Power, Truth, and Fossil Fuels

The Inuit community of Clyde River's struggle against the Arctic resource rush

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Abstract

The 21st century has seen the world fix its eyes upon the fossil fuel and mineral resources of the Arctic. The Canadian government has embraced neoliberal policy in its efforts to draw investment to the region, offering low royalty rates, lenient regulatory regimes, and limited powers for northern governments. The approach has not necessarily sat well with Inuit, the Indigenous peoples of the Canadian Arctic. A 450-year old history of extractive industry has left them on the losing side of a core-periphery relationship with the global capitalist economy, and many now seek liberation from economic and political subordination. Inuit therefore hope to control extraction in order to a strike a balance with other priorities, including subsistence practices and protection for their distinct cultural identity.

The fight to assert Inuit self-determination in the face of the oncoming resource rush is perhaps nowhere clearer than in the resistance of the tiny Baffin Island hamlet of Clyde River to a proposed offshore oil exploration project in Baffin Bay and Davis Strait. During the four year environmental assessment and public consultation process headed by the National Energy Board, Canada's arms-length federal energy regulator, opposition grew as Inuit became convinced that the process was meaningless, that their input was irrelevant, and that there would be no significant regional benefit. Nonetheless, the NEB celebrated the level of public participation that had occurred and approved the project in June of 2014 (NEB 2014).

Examined as part of a chain of boom and bust cycles, facilitated in part by government policies that sought to sedentarize Inuit, the Clyde River case represents an example of the mechanisms through which Indigenous peoples are subordinated as their lands are sought for the purposes of resource extraction (Bonesteel 2006; QIA 2010). Such processes ultimately generate dependency on the market economy and ensure that economic surplus flows out the region (Amin 1976; Harvey 2005; Hodgkins 2009; Frank 1966; Wallerstein 2004). According to Marxist theory, imperial trade relationships are a strategy to stave off the crises of overproduction that capitalism is structurally bound to produce (Harvey 2005; Marx 1867). However, the Clyde River case and its historical context suggest that the exercise of power in these processes transcends pre-meditated strategies intended to uphold the capitalist system.

Foucauldian criticisms of Marxism assert that power does not belong to the elite, but is an active force that circulates throughout society through the concept of "truth" (1980). Power relations arise in the discursive practices through which we police what can be considered true, and who can be considered a truth-speaker. Drawing upon this theory, the formation and maintenance of the Arctic as an extractive periphery in cases like Clyde River's are explored through the operation of power as truth, within which the elite agenda is but one element. Current environmental assessment and consultation processes inevitably reproduce these power relations, and are therefore not adequate to ensure Inuit are able to temper the effects of extraction or to protect their way of life.

Foreword

During my time in York University's Faculty of Environmental Studies (FES) I sought to branch out from my earlier studies in Philosophy and Environmental Ethics. I had emerged from my undergraduate feeling dissatisfied with how abstract the knowledge I had gained suddenly seemed, and I lamented how little I knew about the concrete ways in which the world works. I had entered university hoping to become someone who could contribute to the environmental and social justice movements I cared about, but I did not feel as if I had actually learned much about them.

At FES I dove into development theory, critical theory on colonialism, post-colonialism, race and intersectionality, and the law. I focussed my efforts on colonialism in the Canadian context, endeavouring to understand the history I knew so little about, Indigenous resistance, and developments in Aboriginal law. I placed a particular emphasis on the intersection of the Canadian extractive industries and the colonization of Indigenous peoples, hoping to grasp the ways in which capitalism and colonialism are intertwined. I kept many of my courses and the final papers I wrote for them centred around these themes, as I knew I was taking on big subjects in which I had little background.

Since I have always conceived of my academic work as part of my attempts to contribute meaningfully to struggles for justice, I made a special effort to ensure that my time in FES also included active practice. I interned at the Assembly of First Nations in the summer of 2014, and volunteered at the Mining Injustice Solidarity Network (MISN) throughout my time at York. In the fall of 2014 I was offered the opportunity to work on a Greenpeace campaign supporting the Inuit community of Clyde River as they headed to court to stop seismic testing in Baffin Bay and Davis Strait.

The Clyde River case addressed almost all of the major issues I had been trying to wrap my ahead around during my time in FES, and I hoped that, in accepting the offer, I could channel my efforts to better understand them into support for the community. Luckily, in the end I was able to translate some of my research into a few articles and blogs that appeared in the media around the time of Clyde River's hearing in Toronto, helping to rally public support and influence the media narrative.

Probing deeper into the issues as I put my Major Research Paper together, the case afforded me a concrete opportunity to study colonial power relations in the political, economic, and cultural spheres as they unfold through Canadian legal and regulatory institutions, broad trends in Canadian extractive development and its relationship to Inuit – in the past and in today's neoliberal era – and analyses of changing Aboriginal law and its implementation.

Introduction

The 21st century has seen the Canadian government fix its eye firmly upon the fossil fuel and mineral resources of the Arctic. Climate change, the global appetite for natural resources, and political vying amongst northern states for claim over the Arctic have converged to create what some have called the "Scramble for the Arctic" or the "Arctic Oil Rush" (Ruel 2015; Du 2014; Smith 2010; Byers 2009). Federal government efforts to develop these resources have taken a distinctly neoliberal tack, boasting low royalty rates, deregulation, and minimal roles for northern governments (Hodgkins 2009). Extraction is also touted as the solution to the socioeconomic ills of the region, including poverty, high unemployment, and a lack of basic infrastructure development (MacCharles 2013).

The approach has not sat well with many Inuit, the Indigenous peoples of Canada's Arctic (Loukacheva 2009). A 450-year old history of extractive industry in the Arctic has left Inuit on the losing side of a core-periphery relationship with the global capitalist economy, and many now seek liberation from economic and political subordination. In 1993, Inuit signed the *Nunavut Land Claim Agreement* (NLCA), the largest land claim in Canadian history, in the hopes of gaining political autonomy, protecting their cultural identity, building sustainable economies, benefitting from resource extraction, and allowing subsistence practice and the market economy to co-exist (NTI 2004). The neoliberal free market philosophy is not in easy accord with the goal of striking a careful balance between extraction and other Inuit priorities. Despite the NLCA, and despite the progressive strengthening of Aboriginal rights across Canada in recent decades, Inuit have struggled to exert self-determination in the face of the oncoming resource rush.

The fight to control resource development in the interests of Inuit is perhaps nowhere clearer than in the resistance of the Baffin Island hamlet of Clyde River to a proposed offshore oil exploration project in Baffin Bay and Davis Strait. While the residents of Clyde River were not widely opposed to the idea of seismic testing when the proposal was first tabled in 2010, the regulatory and consultation process that followed left them feeling disrespected, sidelined, and highly sceptical that there would be any benefits for Inuit or meaningful protection for the environment and their way of life (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). Opposition had spread across Baffin Island by the time the project was approved in June 2014 by the National Energy Board (NEB), Canada's arms-length federal energy regulator (Bernauer 2014). Following the NEB decision, Clyde River's Mayor, Jerry Natanine, its Hamlet Council, and its Hunters and Trappers Organization (HTO) launched a legal challenge calling for a judicial review of the approval based on the Crown's obligation to consult meaningfully, in good faith, and with the overarching goal of reconciliation with Aboriginal peoples under the *Constitution Act, 1982* (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2014). The case, which was brought before the Federal Court of Appeal, has been supported by regional Inuit organizations including the Qikiqtani Inuit Association (QIA), the body mandated to represent Inuit on Baffin Island, and Nunavut Tunngavik Incorporated (NTI), the body legislated to ensure the implementation of Inuit rights enshrined in the NCLA (Rogers 2015; Towangie and Eegeesiak 2014). The Government of Nunavut has also supported the right of Inuit to a thorough

consultation throughout the regulatory process (DuChaine 2011). The case was heard in April of 2015, but at the time of writing, the ruling had not yet been released.

The Clyde River case, examined in its historical context, represents a clear continuation of the use of the Arctic as an extractive periphery. The Inuit position in relation to capitalism has been defined by a chain of boom and bust cycles beginning with the appearance of European whalers in eastern Arctic waters in the 16th century, through the rise of the fox fur trade at the turn of the 20th century, through to the expansion of mining and fossil fuel extraction in the 20th and 21st centuries. The extractive nature of these ventures, although diverse in their specific modes of operation, undermined Inuit subsistence practices and economic resilience, cultivated Inuit dependency on consumer goods and wage employment, and left Inuit vulnerable to the fluctuations of the market. Applying Marxist theoretical frameworks, these historical and contemporary dynamics can be analyzed together as part of the structural imperative of capitalism to accumulate capital through geographical expansion, which provides access to primary commodities, outlets for capital, and cheap labour (Amin 1976; Harvey 2003; Frank 1966; Marx 1867; Wallerstein 2004).

However, the Clyde River case also draws attention to the subtle ways in which power operates through regulatory and legal systems to achieve Inuit marginalization and open access to Arctic resources, particularly in the neoliberal era of deregulation. Foucauldian critiques of the Marxist conception of power as a possession of the capitalist elite, imposed by them in order to maintain the capitalist system, instead highlight the operation of power throughout society through western conceptions of "truth" as neutral and universal (Foucault 1980; Hodgkins 2009; Springer 2012). Foucault asserts that that regulation of truth produces hierarchies of knowledges, in which some individuals and institutions are identified as truth speakers, while the voices of others are marginalized, delegitimized or ignored (1970). However, the assumption of truth as the basis for these differentiations precludes that power can be identified as a structuring force, and it is therefore erased. Thus, the claim to neutrality in itself becomes an imposing assertion of power. Institutional processes, such as NEB public consultations, embody and reproduce these power relations, regardless of whether members of the capitalist elite seek explicitly to secure their preferred outcome.

Inuit are thereby subordinated by the operation of "power as truth" in the structure and implementation of institutional and legal processes that masquerade as neutral, and in the construction of Inuit as non-truth speakers. Applying both Marxist and post-structural theory to analyze historical and contemporary events, it becomes clear that the creation and maintenance of the Arctic as an extractive periphery relies upon the exercise of Foucauldian power relations. Current regulatory, consultation, and legal frameworks, which purport to afford Inuit an opportunity to meaningfully participate in decision-making about Arctic development, inevitably reproduce these power relations, and are therefore not adequate to ensure Inuit are able to temper the effects of extraction or to protect their way of life.

This study was conducted through the application of Marxist and Foucauldian theoretical frameworks to secondary historical sources, the environmental assessment and consultation reports of the proponent and NEB, the public transcripts from the NEB public meetings, original

letters and petitions exchanged between Inuit, Inuit organizations, the NEB, the proponent, consulting firms, and Aboriginal Affairs and Northern Development Canada, as well as personal observations made during a lecture given by Mayor Natanine in Toronto, and at the hearing at the Federal Court of Appeal on April 20, 2015.

Part one of this paper explores the Marxist and Foucauldian theoretical frameworks. Part two will explore the history of European commercial whaling and the fur trade, during which time capitalist expansion laid the foundations for the asymmetrical exchange relationship between Inuit and colonial powers. Part three will explore the critical period between the 1950s and 1970s, at which time the Canadian State first began to play an active role in the management of Inuit, facilitating their dispossession and conversion into a reserve labour pool for northern industry in the name of Inuit health, education, and prosperity. It will conclude with a brief overview of the current neoliberal era. Part four will turn to the case of Clyde River, with a focus on the marginalization of Inuit perspectives in the institutions and processes through which decisions are made regarding extractive development, with particular attention paid to the regulation of knowledge, truth, falsity, and legitimacy in the contexts of consultations and the courts.

PART 1: Marxism and Post-structuralism

Marxism and the capitalist drive to expand

Marxist theory addresses the structure of capitalism and its inherent connection to colonialism and imperialism. This framework offers insight into the forces that have driven and shaped the formation and maintenance of the Arctic as an economically and politically subordinate region, and which are fueling the contemporary resource rush.

Marx asserts that capitalism is based on private appropriation of the means of production by the capitalist class, which allows for the accumulation of capital (1867). Private appropriation necessarily entails the alienation of the majority of the population from the means of production, leaving them with nothing but the ability to sell their labour. Owners of the means of production are then able to exploit them by appropriating the surplus value created through their labour. Products obtain a market price that is greater than the cost of labour, and the resulting profit accrues to those who own the means of production instead of those who work. The surplus is then re-invested in order to expand productive capacity, in turn generating yet more surplus to be invested. This cycle of growth is dubbed "capital accumulation."

In *Capital Volume 1*, Marx explored the foundation of capital accumulation in the historical period in which the division between capitalist and proletariat was first created (1867). He called the process "primitive accumulation," a moment that occurs in the transition from non-capitalist to capitalist modes of production. Primitive accumulation occurred primarily between the 15th and 18th centuries, during which time the agricultural population of Europe was forced off the lands they had held under customary arrangements for time immemorial. These lands were then enclosed as the private property of the rising bourgeoisie and were used, for example, as sheep-walks from which great profits could be extracted. During roughly the same period,

Indigenous peoples around the world were also being dispossessed of their lands and its natural wealth. As Marx wrote:

> The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signaled the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation (1867).

The dispossession of the agricultural population in Europe and Indigenous populations in the colonies created the necessary pool of labour and natural capital to allow for further capital accumulation, fuelling the Industrial Revolution and laying the foundations for the exploitative trade relationships of the future. In the Arctic, primitive accumulation manifested through European commercial whaling in the 16th century, followed by the fur trade in the 19th and early 20th centuries.

