watt-Cloutier. University of Minnesota Press, 2015. 352 pp.

Reviewed by Magayo Macêdo

In *The Right to be Cold*, readers will have the opportunity to realize that a variety of regions within the Circumpolar Arctic are no longer the same, either due to climate change or cultural colonialism transforming the very ways in which Indigenous communities lived for generations. The book begins with a foreword section by Bill McKibben in which he talks about Watt-Cloutier's personal experiences growing up in the Arctic in the late 1950s and early 1960s, making the point that gradually Inuit wisdom has been largely replaced by programs and institutions from southern Canada.

Born in 1953 in the town of Kuujuaq (at the time known as Fort Chimo), Nunavik (Northern Quebec), and being the youngest child of four, Sheila Watt-Cloutier has dedicated much of her life to the protection of Inuit people, occupying positions of leadership such as elected corporate secretary of Makivik Kuapuriisat (Makivik Corporation), an organization representing the Inuit of Nunavik (1995–1998), and chair of the Inuit Circumpolar Council (2002–2006), whose interests lie in the promotion of rights and cooperation among Inuit throughout the Circumpolar Arctic.

The book represents a contribution to the fight against climate change, by suggesting that climate is a vital component of sustainable development, and therefore actions to foster its stability, either by mechanisms of adaptation and/or mitigation, should be seen as human rights protection strategies. In the first pages, the author alludes to the significant growth of her hometown due to southern Canada's influence. One notable point made is the absence of environmental concerns following the establishment of the American air force base Crystal I in Kuujuaq during the Second World War. The facilities were later abandoned, leaving behind hundreds of tar barrels that would only be removed by the city decades later, well into the author's adulthood.

On more personal notes, Watt-Cloutier briefs readers on her family's history. Her grandmother met a Scotsman in the 1920s and had three children with him. Years later, she says, the man left Kuujuaq and never returned to his Inuit family, marrying a *qallunaat* woman (non-Inuit woman). Her grandmother was forced by life difficulties to give Watt-Cloutier's aunt, Penina, then a two-year-old girl, to another family in the community, the Shipaluks. As time passed, eventually both the author's mother and uncle began working to contribute to the family's finances.

History oftentimes tends to repeat itself and, as it happened, in addition to an adopted child named Elijah, Mrs. Watt-Cloutier's mother had three children of her own, with men who relinquished their paternal obligations and left, forcing the family to go through relatively similar experiences as those faced by the author's grandmother. However, Watt-Cloutier makes it clear that both women worked tirelessly to raise the children as comfortably as possible. She teaches that in Inuit culture, children "learned to behave by watching the adults around" (p. 12). Girls were trained to make clothes and prepare animals for food, whereas boys would traditionally master the art of building *qamutiik* (sleds) and *illuwigait* (igloos). Everyone, however, would learn to fish from a young age. The initial part of the book ends with Watt-Cloutier's recollection that she and a friend named Lizzie were chosen to go to what would become known as a residential school. In her own words, they were chosen to "attend school in the south as part of a federal program that selected promising Inuit children with a potential for leadership to be educated outside of the Arctic" (p. 22).

In Chapter Two—*From Dog Teams to Miniskirts and Rock 'n Roll*—the author reveals how at the age of ten years old she frequently experienced feelings of homesickness. Now living in the Canadian province of Nova Scotia, not only was she deprived of contact with her family and people, but she was also subject to identity loss. In fact, virtually everything was different from the author's experiences in the North: food, music, clothing, and, most importantly, language. Being forced to live and communicate exclusively in English took a heavy toll on Watt-Cloutier's ability to speak in her original language, Inuktitut. This issue, coupled with the fact that she started to get questioned about her identity, since she looked *qallunaanjjuk* (white), led her to change. She explains that after learning about her grandmother's passing due to cancer, for example, she felt "as if being sent away had shut down my emotional responses, as if the acceptance that I had forced to embrace had muted everything for me. Life just went on" (p. 35). Following Nova Scotia, at the age of twelve years old she and Lizzie were sent to Churchill, Manitoba, to attend a school for students aged 12–17, so she was therefore one of the youngest students. The continuous initiatives promoted during the 1960s and 1970s by the Canadian government and Christian groups to strip Inuit youth