Primitive accumulation represents a historical moment that lays the preconditions for the rise of capitalism. However, its basic ideas have been expanded into analyses of the capitalist imperative to expand indefinitely, seeking out new populations to dispossess and proletarianize in non-market, transitional, and peripheral economies around the world (Harvey 2003). Driving this process is the contradiction that Marx asserted lurks in a combination of social production and private appropriation. The contradiction unfolds in many complex ways, but at base, it manifests through the capitalist's imperative to pursue accumulation to the maximum capacity afforded by available capital and labour in order to outcompete rivals, without regard for actual market capacity (Marx 1863). As a result, the production of a constantly increasing amount of consumer goods is coupled with cost-saving measures, such as the reduction of wages, which directly impacts effective demand for consumer goods (Harvey 1975). Overproduction then occurs because the market becomes glutted with goods that nobody can afford, while capital surpluses occur because capitalists have overinvested and can find no profitable outlet (Harvey 1975; Harvey 2003). Effects can be seen such as mass unemployment while factories sit abandoned next door.

According to Marxist theorist David Harvey, the need to stave off or escape crises of overaccumulation caused by inherent contradictions of capitalism underlies much imperial activity (2003). Expansion provides outlets for capital surplus, including the purchase of land and the development of physical infrastructure – the latter of which can act as a capital sink over long periods. It also generates new markets for surplus consumer goods and supplies of labour capital, often at a lower cost than domestic workers, through privatization of the means of production in previously non-capitalist economies (2003). This is seen, for example, in the enclosure of arable lands for industrial agriculture or the flooding of villages for large-scale hydroelectric dams, leaving populations of dispossessed, transitional peoples whose traditional ways of life have been disrupted or destroyed (Zoomers 2010). Such populations may be forced to work for low wages and to depend on purchased food and goods. Cheap labour allows for further expansion and higher profit margins while decreasing the value of labour at home. Harvey calls the process "accumulation by dispossession" (2003). The implication is that crisis

will continue to loom so long as the structure underlying the economy remains the same. In fact, ironically, the very measures used to avoid crisis are a heightened version of the very measures that produce crisis to begin with, leading to an unending chain of expansion and crisis (Harvey 1975). This process is represented throughout the history of extraction in the Arctic, in which the relentless pursuit of capital has led to a series of crises of overexploitation and overaccumulation, leaving Inuit impoverished, dependent on low-paying, scarce wage employment, and unable to maintain subsistence practices after the rushes inevitably ended.

Neo-Marxist theorists have drawn on the concept of primitive accumulation to further illuminate the relationships between western capitalist powers and previously non-market economies (Glassman 2006; Harvey 2005; Wallerstein 2006). Neo-colonial theorists like Kwame Nkrumuh examined the exercise of political and economic control over former colonies by the imperial powers following the Second World War, in order to maintain the asymmetrical trade relationships established during the colonial era (1965). World-systems and dependency theorists such as Samir Amin, Immanuel Wallerstein, and Andre Gunder Frank examined how the exploitation of "peripheral" regions for raw materials and cheap labour created dependency on wage employment and consumer goods, while economic surplus accrued to core regions. They asserted that this relationship results in underdevelopment in the periphery, characterized by limited economic diversification and industrialization, while the core is able to accumulate capital, industrialize, and to develop and control productive technologies. This arrangement, sometimes characterized as an "international division of labour," also permits core countries to maintain political power (Amin 1976; Frank 1966). Frank therefore countered the view that underdevelopment was caused by the failure to fully integrate into the market economy, instead asserting that weaker – not stronger – links to the core were necessary for autonomous industry to occur.

Many theorists have attributed underdevelopment in the North to its peripheral position within global capitalism. The Arctic's relationship to Canadian metropolitan and world centres is consistent with a "geographical division of labour" in which the core appropriates large surpluses from the extraction of raw materials, while the Arctic receives little benefit and fails to develop sustainable economies (Hodgkins 2009). Some have appealed to dependency and world-systems theory to explain the pattern and its relationship to colonial history and neoliberalism, even drawing direct comparisons between the Arctic and countries in the Global South (Glassman 2006; Pretes 1988; Weissling 1989). Lee Weissling, for example, writes that:

> Relations between the South and North are continuing to be ones between core and periphery, an extension of colonial attitudes that cater to the political and economic needs and goals of the "mother country" or core. In that way, the circumpolar North shows similar characteristics to those of Third World countries or developing areas throughout the world, although its individual regions are integral parts of modern industrialized nation-states (1989).

Russell Banta similarly asserts that the failure of the federal government to invest in "the basic prerequisites for sustainable northern economies" has led to a "resource curse" in the region, in which commodity extraction generates enormous profits, but is diverted away from the region and fails to contribute to local growth or to ameliorate socioeconomic conditions (2006). Michael

Pretes, who compares the Arctic to Brazil's Amazon region, draws on Frank to argue that the extractive industries have consistently disrupted subsistence practice and the "slower but more socially beneficial development that was taking place," replacing self-generated economic activity and introducing volatile boom and bust cycles that lead to economic involution when commodity prices are low (1988). Using similar logic, David Leadbeater refers to the Arctic as "resource export dependent" (2007).

Neo-Marxist theorists have drawn on neo-colonial and world-systems theory in levelling critiques against the neoliberal policies that rose to prominence in the 1970s and 80s, which led to globalization and the prevalence of free market economics around the world (Harvey 2005; Wallerstein 2004). They assert that the neoliberal goal of breaking down trade barriers to generate prosperity in the Global South has failed, instead further entrenching unequal trade relationships established during the colonial and neo-colonial eras. Proponents of neoliberal policy have posited that everyone stands to benefit from free trade in accordance with the trope that "a rising tide lifts all boats," but critics claim that it hinders the ability of peripheral regions to assert their own interests and prevent economic surplus from being siphoned off to core regions (Harvey 2005). David Harvey highlights the shrewd tactics employed by core countries in order to permit the continued exploitation of the South, from supporting free trade-friendly military dictatorships to the more subtle structural adjustment loans offered by the World Bank and IMF (Harvey 2005). David Harvey asserts that neoliberal policy represents a strategy for securing the Global South as a source for raw materials, cheap labour, and capital investment, thereby staving off crises of overaccumulation. He points out that neoliberalism was adopted as a response to the global recession of the late 1970s and 80s, at which time the forcing open of Latin American economies to free trade was posited as the solution to the crisis (2005). The Harper government's employment of neoliberal policy in its push to develop Arctic resources in the wake of the 2008 financial crisis similarly builds upon earlier trade and political relationships, and hinders the ability of Inuit to escape dependency on resource exports, secure benefit from extraction, control when, where, and how it takes place, and balance it with prioritizing Inuit ways of life.

Marxist perspectives on the structure of capitalism, primitive accumulation, and accumulation by dispossession expose the capitalist imperatives that have driven the transformation of Inuit communities into dependent extractive peripheries, and which Inuit are now struggling to hold at bay. However, Foucauldian criticisms posit that Marxism fails to develop an adequate analysis of the operation of power within the decision-making processes that marginalize Inuit and have led to the economic and political subjugation of the Arctic, and Nunavut specifically (Hodgkins 2009). These criticisms must inform interpretations of the history of exploitation in the region, and must inform the analysis of contemporary cases like Clyde River, in which institutional processes that claim impartiality still lead to the marginalization of Inuit.

Post-structural critiques: power as truth

Michel Foucault's criticisms of Marxism highlight its particular conception of power, namely as a possession of the capitalist elite which is exercised over the proletariat in order to preserve the

capitalist system (Hay 1999; Mills 2003; Springer 2012). This view has in turn produced a particular understanding of the relationship between ideas and power as "ideology," essentially a system of falsehoods created by the elite in order to ensure the proletariat accept their subjugation as natural, fair, or inevitable. For example, in *The German Ideology* Marx writes:

> The ideas of the ruling class are in every epoch the ruling ideas, i.e. the class, which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it. The ruling ideas are nothing more than the ideal expression of the dominant material relationships, the dominant material relationships grasped as ideas; hence of the relationships which make the one class the ruling one, therefore the ideas of its dominance (1846).

Also implicated in the exercise of power by the elite is the state, understood as the apparatus through which class rule is maintained (Hay 1999). This conception of the state was elaborated by Marxist Louis Althusser, who asserted that the state employed both violent coercion, through the military and legal system, and ideological coercion, through social pressure in churches, schools, and other social institutions (1970). Althusser portrays the powerless as the "dupes" of the ruling class, while state apparatuses are seen as the mechanisms of calculating forces. Some Marxists have referred to the deception of the proletariat as "false consciousness" (Little n.d.). In accordance with these views of power, ideology, and the state, Marx claimed that his theoretical framework was a "science" that asserted the truth against capitalist attempts to deceive, through which the liberation of the proletariat could be achieved (1867).

Foucault rejected the conception of power as fixed object, concentrated in the hands of a particular group and imposed upon others. He instead asserted that power is an active process, a performance, an exercise, that operates throughout society between individuals, groups, and institutions. In the *Power/Knowledge* interviews, he explains that power is "employed and exercised through a net-like organisation," constantly circulating through people and institutions, who act more as vehicles than wielders of power (1980). Power itself is therefore always beyond the grasp any particular class, though through the performance of power, persistent power *relation*s are established, reproduced, entrenched, and reshaped.

This view of power is closely linked to Foucault's conceptions of knowledge and truth, which eschew the notion of universal truth that stands in opposition to falsehood accepted by Marx (1979). Instead, he posited that ""Truth" should be understood as a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements" (1980). Truth is therefore a complex construct that varies across societies, through which we distinguish between what can be considered fact or falsehood, legitimate or illegitimate knowledges – and, importantly, *who* can be considered a speaker of truth, and who cannot. In Foucault's view, every society has a "regime of truth," or dominant ways of understanding, performing, and policing truth. In *The Order of Discourse*, Foucault explains that the regime of truth is performed through "discourses", patterns of communication in written word and spoken statements that, in their very structure, reproduce and affirm certain understandings of truth and truth-speakers (1970). "Discursive practices" are the specific mechanisms through which we police truth for example by ignoring, erasing, discrediting,

attacking, or otherwise marginalizing discourses that challenge dominant knowledges. They also include the performance of certain rituals and practices that come to signify credibility, through which particular individuals and institutions are represented and represent themselves as neutral bearers of truth. Out of these processes, also referred to as "systems of exclusion," emerges an implicit hierarchy of knowledges and "knowers" that pervades society (1970). The regime of truth also produces particular identities and narratives which are reinforced through discursive practices and impose limits on what can be thought or done, and by whom. Power and power relations underlie this entire system, and can be conceived of as effects of truth or as operating *through* truth (Mills 2003). Power is exercised in the production of knowledge, whose creative power is simultaneously the power of marginalization and erasure. Power *relations* emerge through constructed identities, closely related to the regime of truth and hierarchy of knowledges and knowers, which legitimize and empower some, while subjugating others.

Power is exercised every time a claim to truth is made, but its effects on a broader scale can be seen through the institutions which draw their authority from the regime of truth, and appropriate and extend particular discourses. Foucault asserted that institutions, such as schools, hospitals, and prisons enforce truth by seeking the "normalization" of individuals who are constructed as outsiders or as divergent (1980). At the same time, they perform their own identity as authorities in the possession of legitimate knowledge. In this way, institutions entrench power relations.

Foucault's framework gives rise to a conception of the state that challenges the Marxist view. Since power circulates throughout society, Foucault refutes that the state represents the top-down imposition of bourgeois rule. Instead, it reproduces power relations on which its existence also depends. He states;

> The relations of power, and hence the analysis that must be made of them, necessarily extend beyond the limits of the State. In two senses: first of all because the State, for all the omnipotence of its apparatuses, is far from being able to occupy the whole field of actual power relations, and further because the State can only operate on the basis of other, already existing power relations. The State is superstructural in relation to a whole series of power networks (1980).

Further, Foucault criticized the Marxist tendency to neglect the complex operation of power within and through the state, instead representing it as a unified whole capable of strategizing and pursuing complex goals. He says instead that the state "does not have this unity, this individuality, this rigorous functionality, nor to speak frankly, this importance: maybe after all, the state is no more than a composite reality and a mythicised abstraction" (1980). It is the regime of truth and its accompanying power relations that must be deconstructed; the state and any intentional attempts to subjugate are contingent upon these.

Finally, Foucault refuted the Marxist tenet that the capitalist mode of production is the fundamental determinant of social structures, instead positing that capitalism is subsumed within the regime of truth and is produced through the dialogical interplay between discursive practices and "extra-discursive" practices – actions taken in the material realm. While the economic

structure of capitalism certainly exerts pressure upon individuals to pursue capital accumulation, this dynamic exists within a landscape of power relations that condition the emergence of capitalist imperatives and the ways in which they can be pursued. Foucault concedes that the dominant class employs pre-meditated strategies to secure their position and uphold the capitalist system, but he asserts that "between the strategy which fixes, reproduces, multiplies and accentuates existing relations of forces, and the class which thereby finds itself in a ruling position, there is a reciprocal relation of production" (1980). In other words, like the state, discourses both produce and are produced by the capitalist elite. Therefore members of the elite have not "invented and forcibly imposed this strategy on the working class," but they draw upon existing power relations in affirming and furthering their interests (1980). Again, this intentional exercise of power is merely contingent upon the regime of truth and dominant power relations. Furthermore, the reproduction of power relations is not dependent on whether any pre-meditated strategy is at play.

The Foucauldian framework urges an analysis of colonial domination that goes beyond the aspirations of the ruling class to secure Indigenous lands for the purposes of capital accumulation or to stave off crises of overaccumulation. Colonial power relations also consist in the decentralized imposition of the capitalist regime of truth, the construction of identities for Indigenous peoples that erase their own self-identification, the marginalization of Indigenous knowledges, and attempts to "normalize" Indigenous peoples in educational, medical, and penal institutions (Wilson 2008). These are imposed directly upon Indigenous peoples, and are also reproduced amongst the public and within the institutions through which state policy is developed and deployed. Underlying the process is the understanding of truth as universal, the masquerading of western truths and ways of performing truths as neutral, and the investment of western institutions with the qualities of impartiality and authority to speak truth (Walter and Anderson 2013).

An example is offered by Foucauldian theorist Mary Louise Pratt, who examines the 19th century European obsession with producing detailed maps of colonized lands and identifying, naming, and classifying their flora and fauna (1992). During this period the Canadian Arctic was mapped meticulously, leading to the naming of Baffin Bay after English navigator William Baffin, and Davis Strait after British cartographer and scientist John Davis. According to Pratt, this specific process of knowledge production appears to have grown out of the 19th century cultural celebration of scientific reductionism, rather than the desire to subordinate Indigenous peoples. Nonetheless, it effectively erased Indigenous names, knowledges, and relationships with their lands (Pratt 1992). It also simultaneously constructed new identities for both colonizer and colonized; while the European became the active "knower," Indigenous peoples became the passive "known," an identity that lacks autonomy from the observer and erases Indigenous self-identification (Wilson 2008). This is particularly stark in cases where Indigenous peoples themselves became the object of scientific study, through which Europeans produced accounts of the social and cultural life of Indigenous peoples that entirely excluded the input of Indigenous peoples. For centuries, such accounts influenced colonial government policy towards the management of Indigenous peoples, including those that ultimately furthered the cause of accumulation of by dispossession (Wilson 2008). As elsewhere, throughout the history of Inuit integration into the market economy, Europeans have produced knowledge about Inuit that

excluded Inuit perspectives. They have been analyzed in the reports of European explorers, assessed by state officials, and excluded from the development of policies that have purported to address their socioeconomic ills.

This example demonstrates the synonymy of knowledge production and the exercise of power. It also demonstrates that the subjugation of Indigenous peoples to positions on the periphery of the global capitalist economy is both motivated by and accomplished through the regime of truth, which conditions constructions of Indigenous peoples, the imperative to integrate them into capitalism, and the specific mechanisms through which domination is performed. Foucauldian theory compels us to carefully examine the power relations that have been at play throughout the processes through which Inuit have been integrated into the market economy.

PART 2: Whaling and the Fur Trade

Drawing on Marxist theory, a closer examination of the history of Inuit relationships with extractive industries reveals how the structural capitalist imperative to expand capital accumulation generated repeated crises of overexploitation and overaccumulation. These boom and bust cycles undermined Inuit culture and subsistence practices, generated dependency on wage employment and market goods, and tightly bound Inuit welfare to the fluctuations of the market (Bonesteel 2006; Pretes 1988; Tester and Kulchyski 1994). During the period of primitive accumulation, characterized in the Arctic by commercial whaling and the fur trade, there was little direct state involvement in the pursuit of capital on Inuit lands (QIA 2010).

During this period, however, the discursive foundations were laid for the relationship between Inuit and the state, which persist in modified forms in today's legal, consultation, and regulatory decision-making processes. The European truth regime of truth was foisted upon Indigenous peoples as explorers carefully charted their lands (Bonesteel 2006). Europeans also began to produce identities for Indigenous peoples as inferior, hedonistic, and unintelligent, and for themselves as civilized and intellectual (Todorov 1984). Indigenous peoples were not commonly represented as possessing their own cultural, social, economic, and epistemological systems which European society might encounter as equals, but were instead represented as requiring guidance towards the assumed legitimacy of European-style civilization. There is some evidence to suggest that these discourses led Europeans to behave callously towards Inuit during this period, and likely also legitimized the heedless exploitation of Arctic resources without regard for the destruction it wrought upon Inuit communities (Savours 2001).

Inuit are the descendents of the "Thule," a people that archeological evidence has placed in the Bering Strait region 12,000 years ago (Aporta 2009). In the 10th century, the Thule began to migrate eastwards, reaching Greenland by the 13th century, and are believed to have displaced the earlier Dorset inhabitants of the eastern Arctic. Although the Indigenous peoples of North America were long portrayed as solely nomadic hunter-gatherers, according to Inuit oral history, archeological evidence, and the documentary evidence of early European explorers, Arctic peoples maintained a vast network of trade routes across the Arctic prior to the introduction of capitalism (Aporta 2009; Mann 2005). Many routes were not geographically permanent, but

were maintained by Inuit through oral transmission, and some remain in use today (Aporta 2009). Until the mid-20th century, Inuit on Baffin Island lived in *illagiit nunagivaktangit*, kin groups of roughly five to 30 members with seasonal or year-round bases, connected to campsites used for subsistence activities (QIA 2010). Dog-sledding had been practiced as a mode of transportation since it was first developed by Thule prior to their eastward migration.

Documents penned by Arctic explorer Vihljalmur Stefansson in the late 19th century and early 20th century indicate that trade routes connected the Bering Strait to the central Arctic to Greenland (Morrison 1991). He wrote that the staples for which these routes were used included iron from Siberia, copper mined in the Coronation Gulf region, reindeer skins, and wood. Other accounts from European explorers describe a booming trade in soapstone goods in the first half of the 19th century, particularly between Copper Inuit, Yup'ik and other western Arctic peoples. In the early 20th century, Canadian anthropologist Diamond Jenness reported having learned of trade routes connecting Victoria Island and the Coronation Gulf via Bathurst Inlet to Akiliniq, a well-situated exchange hub where goods could be passed on to the Kitikmeot and Kivalliq regions (KHS n.d.a). By that time, the routes were used to transport goods from the Hudson's Bay Company (HBC), such as metal tools, guns, and gunpowder.

Early accounts from European fur-traders indicate that Inuit on the Hudson Bay coast also had complex relationships with Cree prior to the arrival of Europeans (Lytwyn 2002). Inuit also likely traded with Innu in Labrador and exchanged goods with the Norse, who inhabited settlements in southwestern Greenland from the late 10th to the 15th century and maintained trade with Europe (Brower 2009).

The European Commercial Whale Hunt

After the departure of the Norse, Inuit did not encounter Europeans until the late 16th century, when European explorers came looking for a navigable route to Asia, and Basque and English whalers began to hunt the waters off Labrador (Bonesteel 2006). From then into the late 19th century, European markets demanded baleen, for use in clothing and furnishings, and whale oil, for use as lamp fuel, as a lubricant, and as a component in paint, varnish, and soap (Bonesteel 2006; Francis 2006; Taylor 2006). Basque and English whalers were eventually joined by Scottish, Dutch, French, and American ships. They rarely overwintered or established permanent settlements, instead lingering only for the ice-free season. In some years, over 100 ships filled the eastern Arctic, at times killing over 1,000 whales per season (Francis 2006). For two hundred years they remained in the Labrador region, but exploitation eventually caused a collapse of the stocks. Whalers cycled through their preferred species as each population was depleted in turn, beginning with bowhead and Atlantic grey whales, then humpback and sperm whales, and finally to walruses, sought for their ivory tusks (Francis 2006). By the 18th century, the bowhead and walrus populations were decimated, while the Atlantic grey whale was extinct.

By that time, Inuit had faced so much violence at the hands of explorers and whalers that some incidents continue to reverberate through Inuit oral history. For example, in 1576 and 1577, expeditions led by English explorer Martin Frobisher led to the killings of several Inuit in Frobisher Bay and the capture of four individuals, including a mother and young child (Savours

2001). The kidnapped Inuit remained in England, where some provided *qajaq* hunting demonstrations for entertainment, until they died. The event was recalled by concerned Inuit during a 2014 public consultation on military exercises that were to be performed near Iqaluit that year (Osborne 2014).

Insight into the role of European constructions of Inuit in encouraging the violence of Frobisher's expedition can be found in the accounts of his chronicler, George Best. Best portrayed the Inuit as wild and unchristian-like warriors, claiming they repeatedly ripped out the arrows with which they had been pierced and fired them back at the Europeans, until they, "being ignorant of what mercy meaneth, with deadly furie… cast themselves headlong from the rocks" (quoted in Savours 2001). A woman who escaped was called "old and ougly," so that "oure men thought she had bin a Divell or some Witch." The young mother who was kidnapped was said to have rejected the medical attention of Frobisher's doctor, instead opting to lick her child's wounds "not much unlike oure dogs" (quoted in Savours 2001).

When European whalers began to push deeper into the archipelago in search of new stocks, Inuit in the Baffin Bay and Davis Strait area are said to have feared and avoided them. Gradually, however, they been to engage with the hunt, offering knowledge and material goods such as caribou hides, meat, fish, whalebone, walrus ivory, and *qimmit* (Inuit sled dogs). In return, they received tools, guns, tobacco, cloth, food, and old boats (Bonesteel 2006). Inuit were sometimes employed aboard the ships in exchange for wages or goods. Sometimes entire families would be brought aboard to help with hunting, butchering, and domestic tasks (Francis 2006).

The whalers were relentless in their exploitation of whale stocks. 28,000 bowhead whales, a culturally significant species for Baffin Island Inuit, were killed between 1791 and 1911 (Stern 2013). By the late 19th century, whale oil was being replaced with petroleum products, and market demand was decreasing. The whalers sought to recoup their losses through intensified exploitation, spending a few decades killing bowhead whales for baleen alone and discarding their carcasses. However, baleen was also soon replaced by plastic, and commercial whaling went into decline. In an attempt to supplement their income, whalers redoubled the exploitation of already strained populations of caribou, fox, seals, walrus, and fish stocks. These species were also decimated (Bonesteel 2006).

The changes were devastating for Inuit. Many had become gradually more dependent on wages and market goods, both as material culture changed and the resources that had supported them were siphoned off to Europe (Bonesteel 2006). Many were also suffering the effects of introduced diseases. When the whaling ships effectively disappeared at the beginning of the 20th century, Inuit were plunged into famine and destitution. The Sallirmiut of Southampton Island in Hudson Bay disappeared by the turn of the 20th century (Taylor and Briggs 2012). Western Arctic peoples were also devastated, resulting in the disappearance of Yup'ik from St. Lawrence Island in the Bering Sea. The effects on survivors were cultural as well as material. Inuit on Baffin Island today still speak of the cultural significance of losing the bowhead whale hunt, which they were not able to continue until 1990. To this day, it is only legal for three communities to take one whale per year (Bonesteel 2006).

The Fur Trade

The collapse of commercial whaling and the rising market demand for fox fur led to the expansion of the fur trade into the Arctic at the turn of the 20th century. Fur-trading companies like the HBC had struggled through the 19th century, faced with the loss of market demand for beaver pelts as silk hats became more fashionable, the over-exploitation of animal populations, a series of economic recessions, including the "Long Depression" in the 1870s, and competition from a growing diversity of economic interests in Canadian land (Naylor 1975). The Arctic fur trade began as part of the HBC's strategy for overcoming falling profits, under the tutelage of George Simpson.[1] Following David Harvey, this was an attempt to stave off crisis through expansion, eventually leading to yet more crises of overaccumulation (2003).

Simpson revitalized the HBC by cutting costs, shutting out competition, and expanding trade into the remaining frontiers of North America. In many ways, Indigenous peoples paid the price. For example, in one instance, Simpson orchestrated a "scorched earth" campaign to defeat competing traders, in which HBC personnel sought to kill every fur-bearing animal in the Columbia, Snake, and Green River Valleys (Colpitts 2015). Indigenous subsistence economies were devastated. Simpson also offered guns and ammunition to Indigenous hunters and trappers on credit, so that their debt forced an exclusive trade relationship, bound them to producing enough furs, and generated dependency on company stores. Subsistence economies and Indigenous socio-cultural life suffered as the hunters and trappers were forced to spend more time working, to remain near trading posts, and to rely on market goods.

Simpson drove the HBC to expand into the Arctic in the hopes of recovering profits and outcompeting rivals (Eccles and Foster 2013; KHS n.d.b). Following his death in 1860, that goal continued with the establishment of a network of posts and stores spanning the Arctic, including Baffin Island. The HBC benefitted from the poverty of Inuit, many of whom turned to trapping in order to alleviate the damage caused by the whalers (Bonesteel 2006). Some of Simpson's policies were applied to the impoverished Inuit, who relied on credit to obtain trapping equipment and had little other source for consumer goods than HBC stores. This relationship of dependency drove Inuit to overexploit fox, spend all their time trapping, and to produce whether or not the HBC was offering good prices (Tester and Kulchyski 1994). Inuit self-sufficiency was further undermined, abetted by the spread of missionaries who encouraged Inuit to give up their subsistence activities. Inuit became even more vulnerable to the fluctuations of the market. According to an account of explorer Knud Rasmussen, "in more than one instance, it [was] reported [that], a lonely *Eskimo* trapper had died of starvation while his tent overflowed with furs" (quoted in Tester and Kulchyski 1994).