from their Indigenous identities and practices have had drastic effects. The author mentions the case of a fellow student named Paul Meeko who was attacked by a polar bear and died from his injuries. She argues that had he been taught—as he likely would have been in the North—to track bears while keeping a safe distance, he could potentially have survived, but instead boys at the school were solely introduced to carpentry, welding, and other skills in demand in southern Canada. In summary, she indicates that “about 150,000 children in all were taken from their families to be ‘re-educated’ in English/French and Christianity” (p. 47). Decades later, then Canadian Prime Minister Stephen Harper would formally apologize for such practices after a class action lawsuit that resulted in the Indian Residential School Settlement Agreement and establishment of the Truth and Reconciliation Commission of Canada.

The following chapters of the book continue to focus on the author’s experiences as a leader for Inuit affairs, while attempting to show readers how the Canadian Arctic has changed significantly. One excerpt in particular translates some of these scenarios, when Watt-Cloutier mentions how upon her return to the Arctic, still as a teenager, she noticed how snowmobiles were much more prevalent than she had ever remembered seeing in her childhood days. In her own words, “I hadn’t seen any dog teams” (p. 54).

Inuit identity is still being threatened. Now, with the advent of climate change, it has become even more crucial for governments to cooperate for its protection. In summary, *The Right to be Cold* ultimately seeks to reaffirm the necessity for more cohesive, inclusive, and Inuit-oriented practices in environmental protection agreements for the Arctic. Sustainable development in the region has to be planned in consultation with its Indigenous inhabitants, she argues, who are at the forefront of global climatic changes. In the long run, one will not exist without the other.

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Book Review

Such a Lovely Afternoon. By Patti Flather. Inanna Publications, 2022. 227 pages.

Reviewed by Hiedi Cuppage

After the last few years, having mainly read articles about health care, and autobiographies and memoirs written by comedians, I found Patti Flather's stories a welcome change. I enjoyed how powerful, independent, and confident Flather was able to make her main characters, even while they were at their most vulnerable.

In "Typhoon," Flather depicts a relatable story, from longing to be a young person making a life in another country, to actually pulling off that life and making it feel realistic, through to the continuous yearning for being "home" while also trying to embrace new realities in a new land. It's as if she has filled in the gaps missing on HGTV's *House Hunters International*, capturing some of the things that don't change just because your landscape has: a long commute, trying to fit in, finding a purpose or a job that gives meaning to your days, questioning if you've overburdened your partner by having them buy into the adventure. This was the first story in *Such a Lovely Afternoon* where I found myself hooked on Flather's words.

"Piss and Vinegar" paints a picture of anyone who has ever rented anywhere with that one terrible landlord who makes promises straight out of the gate and seldom follows up, hoping that your desperation of keeping a home, any home, will trump you caring about renter's rights, and that you'll give up on the hope of any follow through and just keep sending the monthly rent accordingly. This is matched with another strong character, Wendy, who continuously finds ways to make a life for herself, even though it's not the one she had envisioned. The intergenerational friendship that Wendy forges with her neighbour, Inez, and the trouble they get up to in the name of vindication against Wendy's landlord, made me laugh out loud more than once. Even at times of desperation, there are glimmers of hope—whether it's finding a plumber or a warm meal, you never have to worry about Wendy and there's something to that.

“Stumbling Home” gave me great pause. This felt like the most northern-focused story of all, though I am not sure if that’s because of my own life experience. Having moved from the East Coast to northern British Columbia to work at a newspaper, and years later working for the courts and clerking a coroner’s inquest myself, this story almost felt like Flather has captured parts of my own life at earlier stages. In only sixteen pages, she captures the heaviness of small-town life in the most impossible and heartbreaking of times, and touches on navigating and building relationships through it all. Not an easy feat even if she had written a hundred pages to try and do so, yet she delivers.