As the fur trade peaked in the 1920s, the HBC was regularly annihilating regional game stocks and became interested in relocating impoverished Inuit so they could exploit remaining resource-rich areas (Bonesteel 2006; Tester and Kulchyski 1994). When the fur trade began to

[1] George Simpson was governor of the HBC from 1821 until his death in 1860.

collapse in the 1930s, the government authorized them to do so (RCAP 1994). In 1934, 52 Inuit from Pond Inlet, Pangnirtung, and Cape Dorset were taken by HBC ship to a remote, uninhabited post at Dundas Harbour on Devon Island. As it turned out, the families could not survive and wanted to return home after two years, in 1936 (QIA 2010; Tester and Kulchyski 1994). While the families from Pangnirtung were taken home, those from Pond Inlet and Cape Dorset were instead moved again to Arctic Bay, then a year later to Fort Ross, and then to Spence Bay in 1947. They were never returned home (Tester and Kulchyski 1994).

The relocations were justified through discourses that constructed Inuit as helpless, responsible for their own poverty, and lacking developed social structures, such as attachment to home and kin (Tester and Kulchyski 1994). Government anthropologist Diamond Jenness posited that Inuit would be content wherever they were placed so long as sufficient food was available, even "in a land where the usual amenities of civilized life can find no place" and "no ordinary white man is content to make his home and raise his family" (quoted in Tester and Kulchyski 1994). The government further represented welfare dependency, hunger, and ill health in Inuit communities as the result of "overpopulation" and the inability of Inuit to take care of themselves, despite the fact that the role of the HBC in creating those conditions had been a subject of government debate.

The fur trade collapsed in the 1930s due to overexploitation, changing fashions, and the Great Depression. Inuit were plunged into further poverty and starvation. The HBC again cut costs to cope with the crisis, removing the remaining relief programs it ran to buffer hunters and trappers against the swings of the market (Eccles and Foster 2013). Inuit became more dependent on missionaries and the Northwest Mounted Police (NWMP) for material goods, whose presence in the Arctic was increasing (Naylor 1975).

The history of the whaling and fur trade eras reveals the role of the extractive industries, driven by the capitalist imperative to expand, in creating the core-periphery relationship between the Arctic and global trade networks that is observable today. While the state had a relatively minimal role in the lives of Inuit at this time, the regime of truth and its dominant discourses had already begun to absorb Inuit, producing binaries between civilized, advanced, intellectual European, and later Canadian, individuals and institutions, and ignorant, hedonistic, helpless Inuit. Further, as seen in the Canadian state's agreement that the HBC plan to relocate Inuit for the purposes of capital accumulation would be in the best interest of Inuit, the state was already operating under the assumption that the capitalist way of life was inherently superior, that they held the authority to rule on what was best for Inuit, and that Inuit perspectives were irrelevant.

PART 3: Sedentarization and Assimilation - The 1950s to 1970s

As Inuit continued to suffer the effects of the collapse of the fur trade, interest in Arctic resources was increasing. WWII and technological developments had generated new demand for minerals and fossil fuels, and the "Golden Age" of capitalism was dawning (Harvey 2005; Tester and Kulchyski 1994). The combination precipitated a period of great change for Baffin Island Inuit. The Canadian state began to actively manage Inuit for the first time, endeavouring to address their poverty through assimilation into the market economy (Bonesteel 2006). The outcome was

the mass relocation of Inuit into permanent settlements, and the establishment of educational, medical, law enforcement and penal institutions in the region.

The policies effectively paved the way for the Arctic mining and fossil fuel industries the government hoped were poised to expand, corroding Inuit socio-cultural and economic structures and producing "a stable and cheerful labour force, one that does not demand premium wages to work in this austere land," in the words of one government official (QIA 2010). However, this feat appears not to have been accomplished through a pre-meditated plan to destroy Inuit ways of life and cultural identities. A Foucauldian analysis of the operation of power in the institutional decision-making process that occurred at this time offers insight into the role of the capitalist regime of truth in naturalizing the violence enacted upon Inuit (Foucault 1970; Foucault 1980). While the government sought to promote industry, it also assumed that the free market would bring prosperity, health, and freedom to Inuit (QIA 2010). Again, the subordination of Inuit to positions on the periphery of the extractive economy relied not upon the top-down exercise of power by the capitalist elite, as in the Marxist view, but instead upon the reproduction of pervasive power relations and the exercise of power as truth (Foucault 1980; Marx 1867).

The Golden Age of Capitalism and the Cold War

The era following WWII was an era of capitalist expansion, in which the Bretton Woods institutions were established and global free trade was promoted (Harvey 2005). According to post-colonial theorists like Kwame Nkrumh, it was the period during which western powers imposed neo-colonial relationships upon the Global South, not necessarily through militarism, but often through subtle economic and political means (1965). That dynamic is similarly framed by David Harvey as the attempt of capitalist powers to secure the South for capital accumulation (2005). These changes were soon accompanied by Cold War era discourses that constructed unimpeded capitalism as the champion of freedom and democracy, in opposition to the threat of communism that was supposed to lurk in nationalist economic policy. Karl Polanyi points out that while capitalist values were masquerading and universal and unquestionable, concepts like "freedom" in fact carried with them specifically western notions of individualism and faith in the "invisible hand" of the free market (1944).

The changes in Canada's approach to the Arctic resonate with neo-Marxist and neo-colonial theory. Like other western powers, Canada sought to establish itself as a major player on the new world stage (Whitaker and Hewitt 2003). Securing the Arctic for extraction would shut out the growing threats to Canada's sovereignty and posit the country as a capitalist power. Canadian proponents of the free market harnessed Cold War discourses to garner support for an accelerated extraction agenda following the wartime mineral and fossil fuel boom (Whitaker 1994; Whitaker and Hewitt 2003). What followed was a period of strong investment in minerals development and oil exploration, including the first seismic tests in the Arctic. Canada began the process in earnest with 1955's "Operation Franklin," a massive reconnaissance survey undertaken by the Canadian Geological Survey (CGS) (Hetherington 1980).

The Cold War moralizing of capitalism naturalized the decision to address Inuit poverty and the need for wage labour by ceasing support for Inuit self-sufficiency, instead seeking to

assimilate them into the free market. In 1955, a new policy was announced in which the federal government took responsibility for Inuit housing, education, and health from the missionaries, and a plan was set into motion to transform Inuit communities into sedentary, wage-earning, English-speaking towns (QIA 2010).

The Relocation, Sedentarization, and Institutionalization of Baffin Island Inuit

Geographical relocation formed the backbone of the government's plan. Houses were constructed at thirteen permanent settlements, one of which was Clyde River. Their locations were chosen by the government without consulting Inuit (QIA 2010). Some were close to good hunting grounds, but most were chosen because they were easily accessible by boat or aerial routes the government had already planned. Within twenty years, effectively the entire Inuit population had moved from living in over 100 *illagiit nunagivaktangit* to the permanent settlements (QIA 2010).

The Qikiqtani Truth Commission, an Inuit-led initiative to shed light on the experiences of Baffin Island Inuit between 1950 and 1975, collected testimony from Inuit Elders in 2004 (QIA 2010). They testified that some families chose to move as their prospects were dire and they had been promised housing, supplies, jobs, and other amenities. Many of these promises never materialized. Some families even arrived in the settlements to find there were no homes at all, and were forced to live in shacks made from scraps collected at the construction sites of the new government offices. Others testified that they were coerced into moving through various levels of intimidation, threats, or violence from the NWMP. Some were given no advance warning of their relocation and were hastily bundled aboard ships without knowing what was happening. Many were forced to leave behind their belongings, including food and valuable hunting equipment. Some later returned to retrieve them, but discovered their *qarmat* (tents) had already been bulldozed with everything inside.

The move to the settlements was accompanied by the institutionalization of Inuit in federal schools, medical and rehabilitative facilities, and prisons. These institutions imposed the western regime of truth, and sought to normalize Inuit as subjects of the capitalist system. They were designed, governed, and staffed by English-speaking *qallunaat.* Inuit cultural identities were marginalized, shamed, and even criminalized.

After taking over responsibility for Inuit education from the Churches, the federal government established day schools in some of the settlements, including Clyde River (QIA 2010). Most children attended these, while some were sent to residential schools further south. The curriculum was designed to prepare the children for low-paying jobs in the governments' vision of booming northern industries. Boys were groomed as manual labourers and girls as secretaries or similar office positions. The lessons had no relevance to Inuit life, and some students recalled being shamed or physically abused for any expression of Inuit culture. Children who had been sent south experienced the added trauma of isolation and the loss of contact with their families. In some cases, the loss of papers during bureaucratic processing meant that children were never able to return home. Those who did experienced heightened identity crises and cultural alienation. Some no longer knew Inuktitut and could not communicate with their

parents or grandparents. Children in both the day schools and residential schools lost many or all of the hunting, fishing, and other skills that were an integral part of Inuit culture.

Some Inuit parents hoped schooling would help their children prosper in the changing world (QIA 2010). However, with such a narrow skill set and only a few jobs in the slow-growing mining and fossil fuel industries, many could not find work. Their poverty was worsened by the accompanied erosion of subsistence skills. Inuit began to demand amendments to the curriculum so it better reflected the realities of life on Baffin Island, but to no avail.

The process of sedentarization had led to outbreaks of TB and other illnesses (Bonesteel 2006). Like the schools, new medical programs and hospitals were permeated with racism. In the 1950s, the government began sending military vessels to the settlements for mandatory health checks. Those who were suspected to be infected were not permitted to leave the ship, even to collect belongings. They were instead sent south to sanatoria where many died or remained for years. Families were not often notified of their fates. Hospitals and rehabilitative centres were also constructed to address physical illness and psychological harm. These imposed western psychiatric discourses, and demonstrated no awareness of the colonial circumstances that had led to Inuit trauma, grief, hopelessness, disempowerment, boredom, and the loss of Inuit ways of healing.

The three correctional facilities that were built in the Northwest Territories utilized a similar rhetoric as the medical centres, claiming to rehabilitate the growing numbers of Inuit that Royal Canadian Mounted Police (RCMP, formally the NWMP) officers had begun to detain (QIA 2010). However, these facilities also disregarded social and political context, ignored or punished Inuit ways of restoring justice, did not use Inuktitut, and were run and staffed almost entirely by *qallunaat*. Later studies found that conditions in the prisons were deplorable and violent, and that many inmates suffered trauma and "cultural disorientation" during their sentences (Bonesteel 2006).

Inuit experiences in the educational, medical, rehabilitative, and penal institutions represent some of the specific mechanisms through which Inuit were marginalized in the process of entrenching the Arctic as an extractive periphery. They undermined the cultural and social structures that were closely linked to subsistence economies, and, in the case of the schools, directly removed the opportunity to learn wildlife harvesting skills from Inuit children. The process was built upon the assumption – fuelled by Cold War discourses – that western ways of being would promote prosperity and freedom for Inuit. This assumption was built into the very structure of the institutional process, and in some cases, the very structure of the buildings erected. QIA points out that the houses into which Inuit moved were spatially designed for a nuclear family structure that did not reflect Inuit ways of organizing their families (2010). Further, the operation of power relations or colonial context was necessarily obscured, for example, in the rehabilitative institutions that ignored the role of colonialism in creating Inuit suffering. Therefore, while overt racism played an important role, for example in the abuse inflicted upon Inuit in the schools and likely in the prisons, it was not necessary for the subordination of Inuit to be achieved. The regime of truth would ensure that either way (Foucault 1980).

Qimmiijaqtauniq: power as truth in the RCMP dog slaughter

Relocation and institutionalization undermined Inuit hunting practices, both by removing Inuit from the land and by eroding the cultural and social structures within which hunting occurred. Hunting restrictions were also developed by the Canadian Wildlife Service, without input from the Inuit whose knowledge of local wildlife was unparalleled (QIA 2010). Inuit told the QTC that the restrictions contributed to Inuit starvation, while some continued to hunt in secret. However, the most effective assault on Inuit hunting was *Qimmiijaqtauniq*, the slaughter of *qimmiit* (McHugh 2013; QIA 2010)

Qimmiit are an endemic species with whom Arctic peoples have lived since before the Thule migrated from the Bering Strait (QIA 2010). The dogs filled many practical roles, but were primarily used as transportation for hunters and traders. Their place within Inuit life was also social and cultural. Inuit told the QTC that building and maintaining a healthy dog team signified maturity and adulthood and represented an integral part of the social identities of hunters. Following the relocations, *qimmiit* took on added importance as one of the only ways hunters could hold on to their cultural identities and provide for their families where wage labour was scarce or unwanted. They also represented the ability to leave the settlement, a freedom that was highly valued amongst Inuit who felt disempowered, defeated, lost, and who were not accustomed to living in close quarters with people they did not know.

In the period between 1950 and 1975, several thousand *qimmiit* were killed on Baffin Island (QIA 2010). The exact numbers are not known. Some were put down by their owners because they no longer had the means to care for them, but most were shot by officers of the RCMP. RCMP officers became authorized to enforce the *Ordinance Respecting Dogs* in the Northwest Territories in 1950, which allowed them to detain dogs that were sick, dangerous, or loose. Under the *Ordinance*, they were required to notify the owners so they could retrieve them, but they were authorized to shoot dogs that could not be caught. However, many Inuit told the QTC their dogs were shot for no discernible reason, for example while they hid underneath the family home or waited for their owners outside a trading post. Inuit who could not afford snowmobiles became effectively imprisoned in the settlements, and many became increasingly dependent on inadequate government relief, wage employment, and expensive supermarket foods. Many recalled the loss of their *qimmiit* through tears.

Drawing on Foucault, *qimmiijaqtauniq* offers insight into the operation of power through the regime of truth (1980). For years, many Inuit believed that *qimmiijaqtauniq* was part of a government plan to destroy Inuit hunting and force them to live sedentary lifestyles (QIA 2010). In 2006, the RCMP conducted an internal investigation and found that the slaughter was not part of a conspiracy, and that the dogs had been killed legally due to disease and dangerousness (Audla and Koperqualuk 2006). The QTC rejected that finding, arguing that it drew upon a colonial construction of Inuit as unable to care for their own dogs. They subsequently launched their own investigation. In the end, although the QTC report corroborated that *qimmiijaqtauniq* had played a central role in forcing Inuit dependency on the market economy, it did not corroborate that the slaughter had been part of a pre-meditated plan (QIA 2010). Instead, it found that the slaughter was the result of a combination of factors, including the development of

policies by the government that were not sensitive to the situation and that conflicted with Inuit ways of managing *qimmiit*, RCMP officers who felt they needed to dominate, control, or punish Inuit, *qallunaat* fear and misunderstanding of the dogs, the government's decision not to act on the excessive killings, and a general lack of regard for Inuit ways of life. These factors represent the performance of predominant power relations, in which institutional processes embody the distinction between authority and subjects, the expertise and legitimacy of institutional actors goes unquestioned, the superiority of western socioeconomic structures is assumed, and Inuit perspectives are not afforded any standing. *Qimmiijaqtauniq* demonstrates that the securing of the Arctic as an extractive periphery depends upon the power relations that pervade the processes through which decisions are made, whether or not there is explicit intent to secure that outcome.

The process of Inuit sedentarization and institutionalization on Baffin Island was critically important for solidifying Inuit dependency on the market economy and paving the way for exploitation of the region by the mining and fossil fuel industries. While the project was clearly partly intended to facilitate this process, situations like *qimmiijaqtauniq* demonstrate that this intention was but was one dynamic operating within a "web" of power relations, embedded in institutional processes and manifested in the masquerading of the western regime of truth as neutral (Foucault 1980). The regime of truth and hierarchy of knowledges, as described by Foucault, ensured that Inuit perspectives were not thought important and, as manifested in the failure to provide promised homes for impoverished, relocated families, that Inuit themselves were not important. They also worked to obscure certain realities in favour of narratives over which Inuit had no control, for example ignoring the role that whaling and the fur trade had played in creating Inuit poverty.

The period from the 1950s to the 1970s therefore demonstrates that it is necessary to critically examine the operation of power as truth in the institutional decision-making processes through which Inuit are offered the opportunity to influence the course of development in the Arctic. This is all the more important during the neoliberal era surrounding the Clyde River case, in which policies as overtly violent at the resettlement project are no longer widely accepted.

Neoliberalism, Nunavut and the Scramble for the Arctic

The current period of capitalist expansion into the Arctic, out of which the Clyde River case emerges, is part of a larger paradigm in which neoliberal policy structures the relationships between core and peripheral regions on a widespread basis. The free trade philosophy of neoliberalism clashes with contemporary Inuit struggles to break free from dependency on resource extraction, to regain control over development, and to prioritize balance with Inuit ways of life. However, as seen in the limited success of the NCLA in promoting Inuit self-determination, and in the failure of legal and regulatory processes to meaningfully incorporate Inuit input in the Clyde River case, neoliberal policy is a well-suited vehicle through which power relations, as conceived by Foucault, can come to disadvantage Inuit even in the processes that purport to empower them (Foucault 1970; Foucault 1980).

Interest in Arctic resources was renewed in the early 21st century, following decades of limited success in surmounting the geographical and financial hurdles of mineral and fossil fuel

development in the region. Climate change has affected the Arctic faster than scientists previously predicted, allowing for increased commercial shipping and rendering its resources more accessible (Byers 2009; Du 2014; Ruel 2015). Arctic oil has begun to appear as the solution to "peak oil" or the "world's last great frontier for resources exploration" in popular discourses (Critchlow 2014; Nelder 2009). Some predictions estimated that 20% of the world's remaining reserves could be found there (USGS 2008). Cold War-style fears that Canadian sovereignty was at stake also began to surface, while others point to the geopolitical importance of controlling remaining unexploited oil reserves (Ruel 2015; Smith 2010). In this context, exploration recently resumed in the Mackenzie Delta, and then in the Beaufort Sea. Some Arctic experts have cautioned against the possible exaggeration of the reserve estimates and unjustified optimism that geographical and technological barriers can be overcome, but what has transpired has been characterized as a "scramble," a "race," a "boom," a "rush" and a "craze" (Byers 2010; Du 2014; Keil 2009; Palosaari 2011; Ruel 2015; Sale and Potopov 2010).

Conservative Canadian Prime Minister Stephen Harper, elected in 2006, has made the Arctic a key part of his ambition to turn Canada into an "energy superpower." Some have said he seeks to "cultivate a legacy as a champion of the North" (Chase 2014). In Inuvik in 2008, he offered the following words:

> We are a northern country. The True North is our destiny – for our explorers, for our entrepreneurs, for our artists. To not embrace the promise of the True North, now, at the dawn of its ascendency, would be to turn our backs on what it is to be Canadian (quoted in Government of Canada 2009).

The federal government's *Northern Strategy* and *Arctic Foreign Policy*, launched in 2009, blend economic development and militarism, calling for "more boots in the Arctic tundra, more ships in the icy water and a better eye in the sky" (Government of Canada 2009). The government has promised new patrol ships, icebreakers, military stations, more aerial surveillance and increased funding for the Arctic rangers program, which employs Inuit to maintain a series of Canadian flags across the archipelago (Chase 2014). The development of northern resources has been presented as part of a "use it or lose it" strategy to demonstrate Canadian sovereignty in the Arctic (Chase 2014).

The government's approach to Arctic development has taken a neoliberal tack, promoting investment in the region through deregulation, low taxes, and a minimal role for the territorial or federal governments (Hodgkins 2009). Not entirely unlike countries in the Global South, neoliberalism has threatened to entrench the peripheral status of the Arctic, undermining the ability of Inuit to exercise control over development in their own interests. These effects can be seen in the failure of the NLCA to empower Nunavummiut in the face of resource extraction. When the NLCA was signed, it was heralded as a major step towards Inuit empowerment, prosperity, and cultural revitalization (Henderson 2007; NTI 2004). Nonetheless, Inuit have struggled to assert self-determination in the face of limitations imposed by the NLCA. Critics of the Comprehensive Land Claims Policy (CLCP), which guides the negotiation of "modern treaties" like the NLCA, argue that the policy is a neoliberal tactic to secure access to Indigenous lands (Alfred 2000; Gordon 2010; Pasternak 2014).

The fundamental goal of the CLCP is to seek the extinguishment of Aboriginal title, a collective right to land enshrined in the *Constitution Act, 1982,* and replace it with private property (Gordon 2010; Pasternak 2014). While proponents claim that private property will promote investment and bring prosperity to Indigenous peoples, the Nunavut case demonstrates that the loss of title can result in the loss of the ability of Indigenous peoples to ensure that they benefit from resource development and can balance extractive activities with their own priorities. The NCLA exchanged Inuit title to all lands other than a few small areas deemed "Inuit Owned Lands" (IOL) for a number of specific rights, including the right to hunt and fish and equal representation on the co-management boards that govern wildlife management, environmental protection, and other areas (NTI 2004). However, the federal government retains the right to overturn the recommendations of the boards. Furthermore, Inuit are also given the right to receive royalties from resource extraction, this does not apply to subsurface resources except in parts of the IOLs (NTI 2004). Inuit have therefore struggled to assert self-determination in the face of extractive development, and have consistently struggled to resist the federal government's agenda. As former Premier of Nunavut Paul Okalik asserted, "we are treated more like a colony" (quoted in Loukacheva 2009). The NLCA therefore functions as a neoliberal policy that prioritizes free market economics in the pursuit of Arctic resources over the needs of Inuit.

PART 4: Clyde River Case Study

The case of Clyde River is an example of the regulatory and legal processes through which Inuit are marginalized and subordinated in the pursuit of resource extraction. The process in this case reflects and builds upon power dynamics and economic relations that were established during the commercial whale hunt, the fur trade, and the settlement project, and exemplifies the neoliberal qualities that shape the current push to develop Arctic resources. This particular struggle is one instance in which an Indigenous people stand to lose their ability to hold space for a particularly Inuit way of being, one which includes engagement with the market economy and aspects of southern culture, as well as traditional subsistence practices, epistemologies, and culture. Inuit stand to be forced into yet deeper dependency on scarce wage employment, costly market goods, and, in Clyde River Mayor Jerry Natanine's words, to have their "culture die off" (quoted in McCarthy 2014). Meanwhile, the oil exploration and development industry stands to secure space for the continued expansion that, according to Marxist theory, capitalism is structurally bound to require, and to gain a certain supply of cheap, local industrial labour.

Further, drawing on Foucault, the Clyde River case shows that while certain individuals or groups in power may wish to skew the regulatory process in favour of their long-term plans for the region, their explicit designs are not the only operation of power in play. In fact, they appear instead to operate within a landscape – or to use Foucault's words, a "web" – of power relations, one which makes it possible for such designs to arise and shapes how they can be and are pursued (1980). We see in the regulatory and legal processes that occurred, the presence of the regime of truth, subtly distinguishing the true from the false, the truth-speakers from the outsiders, the legitimate from the illegitimate, the essential from the incidental. In that process, the discourses and rituals that surround the concept of truth are performed by those who are accepted as experts, including scientists, government officials, and lawyers. They construct

themselves as knowledgeable, impartial, magnanimous, an essential part of an inevitable process, while Inuit are constructed as not knowing, not understanding, an inessential component in a process that is beyond them. State institutions like the NEB, and especially the courts, are the particular mediums through which the regime of truth and its concomitant discourses masquerade as neutral and universal. Their special claim to truth, from which their authority arises and which their authority permits them to affirm, is based in their foundations in the unquestionable legitimacy of the State. Institutional processes that embody predominant power relations in their structure encourage and allow individuals within them to reproduce those power relations and discourses, whether consciously or not. These individuals carry the claim to truth with them in their interactions with external parties, and therefore have the authority to discern the true, false, who can speak truth, and who cannot.

David Harvey's theory of "accumulation by dispossession" is there permitted to unfold through power relations that manifest in the operation of the regime of truth, through individuals and institutions (2003). Through this process, an identity of marginalization and disempowerment is imposed directly upon Inuit, so that they come to know this is their constructed role within the Canadian nation-state and economy. As one Inuk said in Clyde River, "Us people from here, they make us feel like we're not from Canada", and as another noted at a public meeting in Iqaluit, "you don't see any Elders here. They used to come a lot… but we have come accustomed to saying some things but then when it gets – goes against the scientific community, it sort of falls off the ledge… and it's frustrating seeing it over time and time again" (NEB 2013b; NEB 2013d). Also through this process, institutions are able to internally reconcile the negative implications of projects with the imperative to usher them through, an imperative that can likely be attributed to pressures exerted both implicitly, through dominant pro-capitalist and neoliberal discourses, and explicitly, from those within the state who intentionally seek specific outcomes.

About the Community

Clyde River, also known as *Kangiqttukgaapik* (Inuktitut for "nice little inlet"), is located on the northeastern shore of Baffin Island at the mouth of Clyde Inlet, a 100-km-long fjord, over 2,200 kilometres north of Moosonee, Ontario (GNVT 2013). From roughly November to July, sea ice covers the nearby inlets and extends out about 20-50 km from the town, where it gives way to open water or pack ice (Gearheard 2006). The population of about 900 is almost entirely Inuit. Inuit have harvested wildlife in the Clyde River area for thousands of years, but the town itself was constructed as part of the federal government program to relocate Baffin Island Inuit into thirteen permanent settlements in the 1950s. The hamlet is served by annual supply ships and small airplanes, which is all that the local gravel air strip can handle (CRCWWG 2011).[2]

[2] Natanine, Jerry (2015). *Clyde River Inuit Fight the NEB in Court: Public Information Session.* Personal notes.

Clyde River is relatively remote, and most residents speak Inuktitut and continue to harvest wildlife in traditional ways (Gearheard 2006).[3] As the representative for one of the consulting firms contracted by the proponent, Chris Milley, said in a public meeting in Iqaluit, Inuit in the Baffin Island region maintain a closer relationship with traditional resources than almost any Indigenous populations in the Americas (NEB 2013d). Hunting and fishing are important for both subsistence and commercial purposes. They provide cash income for Inuit who hunt seal to sell, work as guides on tourist hunts, or participate in the growing Nunavut turbot fishery (Gearheard 2006; Ward 2011). The Clyde River community also recently learned that there is potential for establishing a commercial halibut fishery just offshore from the hamlet (Natanine, quoted in Lessard 2015). Hunting and fishing also provide Inuit families with "country food" (*niqituinnak*), including ringed seals, Arctic char, sculpin, polar bear, narwhals, caribou, bearded seal, Arctic hare, and migratory waterfowl and their eggs (Gearheard 2006). Country foods are particularly important for many Inuit as many market groceries, such as meat and fresh produce, are prohibitively expensive in the Arctic, or do not provide the nutrition necessary for a healthy diet (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). Most people rely on a combination of the two. Many families spend the summer months hunting and fishing at campsites on the shores of the fjords, some of which have been in use for at least 2,000 years (CRCWWG 2011).