“Sarah Is Under the Table,” is about the beautifully heartbreaking reality of anyone who has ever loved and lived with someone with dementia, and the complicated layers that can come when the person you’re taking care of is your family through marriage, but you don’t know them very well as people. Leah finds herself living with her mother-in-law, Margaret, and there’s a lot of overlap between caring for a toddler and someone with dementia that gets touched on throughout. Flather incorporates Indigenous culture and language preservation at times, when you can imagine the lights of Margaret’s eyes sparkling as they’ve never fully lost the ability to make bannock or remember Gwich’in words when trying to explain a recipe or a place. I like to think some of the times I’ve learned the most about people I admire is when they’ve been making something they’ve made a thousand times; when they’re paying mind to cracking an egg rather than to you directly, and they open up about some of the more painful parts of going through life. This story allows for those moments to unfold and a meaningful, respectful relationship to form, even when Margaret is not fully herself anymore.

“Such a Lovely Afternoon” is heartbreaking and touches on mental health issues, the loss of a parent, and the burden and difficulty of having to go on through it all—and the surprise shoulders we lean on and connections we can rebuild during those times.

While I initially felt there were more characters than pages within the first few stories, all in all Flather does a heartwarming job of creating characters we care about and can relate to along the way, with sprinkles of laughter even at the most jarring times.

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Book Review

The Joint Arctic Weather Stations: Science and Sovereignty in the High Arctic, 1946-1972. By Daniel Heidt and P. Whitney Lackenbauer. University of Calgary Press, 2022. 600 pp.

Reviewed by Glenn Icton

During the onset of the Cold War, the Canadian and American governments engaged in a joint effort to establish weather stations in the High Arctic. These developments occurred concurrently with increased American presence in the Canadian Arctic due to other military endeavours. With some exceptions, northern Canadian historiography examining this era has consequently been characterized by a focus on the American presence in the Arctic and associated sovereignty concerns on the part of the Canadian government. In *The Joint Arctic Weather Stations*, historians Daniel Heidt and P. Whitney Lackenbauer substantially broaden this scope of inquiry. While providing a nuanced analysis of sovereignty issues related to the establishment of Joint Arctic Weather Stations (JAWS)—and, in the process, challenging many previously-held assumptions—Heidt and Lackenbauer also provide numerous insights into the civilian components surrounding the establishment of the weather stations and the logistical challenges faced by planners and station personnel as they attempted to construct and maintain these stations in such harsh environments. This broad focus allows the authors to provide significant historiographical contributions not only to diplomatic history, but also to scientific and environmental history.

The book is divided into nine chapters. The first four chapters are chronologically organized. Chapter 1 focuses on the lead-up to negotiations regarding the establishment of JAWS, setting the context of early meteorological and scientific research in the Canadian North as well as Canadian sovereignty concerns in the decades preceding the Cold War. Chapter 2 discusses the negotiations that ensued between Canada and the United States to allay the former's sovereignty concerns and pave the way for JAWS. The following two chapters discuss the logistics of establishing the first weather stations in the High Arctic and expanding the network of stations.

The following five chapters are organized thematically, addressing various components surrounding the logistics and challenges of maintaining the weather stations. Chapter 5 examines the staffing of the weather stations while the following chapter explores how station personnel participated in scientific networks and contributed to the development of scientific knowledge. In doing so, chapter 6 highlights the distinction between the year-round JAWS personnel and visiting scientists, and the role of the former as meteorological technicians (or “met techs”) in collecting data for scientists. While environmental and seasonal influences on weather station operations are evident in each chapter, chapter 7 brings these considerations to the forefront. These considerations include addressing how seasonality affected resupplying the stations as well as how the environment influenced other life-sustaining elements, such as procuring water. As the weather stations were jointly staffed by Canadian and American personnel and offered few opportunities for respite from fellow staff members, chapter 8 examines the interrelationships between staff in the High Arctic. Finally, chapter 9 focuses on the debates surrounding the “Canadianization” of JAWS.