Since the fur trade and commercial seal hunt declined, cash income is derived from a number of other sources. Many people receive government assistance, while most who rely on employment income work in government institutions, including the Hamlet Council and Hunters and Trappers Organization (HTO). Others sell handicrafts or work in the tourism and service industries (CRCWWG 2011). Canadian mining company Baffinland is currently constructing an iron mine in Mary River, 400 km northwest of Clyde River, and is expected to employ Inuit from Clyde River, Pond Inlet, Igloolik, Arctic Bay, and Hall Bay. As the population of Clyde River is small, and not everyone is amenable to the two week work cycles of the mine, Mary River is expected to provide all the industrial employment the community needs for the foreseeable future.[4]

The stance of many Inuit communities towards capitalist development reflects their foundations in a mixed economy and desire to preserve a distinctly Inuit way of life. Just as the Government of Nunavut seeks to wrest control over natural resources from the federal government through devolution, Baffin Island communities seek to control extraction in the best interests of the Inuit way of life (Loukacheva 2009). In Mayor Natanine's words;

> Like all Nunavut communities, we need and support economic and other opportunities that contribute towards enhanced levels of employment for our people... Regardless of any economic development, we will need to protect and sustain our 4,000 year plus old culture of subsistence harvesting in this region (quoted in Bernauer 2014).

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[3] Natanine, Jerry (2015). *Clyde River Inuit Fight the NEB in Court: Public Information Session.* Personal notes.

[4] *Ibid.*

Speaking about the need to weigh the benefits of extractive projects against the desire to preserve Inuit ways of being, one Inuk from Qikiqtarjuaq said;

> It's good in certain ways… It can help benefit us in the future. We know that. But there's certain things that makes us think twice because there's concerns about them, especially about our future and especially if we want to take care of our future generations… us Inuit, even though if we just try and stop things, it can make us fall behind. But we just – we can look at the future but not all the future, we have to look back sometimes (NEB 2013c).

While the current neoliberal approach to federal Arctic development policy favours the core-periphery economic relationship, removing political and regulatory checks and balances on extraction, Inuit are rejecting the short end of the development stick and are seeking to exert political control over how, when, and where capitalist development takes place. In so doing, they hope to balance Inuit priorities, including the ability to hunt, fish, and retain a distinct identity and culture, with participation in the market economy.

Development is not conceived of as a simple economic necessity for which any sacrifice is worthwhile, because impoverishment and Inuit disempowerment and loss of cultural identity are seen as interlinked and equally important problems. For example, residents who participated in a health study conducted by community members placed equal emphasis on the need for cash income, as well as the need to bring together Elders, whose survival through the transition from *illagiit nunagivaktangit* into settlements left many disengaged with younger generations (CRCWWG 2011). They also stated that there should be more Inuit in positions of power, including in store and hotel management and health services, and better integration of Inuit Knowledge (IQ) and Inuktitut into community governance. Development must therefore affirm Inuit empowerment, self-determination, and cultural identity, not forsake it. The Inuit stance towards development and the cultural value of *Aajiiqatigiinniq***,** "decision making through discussion and consensus," gives rise to a desire for regulatory processes that meaningfully include Inuit and are rigorous, offering an opportunity to discuss the full extent of possible impacts, consider all the implications for Inuit wellbeing and empowerment, weigh the risks against the benefits, and explore the broader political and economic context of which each project is a part (GNVT n.d.).

Project Description

The current proposal to explore for viable reserves of oil beneath the ocean floor in Baffin Bay and Davis Strait was first put forward in 2010 by Norwegian geophysical companies TGS-NOPEC and MKI, a wholly-owned subsidiary of PGS (NEB n.d.a). They are here collectively referred to as 'the consortium' or 'the proponent.' They planned to begin seismic testing in the summer of 2011. On January 8, the consortium initiated the formal regulatory process by submitting a preliminary Project Description to the National Energy Board (NEB), which regulates the full life cycle of oil development north of the 60th parallel in accordance with the *Canada Oil and Gas Operations Act* (COGOA). Under the act, the NEB must consider environmental and safety concerns before granting approval, via a "Geophysical Operations

Authorization" (GOA), to oil exploration companies (NEB n.d.a). At the time of the proposal, the NEB was also required to coordinate a federal environmental assessment (EA) in accordance with the *Canadian Environmental Assessment Act, 1992* (CEAA). The project area is just beyond the boundaries of the Nunavut Settlement Area (NSA), and therefore falls outside the strict jurisdiction of the Nunavut co-management bodies that would otherwise represent Inuit interest in the NEB EA process (Bernauer 2014).

Seismic testing, or "reflection seismology," refers to the use of seismic waves to obtain data about geological conditions deep underground, including the presence of fossil fuel reserves. Seismic waves are produced by a controlled energy source, such as dynamite or, as in this case, specialized air guns that emit extremely loud blasts of sound. Simply stated, the blasts are bounced off geological formations deep underground, and reveal data on the substrate's composition to sensors at the surface. Seismic testing can be used onshore, but in this case, exploration would be conducted offshore with the air guns being towed by ships. The guns emit 230 decibel (dB) blasts that penetrate the ocean floor, every 13 to 15 seconds, 24 hours a day, throughout the five month ice-free season for five consecutive years (Lapierre et al. 2011). For comparison, 230 dB is about 100,000 times louder than the sound of a jet engine (factum). Seismic surveys are conducted for various reasons, and are currently being used in the Arctic for research by the Geological Survey of Canada (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). However, Hamilton and PGS representative Garry Marrow conceded in the NEB public meetings that their goal is to produce data on fossil fuel reserves for sale to oil development companies (NEB 2013a; NEB 2013b; NEB 2013c).

Inuit first learned of the proposal when the proponent contacted the Qikiqtani Inuit Association (QIA), the body mandated to represent Inuit on Baffin Island, in accordance with the NEB's decision that the project merited "public participation" under CEAA (NEB n.d.a). According to the consortium, QIA made it clear that Inuit were very concerned and urged direct communication with the impacted communities (Lapierre 2011). The proponent agreed to hold public meetings, and contracted the international consulting firm RPS Group, which later contracted Canadian firm NEXUS Coastal Resources, to assist them. In 2011 and 2012, meetings were held in Clyde River, Pond Inlet, Qikiqtarjuaq, Iqaluit, Pangnirtung, and Kimmirut. The proponent also met and exchanged written correspondence with local HTOs, Hamlet Councils, and QIA (NEB n.d.a). When CEAA was repealed and replaced with the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), removing the requirement for "public participation," the NEB opted to continue the consultation process that was underway as part of its continued responsibilities under COGOA (NEB n.d.a). In 2013, the NEB itself arranged public meetings in Clyde River, Qikiqtarjuaq, Pond Inlet, and Iqaluit. These were attended by Board Member Peter Hamilton, proponent representatives, and NEXUS representative Chris Milley.

Speaking publicly in Toronto in April 2015, Natanine recalled how he had initially supported the project, thinking it might offer much-needed jobs and allow the community to

build a paved airstrip and a wharf.[5] But as the consultation process unfolded he realized that, in his words, these were "not good people," that Inuit would not be meaningfully involved in the process and would receive negligible benefits. Further, adequate information about the risks to marine life was not forthcoming, nor were effective mitigation measures proposed. Resistance to the project gradually grew and spread across Baffin Island as Inuit became convinced that the consultation and environmental assessment processes were meaningless and their input was not valued. Opposition centred on the questions of power and distribution of benefits in Arctic development decision-making processes, as expressed by one Inuk in Clyde River:

> …it's very interesting that who gets to determine on what pace and how development happens? That's a big question. And Inuit wanting to do it their way, which I've seen very much from the community, it doesn't fit in with this regulatory process. This is a southern institution that is not very relevant to people in how we make decisions up here (NEB 2013b).

Overwhelming opposition or suspicion was expressed in all of the public meetings. Clyde River and Pond Inlet submitted a number of petitions to the NEB. In 2013 and 2014, the Clyde River Hamlet Council and HTO passed joint motions opposing the project. In 2014, the Baffin Island Mayor's Forum unanimously passed another motion supporting Clyde River. The opposition was supported by QIA, Nunavut Tunngavik Incorporated (NTI, which ensures the implementation of Inuit rights enshrined in the NLCA), the Nunavut Marine Council (NMC), the Baffin Fisheries Coalition (FBC), and the Arctic Fishery Alliance (AFA) (Earle 2011; Towtongie and Eegeesiak 2014; P. Kabloona, T. Kabloona, Kovic, Copland 2014). These organizations, along with the Government of Nunavut itself, repeatedly petitioned the NEB to adequately address the environmental impacts, ensure that Inuit were consulted to their satisfaction, and that significant benefits accrue to those who would shoulder the risks.

Nonetheless, the NEB eventually concluded that the project "would not be likely to cause significant adverse environmental effects," that "Aboriginal groups had an adequate opportunity to participate in the NEB's EA process," and that "MKI meaningfully engaged with Aboriginal groups in respect of the Project to an extent that is commensurate with the scope of the Project" (NEB n.d.a). The project was approved on June 26, 2014. According to Natanine, he then discussed the best of course of action with his father and the HTO.[6] A new petition was started to send to the House of Commons. Then, on July 28, 2014, Natanine, the Hamlet, and the HTO applied for a judicial review under the *National Energy Board Act* and the *Federal Courts Act* (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). The case was heard at the Federal Court of Appeal in Toronto on April 20, 2015, and has yet to be ruled upon. While the tests are legally permitted to proceed in the meantime, they have been postponed to date.

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[5] Natanine, Jerry (2015). *Clyde River Inuit Fight the NEB in Court: Public Information Session.* Personal notes.

[6] *Ibid.*

The Main Concerns

Environmental Effects

Inuit concerns about the environmental effects of the project revolve around impacts to marine mammals, fish, and invertebrates that could negatively affect subsistence activities, as well as commercial fisheries. The inadequacy of the environmental assessment conducted by the proponent and the NEB is a reflection of the failure to prioritize effective regulatory regimes within the Harper government's employment of neoliberal policy to the development of Arctic resources. It also reflects the ability of the NEB, the proponents, and experts contracted by them to regulate the exercise of power as truth in the institutional process. The process failed miserably at producing rigorous information about the potential impacts of the project, but through the performance of formal protocols associated with the production of legitimate knowledge under the western regime of truth and the NEB's special claim to neutrality, the process was nonetheless dubbed thorough and impartial.

According to the scientific literature, possible effects of seismic testing on marine mammals are death at close range, temporary or permanent hearing loss, stress, weakened immune systems, disruption of acoustic communication and related behaviours including reproduction and the ability to navigate, altered migration routes and beaching (IWC 2007; Weilgart 2014; Weilgart 2007; Weir 2008; Weller *et al* 2006). Fish may exhibit dispersal and stress behaviours or permanent abandonment of habitat, while invertebrates can also be negatively affected (NEB n.d.a, Ward 2011). Many of these risks are acknowledged by the consortium and the NEB in their respective reports on the environmental effects of the proposed project, but the NEB accepted that the mitigation measures proposed would adequately alleviate the risks. The Board later pointed to its EA as justification for its approval of the project (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). The proponent and its legal defense framed the continued dissatisfaction of Inuit as a failure to understand that science cannot achieve perfect certainty, but can only determine probabilities (RPS Energy 2013).[7]

However, as asserted by Clyde River's legal defense, the proponent and NEB relied upon a few articles that were "cherry-picked" (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). The EA reports omitted Inuit knowledge, several relevant peer-reviewed publications, and the findings of the International Whaling Commission (IWC) scientific committee and the U.N. Convention on Biodiversity's Subsidiary Body on Scientific, Technical and Technological Advice. As a general rule, both EA reports are lengthy but redundant, fail to offer concrete justifications for sweeping conclusions, and employ vague language, such as "might," "should," "could," and "unlikely." Like the DFO's *Review of Scientific Information on Impacts of Seismic Sound on Fish, Invertebrates, Marine Turtles and Marine Mammals,* upon which both EA reports rely, the NEB also leans heavily on the absence of proof that harm will occur, apparently

[7] Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015. Federal Court of Appeal. Personal notes.

overlooking the irony in their assertions that Inuit should not expect certainty (DFO 2004; Lapierre 2011; NEB n.d.a).

Firstly, the NEB accepted that impacts on marine life would only occur at close range, and could therefore be avoided or would not occur outside the project area. However, they neglected to consider the 2005 and 2007 reports of the IWC scientific committee, which found that in some conditions, seismic blasts can raise background underwater noise levels by a factor of 100 dB over 300,000 km^2 for weeks or months (IWC 2005; IWC 2007). A second peer-reviewed article published in 2012 found that seismic blasts could be heard up to 4,000 km from a vessel in the mid-Atlantic (Nieukirk, Mellinger, Moore, Mlick, Dziak, and Goslin 2012). Further, it is inherently difficult to detect the effects of seismic testing that occur at a distance (Weilgart 2014). For example, whales who beach themselves because they were already close to shore and panicked may not exhibit the physical signs of injury that would make it possible to ascertain the cause (Weilgart 2007). Others may not show observable signs of distress, such as leaving the area, if they have no other habitat or are already weakened or deaf. Further, most whale carcasses sink immediately and are thus never observed. As a result, the effects of seismic testing on marine animals at a distance are often never recorded as such (Weilgart 2007). Consequently, the absence of abundant data on such effects betrays how severe or common they may actually be (Weilgart 2007). The NEB did not consider these uncertainties in its assessment of the scientific literature and whether harm was likely to occur. It also did not consider them in its acceptance of the proponents' monitoring program, which does not extend beyond the immediate vicinity of the ship or beyond the time period in which surveying is taking place (NEB n.d.a).

Secondly, the NEB did not consider conditions specific to the Arctic environment, including the vulnerability of animals in remote locations that have not become acclimatized to noise pollution, the particular sensitivity of narwhals suggested by available scientific literature, or unique factors such as the whales' use of sonar to locate breathing holes in the sea ice (Weilgart 2014). The danger of neglecting these variables is suggested by a recent study, which found that seismic testing off the coast of Greenland likely caused the asphyxiation of about 1,000 narwhals near Pond Inlet, roughly 1,000 km away (Heide-Jørgensen. Peter, Hansen, Westdal, Reeves, Mosbech 2012). That study was not considered in the EA reports.

Thirdly, the proponent and the NEB did not consider the recollections of Inuit who had observed "strange," previously unseen behaviour in marine life following the Panarctic tests using dynamite in the 1970s and 1980s, and the Greenland tests in 2008 (NEB 2013a; NEB 2013b). Inuit observed unusually high numbers of whales and ringed seals in certain regions, unusual species compositions, cod appearing in "streams," narwhals, orcas, whales, and seals travelling together in groups, narwhals in Cambridge Bay where it is known the water is too shallow for them, and seals who were deaf or whose ears were bleeding (NEB 2013a; NEB 2013b). Inuit from Pond Inlet lamented being forced to kill so many narwhals during the entrapment event of 2008. In a letter to the NEB, the Baffin Fisheries Coalition described having to travel long distances to make an economical catch following the Greenland tests (Ward 2011). Other residents reported changes to species composition following other tests, such as one Inuk

who had observed a drastic decrease in the number of sharks in the region he fished for turbot (NEB 2013a). None of these observations were considered in the EA reports.

Fourthly, the NEB is operating with an inadequate understanding of marine mammal migration patterns. This is particularly relevant for species listed under the *Species at Risk Act* (SARA), the feeding and reproduction areas of whom the proponent is expected to avoid in accordance with the federal government's *Statement of Canadian Practice with Respect to the Mitigation of Seismic Sound in the Marine Environment* (NEB n.d.a). A number of species in the area are at risk, including the culturally significant bowhead whale, narwhals, and belugas, along with harbour porpoises, walruses, polar bears, and several bird species (Lapierre et al. 2011). Neither the proponent's nor NEB's reports offer detailed information about the migration patterns of these species or how they can be protected. In fact, in a 2011 letter to the NEB, the Government of Nunavut points out errors, omissions, and contradictions in the EA report's accounts of marine mammal migration (DuChaine 2011). Inuit in the public meetings criticized the proponent's attempts to map the habitats of species at risk, for example, stating that "that little box is not the only area where narwhals eat" (NEB 2013b). Other community members brought up their own knowledge of whale migration routes in the public meetings, poking holes in the project design. For example, two Pond Inlet residents pointed out in 2013 that the proponent's plan to begin testing that year in autumn would overlap with the migration of narwhals from the fjords into the open ocean. One Inuk stated:

> …why not do this earlier in the summer when the narwhals are in the fjords and not out in the open because everybody knows that fall, October -- September, October, they -- everything congregates out to Baffin Bay. I mean, that's Inuit knowledge, that's Inuit qaujimajatuqangit. And if you would be kind enough to take that seriously and study it, I would strongly recommend that you make that recommendation (NEB 2013a).

In Clyde River, Natanine also pointed out that the DFO, upon whose testimony the NEB approval was partly based, had demonstrated how little they understood the whereabouts of marine mammals at previous wildlife management planning meetings with Inuit (NEB 2013b).

A fifth, related issue is the proponent's and NEB's failure to adequately consider the socioeconomic impacts of the project. The NEB and proponent rely heavily on the fact that the project area is at least 12 nautical miles offshore, while areas the Nunavut Wildlife Management Board has identified as significant for Inuit harvesting are closer to the coast (NEB n.d.a). This statement was repeated at the public meetings, in both EA reports, in numerous letters to Inuit, and by the proponent's legal defense (Lapierre et al. 2011; NEB n.d).[8] The proponent's EA report dedicates six out of 130 pages to the "Human and Socioeconomic Environment," five of which are taken up by full-page maps that demonstrate the distance between the project area and areas where wildlife are commonly harvested (Lapierre et al. 2011). The reliance on the border between harvesting regions and the project area is problematic for two reasons. Firstly, as established, seismic sound can reverberate much farther than 12 nautical miles, which is roughly

[8] Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015. Federal Court of Appeal. Personal notes.

equivalent to 22 km. Secondly, the ecosystem upon which Inuit harvesting is based does not obey the borders laid out in maps. As Natanine pointedly said in a public speech in Toronto, the NEB and proponent seem to think there is an "iron wall" around Baffin Island.[9] Neither the proponent's nor NEB's report included an examination of the importance of hunting and fishing for subsistence and commercial economic activity, nor for the cultural identity of Inuit.

The Broader Picture: Cumulative Effects, Oil Extraction, and Climate Change

In addition to the failure to adequately consider impacts on marine life, the proponent and NEB maintained a very narrow scope in their assessments, neglecting cumulative environmental effects, climate change, and the oil development for which the data was intended.

The Board was required to consider cumulative environmental effects in accordance with CEAA (NEB n.d.a). The proponent's report dedicates 1.5 pages to them, while the NEB report dedicates 2.5 (Lapierre et al. 2011; NEB n.d.a). Both implicitly adopt a conception of cumulative effects as the combination of the same type of environmental stressor from multiple sources. Accordingly, the effects of seismic sound are only considered in their relationship to other sources of sound, including fishing vessels, commercial shipping, and the tests conducted by the Geological Survey of Canada. This assumption does not capture the full meaning of cumulative environmental impacts, as the combination of varied environmental stressors over time. The proponent and NEB therefore fail to consider the effects of seismic sound on marine life in light of many other environmental stresses, including the accelerating effects of climate change, the bioaccumulation of toxins in the Arctic, the impacts of increasing commercial shipping, tests that have already occurred, or fossil fuel development in the future. Further, despite the fact that commercial shipping noise is an immediate threat, given a current proposal to ship iron ore from the Mary River mine through Baffin Bay and Davis Strait, mitigation measures are only offered for fishing vessel noise (Nunatsiaq 2015). The proponent concludes with the claim that no cumulative effects were recorded during previous seismic tests, and therefore are not a major concern (Lapierre et al. 2011). This is a questionable assertion, given the lack of baseline data gathered before earlier tests occurred, the lack of adequate monitoring in the past, the exclusion of Inuit recollections, and the inherent difficulties in detecting the impacts from seismic testing or cumulative phenomena (Weilgart 2007).

As part of their desire to consider the full range implications and the broader context of the project, Inuit raised concerns about the oil development that would likely follow exploration. In the public meetings, several Inuit described their fears that oil spills would be highly destructive and difficult to clean in the Arctic environment (NEB 2013a; NEB 2013b). In Clyde River, Natanine pointed out that oil development would contribute to the toll climate change is already taking on the Arctic, asserting "The world it seems like we're trying to get out of using – not using fossil fuels anymore, the global warming… we don't want to encourage it. We want to tell them to bring up solar panels and wind turbines not encourage digging for oil" (NEB 2013b).

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[9] Natanine, Jerry (2015). *Clyde River Inuit Fight the NEB in Court: Public Information Session.* Personal notes.

In the meetings and in its EA report, the NEB adopted the stance that these concerns were outside the scope of regulatory process, which follows a "case-by-case" approach (NEB n.d.a;NEB 2013a; NEB 2013b; NEB 2013d). It is arguable that oil extraction – and even accelerated climate change – are reasonably foreseeable outcomes of the project and should have in fact been considered within the cumulative effects analysis. Furthermore, although the NEB and proponent portrayed Inuit concerns as a failure to grasp the distinction between the current proposal and oil extraction, in the meetings Inuit drew from past experience in concluding that if momentum was permitted to flow on the side of industry and the federal government, the power imbalance would become insurmountable for Inuit. As one Inuk stated in Iqaluit;

> …once you give an industry a chance… like me, I'm business man. You give me an inch, hey, I'm going to make sure I can run 200 miles because one inch is not going to be enough. I'm going to go as far as I can and I'm an opportunist. When somebody else says it's no good, I'm going to look for something that's good out of it (NEB 2013d).

Further still, the NEB's deflection to other processes more suited to the consideration of broad, contextual issues is belied by its consistent refusal to withhold approval until the completion of a Strategic Environmental Assessment (SEA) currently collecting baseline data in the region. The SEA is intended to provide an opportunity to develop a broad, long-view development plan for the region, including highlighting areas for protection and areas where oil extraction is expected to have the least impact. The NEB was petitioned by QIA, NTI, NMC, the Government of Nunavut, BFC, and AFA to wait for the results of the study (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). Letters were also sent to Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development Canada (AANDC), the federal department heading the study. These requests largely went ignored, although Valcourt eventually informed QIA and NTI that he saw "neither the need nor the benefit to put seismic exploration on hold while strategic environmental assessment work is underway" (Valcourt 2014). In its EA report, the NEB noted that its process was "independent" of any broader assessment work taking place (NEB n.d.a). The AANDC and NEB refusal to allow the project to be assessed in light of its context, including its intended use for oil extraction, climate change, and any results produced by the SEA, represents the exclusion of concerns that are highly relevant for the environment and for Inuit.

The Mitigation Measures

In addition to failing to consider the full range of potential impacts on marine life, the NEB did not address major concerns with the measures proposed to mitigate harm to marine life and the local economy. The primary mitigation measure in place to address the risk to marine mammals is the employment of four Marine Mammal Observers (MMOs). Throughout the survey period, two MMOs will be scanning the water for marine mammals who enter a 500 metre "safety zone" around the ships conducting the seismic tests (NEB n.d.a). If whales are detected, blasting will be halted until the area is clear. MMOs are also responsible for providing data on the effects of the project as it proceeds. Secondly, the proponents will implement a "ramp-up" period when the air guns are first being turned on, during which time volume will be gradually increased to allow nearby marine life an opportunity to "swim away" (Lapierre et al.

2011). The proponent has also committed to using Passive Acoustic Monitoring (PAM), a marine mammal avoidance technology that uses underwater microphones to detect vocalising marine mammals, in areas identified as critical habitat or during periods of low visibility. There are no additional mitigation measures in place for fish or invertebrates, while the only other measures offered to mitigate harm to the local economy are avoidance of fishing equipment and compensation if damage does occur.

The effectiveness of MMOs has been questioned in the scientific literature, by residents of Baffin Island, by Inuit organizations and by the Government of Nunavut (DuChaine 2011; Eloi 2011; Weilgart and Whitehead 2005; Weir and Dolman 2008). While MMOs certainly will not be able to monitor for effects beyond 500 metres, their ability to detect animals even inside the safety zone is disputed. In a letter to the NEB, Clyde River resident Shari Gearheard suggested it would be "extremely difficult if not impossible" for two people to monitor 360 degrees of ocean surface for the subtle signs of whales, let alone in rough conditions or at night (Gearheard 2011). One scientific study on MMOs further adds that smaller species, such as porpoises, or otherwise inconspicuous ones, such as deep-diving whales who may enter the safety zone from below, are likely to go undetected (Weir and Dolman 2008). Further, as Natanine pointed out in a NEB public meeting, halibut and turbot will not be monitored within the safety zone, while the proponent's report asserts simply that "most fish would be expected to swim away to avoid the source as it approaches" (NEB 2013b; Lapierre et al. 2012). Lastly, the effectiveness of PAM, while preferable to driving off Species at Risk with increasingly loud blasts, is also not guaranteed. PAM can fail to detect vocalizing animals in certain conditions and does not detect animals at all when they are not vocalizing (ACT 2007). Lastly, the reliance on MMOs for data on the effects of the project is problematic. As discussed, impacts on marine mammals can be very difficult to detect, and can occur far beyond the range of binoculars and long after the surveys are complete (Weilgart 2007). There is no plan to monitor outside the immediate vicinity of the ship, let alone outside the project area or after the tests are finished. This shortcoming means that significant harm to marine mammals, fish, or invertebrates may not come to light until Inuit are left with the effects after survey completion. It will also contribute to the current lack of scientific data on the environmental effects of seismic sound. Nonetheless, the role of MMOs in protecting marine life was repeatedly presented in the public meetings as a solution to Inuit concerns (NEB n.d.a; NEB 2013a; NEB 2013c).

Other mitigation measures listed in a four-page chart provided by the NEB appear vacuous, repetitive, or do not mitigate the problems they claim to address. For example, the NEB includes as a mitigation measure for "disturbance to traditional and commercial resources" the following statements: "MKI has developed and started implementing a community engagement plan" and "MKI will conduct follow-up meetings for the purpose of communicating the results of the previous seasons' program" (NEB n.d.a). While these statements may imply Inuit will be informed of the proponent's actions, they do nothing to lessen the risks to marine life. The NEB also lists as mitigation for the effects of sound on marine life, along with the measures discussed above, "[v]essels would maintain a constant speed of approximately 5 knots while surveying." Again, this statement does not address harm to marine mammals caused by airgun blasts. Both these categories – harm to marine mammals from sound, and disruption of traditional and commercial resources – include the statement "[t]he location of the seismic activity associated

with this project will not take place in the vicinity of the Nunavut Settlement Area" (NEB n.d.a.). Again, because seismic blasts can reverberate across great distances and the marine ecosystem traverses the border of the NSA regardless, this does not lessen the risk to marine life.