A central historiographical contribution made by Heidt and Lackenbauer is challenging conventional understandings of JAWS as a threat to Canadian Arctic sovereignty. The authors present very detailed research and analysis demonstrating the American government’s intentions to respect Canadian sovereignty. Concomitant to questions of sovereignty and security, Heidt and Lackenbauer also emphasize the important civilian role that the weather stations played. While acknowledging the fact that JAWS was useful militarily, the authors effectively demonstrate how the network of weather stations would facilitate more accurate weather forecasting which, in turn, served a multitude of civilian functions. Finally, the book effectively demonstrates that without American investment and expertise, these weather stations would likely have never been constructed.

While *The Joint Arctic Weather Stations* is in direct conversation with the multitudes of works examining Canadian Arctic sovereignty, the broad focus of this book allows it to make various other significant historiographical contributions. By providing an environmental lens, this book provides an important perspective when considering the interplay between plans developed in southern regions and Arctic realities. The fine details that are provided by Heidt and Lackenbauer demonstrate how the harsh Arctic environments as well as the unique geographies of each weather station’s locale meant that plans needed to be fine-tuned on site. As the authors note: “Realities on the ground and in the waters of the archipelago would force decision-makers to reshape their plans and even their conceptual mapping of where, when, and how human activities could be accomplished” (116). As Heidt and Lackenbauer point out, these challenges were further exacerbated

by logistical issues. For example, at the station on Resolute Bay, fresh fruit arrived prior to the construction of heated warehouses. As a result, most of the fruit was destroyed by frost.

Heidt and Lackenbauer also provide detailed descriptions of the interpersonal relationships that unfolded at the weather stations. A variety of factors affected these interpersonal relationships including nationality, whether individuals were military or civilian personnel, and whether individuals were well-suited to work in the Arctic. Each of these factors were further compounded by the isolation of the weather stations. The authors effectively demonstrated how each of these factors intersected to create unique social dynamics at the weather stations. Elaborating upon this, Heidt and Lackenbauer also examine the relationships between JAWS staff and scientists, highlighting the importance of empathy and camaraderie in facilitating a more congenial relationship between the two groups and facilitating the effective collecting and communicating of scientific data.

Government and military organizations figure prominently in this book. These types of organizations have a penchant for using acronyms. Consequently, Heidt and Lackenbauer have provided a four-page list of acronyms at the start of the book. This list is a very useful resource for readers who might otherwise find the frequent use of acronyms alienating and difficult to follow. The use of maps is also very useful to help situate readers to the locales discussed in the book. Finally, the book is well illustrated with photographs and other images.

While some readers might be overwhelmed by the level of detail provided in *The Joint Arctic Weather Stations*, it is through this detail that Heidt and Lackenbauer take their analysis beyond high-level bureaucratic understandings of JAWS and provide valuable insights into the actual operations of the weather stations. As stated in the book's introduction, "we [Heidt and Lackenbauer] quickly realized that a fixation on senior decision-making overlooks significant dynamics in the actual *operation* of the JAWS program, in addition to what experiences in the field tell us about high-level assumptions and concerns over time" (10). These details provide a comprehensive understanding of the operations and how senior decision-making often did not reflect the realities on the ground. The insights provided in this book would be of interest to scholars studying Arctic sovereignty, environmental history, and the history of science. Additionally, the book is written in accessible language and general northern history enthusiasts would likely find themselves drawn in by the many unique details surrounding the establishment and operation of JAWS. Overall, *The Joint Arctic Weather Stations* provides multiple significant historiographical contributions to understanding the Canadian High Arctic during the Cold War era.

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