Included as mitigation for harm to marine life is adherence to the *Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment*. The *Statement* covers the measures discussed above, including the employment of MMOs and the use of ramp-up periods. It also offers recommendations on the avoidance of critical habitat, areas necessary for the survival of species listed under SARA. Dr.Weilgart and colleague Dr. Hal Whitehead, both of whom had participated in the DFO *Review*, upon which the *Statement* was based, have condemned the final product (2005). They assert that it "seemed designed to accommodate the interest of oil and gas companies and/or the research community which uses seismic" (2005). Among the *Statement*'s shortcomings is "weak language," for example, stating only that seismic surveys should avoid displacing endangered or threatened marine mammals "to the extent reasonably practical," and only where a number of highly specific criteria are met (2005).

The Lack of Inuit Qaujimajatuqangit (IQ)

Another significant omission from the EA process was Inuit Qaujimajatuqangit (IQ), the Indigenous Knowledge of Inuit. According to Inuk scholar Shirley Tagalik, IQ translates as "that which Inuit have always known to be true," and "is recognized to be a unified system of beliefs and knowledge characteristic of the Inuit culture" (Tagalik 2012). IQ has been formally adopted by the Government of Nunavut and is protected under the NLCA. Many Inuit believe it is more accurate than western scientific knowledge (Tagalik 2012).

QIA requested that the proponent integrate IQ into the project design from its early stages. Following up in letters to the NEB in 2011 and 2013, QIA reiterated that IQ had not been meaningfully incorporated into the plan (Beveridge 2013; Eloi 2011). Responding to a request from the NEB to specify how the proponent planned to gather IQ as part of the ongoing consultation process, the consulting firmed contracted by the proponent conceded they did not plan to engage Inuit in two-way communication: "It is not MKI's intention to conduct a full Inuit Qaujimajatuqangit (IQ) study, but to continue to present the findings of the EA to the communities of Kimmirut, Pangnirtung, Qikiqtarjuaq, Clyde River, Pond Inlet and Iqaluit" (RPS Energy 2013). In November 2013, the proponent finally agreed to initiate a formal process to collect IQ in the communities. However, the study had barely begun prior to the approval of the project in June 2014 (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). This precludes any meaningful IQ influence on the project design or decision-making process.

The Lack of Benefits for Inuit

The final major concern Inuit have raised is the lack of benefits that will accrue to them. In the public meetings, Inuit repeatedly asserted that resource extraction should result in concrete benefits for them, requested clarification on what the company was offering, and asked that an agreement be negotiated to ensure they would not be left with nothing but the mess (NEB 2013a;

NEB 2013b; NEB 2013c; NEB 2013d). Letters to the NEB from QIA, NTI, and the Government of Nunavut affirmed this stance. Many Inuit recalled previous experiences in which Inuit were told that new development projects would be good for them, but the benefits never materialized or ebbed away over time. An Inuk from Clyde River recalled;

> When we were first being gathered to this community the housing - public housing used to cost $2 a month, very low rent when they first – when the government first started to provide housing because they wanted something from our land, maybe just like you guys. It seems like the same thing is repeating. It's easy to talk about it but it gets very hard (NEB 2013b).

Drawing from this and other past experiences, he said "And even after the project is done, even if they tell us they'll employ us, that probably won't happen" (NEB 2013b). An Inuk in Iqaluit spoke specifically about Inuit disadvantage in the core-periphery exchange relationship:

> We see a lot of effort to increase oil and gas development as well as large projects… It's only what's to take out and refine and process in other places. There's no value added. That's where the money comes from.
>
> These are all the big issues and I know you don't want to deal with that and you want to punt it but this is what Inuit deal with and that's what we come to the NEB with… We want that value-added extra that you get (NEB 2013d).

As it turns out, Inuit were right to be concerned. The fact that the project is located outside the boundaries of NSA means that it bypasses requirements for local benefit under the NLCA (Bernauer 2014).

Nonetheless, Inuit hoped to be included in the development of the Canada Benefits Plan, a mechanism under COGOA that secures benefit for the Canadian economy. Not only were they excluded from the negotiations, but the plan was not shared with QIA until March 12, 2014 (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). Inuit were therefore unable to weigh the benefits against the costs at any time during the consultation process. Minister Valcourt approved the plan on June 10, just two weeks before the NEB approval and before the majority of Inuit had seen it (Valcourt 2014). Further, the benefits offered to Inuit are scant. They consist of two jobs as MMOs, one job in four communities as a Community Liaison Officer, participation in the IQ study, and access to the final results of the tests (NEB n.d.b). A maximum of six low-level jobs for the entire Baffin Island region, participation in an IQ study that cannot significantly fulfill its purpose of influencing the project design, and permission to view the results of a seismic survey that nobody wants is small comfort for a people seeking liberation from economic and political subordination, and who fear the loss of their local economy, cultural identity, and the marine animals whom they deeply respect and care for.

A Dissatisfying Process

The regulatory process that occurred in this case represented a mechanism through which Nunavut and Inuit communities are politically and economically subordinated. In characteristically neoliberal fashion, the process shirked the few checks and balances placed on

external power by the NLCA and snubbed rigorous environmental and socioeconomic impact analysis. It allowed for the approval of a project that threatens to solidify the region's status as an extractive periphery, permitting resources and wealth to flow out of the territory, devastating subsistence practice, increasing impoverishment and dependency on wage employment, and weakening the economic diversification that is already occurring (for example through the burgeoning turbot and halibut fisheries that could be significantly harmed by seismic testing). As Inuit fear, it may also contribute to the erosion of the Inuit identity and epistemologies so tightly linked to the environment and the wildlife harvest. The regulatory process thereby works on many levels to achieve assimilation into ways of life that are consonant with the capitalist system.

The unfolding of the capitalist imperative to expand into the Arctic through the EA process demonstrates its reliance on the predominant power relations embodied and perpetuated by institutions like the NEB and AANDC. As Foucault theorized, the ability of these institutions to mobilize the discursive power of scientific knowledge, while marginalizing Inuit knowledges and excluding even inconvenient knowledge produced through scientific discourse, depends upon their special authority to exercise a neutral rule over matters of true and false, relevant and irrelevant.

The Consultation

While the NEB and proponent were able to exclude particular knowledges from the EA, Foucault's insights can also be applied to the performance of power relations in the institutional structure of the regulatory process and through the subtle, decentralized discursive practices reproduced by institutional actors at public meetings, in written responses, and in the official records. This performance constructs the NEB as the impartial arbiter, grounded in an assumption of Canadian law and the regulatory process as neutral, while Inuit become marginal and inessential. Further, the assumed neutrality of the institution precludes that power relations be questioned as part of the process, since none can be admitted if the neutrality is to be upheld. Nonetheless these power relations have a significant impact, perhaps all the more so since they go uninterrogated.

The structure, goals, scope, and timeline of the consultation process arose out of the requirements of Canadian law and were laid down by the NEB. Because the legitimacy of the State and the law are deeply held assumptions, the regulatory processes that issue from them are also held to be legitimate and similarly politically neutral, even as they may be subject to superficial criticisms. A consequence of this is the fact that the institutional process and its legal roots become the unquestionable standard, to which it is possible to refer in excluding certain topics from the dialogue. If it is not part of the process as decreed by law, it does not need to be considered. This exclusion is not conceived as an exercise of power, but as a neutral fact. A second consequence is a dynamic in which those who do not represent the institution or bear its claim to truth become mere participants in a process to which they are not essential. Any segment of the public can be marginalized through discourses of expertise and neutrality, but the marginalization of Indigenous peoples has a unique character because Indigenous peoples are both constructed as the "other," and actually do hold identities and epistemologies that retain an

essential autonomy from the western system. Therefore, the role of Indigenous peoples within institutional joint decision-making processes is like one in which two parties meet at a nominally neutral negotiating table – but the table happens to be in one of the party's living room. The very structure of the institutional process predetermined that Inuit were not in a position to significantly influence the course of events.

Subtle constructions of Inuit, the NEB and proponents, and the process itself furnish the basic power imbalance at the heart of the consultation. In accordance with long-standing construction of Indigenous peoples as irrational, the sense that Inuit were simple, and even dim-witted arose numerous times in official documentation and even in direct interactions with Inuit. At least one expert who presented at the public meetings held in 2011 appears to have personally subscribed to racist stereotypes about the intelligence of Inuit, according to an account offered by a non-Inuit Clyde River resident:

> I … would like to include an illustration of the unacceptable approach to the entire meeting. Immediately after the speaker finished the slide show portion, on the way to her smoke break, she happened to stop and ask me what I thought about it. I said I found it pretty full of jargon. She said, ""They" get the gist of it. You'd be surprised how much "they" pick up." First of all, not only was this extremely condescending, but "they" was a big clue into how the company representatives viewed the audience. Second, a consultation process should not be founded on "gist" (Gearheard 2011).

In other incidents, Inuit who raised concerns about the impacts of the project on marine life were subjected to condescending lectures on the complexity of ecosystems or assured that the boat was "full of monitors and there's also quite a lot of computers" (NEB 2013a; NEB 2013b). As previously mentioned, Inuit concerns about oil development were attributed to their misunderstanding of the current proposal, for example, as written in the NEB Community Engagement Report; "It was difficult for community participants to separate the proposed Seismic Survey Project from the long-term development activities that may result from the use of the survey data" (NEB 2012). In a letter from the RPS Group and in the proponent's legal arguments, Inuit dissatisfaction with the responses they had received is again attributed to their inability to grasp a complex idea, in this case that "science" is about ascertaining probabilities, not absolute certainties (RPS Energy 2013).[10]

Meanwhile, the proponent is consistently portrayed as magnanimous and generous in their willingness to continue to engage with Inuit, while the NEB is portrayed as committed, caring, and impartial (NEB n.d.a). The process itself is consistently called "open and transparent".[11] The press release announcing the NEB's approval of the project further declares; "Never before has there been this level of public participation in the Board's Environmental Assessment process for a GOA" (NEB 2014). It neglects to mention that the "participation" had

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[10] Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015. Federal Court of Appeal. Personal notes.

[11] *Ibid.*

consisted of overwhelming opposition. The construction of Inuit, the NEB, and proponent in these ways then give rise to a framing of the persistent dissent as an issue of "public education" (NEB 2012; NEB n.d.). Solutions that are offered therefore mainly consist of commitments to continue to inform Inuit of progress as the project proceeds, which clearly does not address the substance of their concerns (NEB n.d.b). In other instances, Inuit dissent was framed as clinging to traditional ways while others were prepared to accept change and embrace the modern Nunavut, a clear misrepresentation of the nuanced views on development, tradition, power, and the distribution of benefits expressed by Inuit in the meetings (NEB 2013c).

The marginal, inessential position of Inuit was also performed through clear demonstrations that the consultation was not being taken seriously and that it was not a priority that Inuit be well-informed and meaningfully included. The proponent and NEB ignored numerous requests for information and recommendations submitted by the Inuit organizations, could not answer basic questions about the risk to marine life or other key issues in the public meetings even after the process had been going on for over two years, repeatedly deflected questions to other institutions or documents, told Inuit to find the information themselves on the internet, did not always provide materials in Inuktitut, and referred them to documents that were so large even the bandwidth at the Hamlet Council office could not handle downloading them (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). The following interaction occurred during one of the last meetings held in 2013 by the NEB:

> **Inuk:** I want to know from the company what walrus -- because in October, my grandfather and my father would go to the mouth of Frobisher Bay and hunt walrus. I want to know from the company if it will affect walrus migration routes. And what information they have -- do not refer me to the environmental impact statement, please tell me. And I don't want to hear it afterwards.
>
> **Proponent representative:** Yes. We don't have the answer for you.
>
> **Inuk** Okay. Thank you. Seals, bearded seal, ring seal, ugjuk, bearded seal are very important to Inuit. That is a fall migration time. What effect will this project have on them?
>
> **Proponent representative:** We don't have an answer for you on that.
>
> **Inuk:** Okay. Thank you. Polar bears; there's a lot of information, both traditional knowledge, scientific. Traditional knowledge, I've learned from Pond Inlet that there are polar bears that live on icebergs and they hunt from them. What affects will you have on them? Because that is more relevant than anything else because you will be directly affecting them.
>
> **Proponent representative:** As you probably know, we're here for the operations and so I know you didn't want to hear but the environmental assessment's been filed. So we're more the operations guys, you know. I'm an operations person; so… (NEB 2013c).

Interactions such as this one were commonplace throughout the process, leaving Inuit wondering why no one was sent to talk to them who actually knew about the project, or whether anyone

actually did know what the impacts might be. These clear demonstrations of disregard for Inuit, regardless of whether they were properly informed, affirm that Inuit occupied a marginal position throughout the regulatory process.

Foucault criticized Marxism for portraying power as a possession of the capitalist elite imposed upon the powerless in order to maintain the capitalist system, and the state as a unified apparatus through which this imposition was accomplished (1980). The marginalization of Inuit that occurred in the consultation process demonstrates the ways in which the state institutions instead rely upon and reproduce power relations which are ultimately beyond them and pervade society. During the consultation process NEB and proponent representatives performed the rituals and employed discourses that affirmed their status as authorities with a special claim to truth, while Inuit were constructed as dim-witted and unimportant, thereby allowing NEB to rule on truth and falsehood, legitimate and illegitimate, relevant and irrelevant, despite their clear inability to produce concrete answers to basic questions about the impacts of the project. Throughout history, power as truth has operated in the processes through which the imperative of capitalism to expand and to subordinate the Arctic as an extractive periphery is permitted to unfold. This occurred, for example, through the masquerading of the western regime of truth as neutral as decisions were made that transformed Inuit communities into wage labour pools for Arctic industry. The Clyde River case demonstrates that the role of these "systems of exclusion," as Foucault calls them, take on heightened importance in the era of neoliberalism (Foucault 1970).

The Legal Case

The Duty to Consult and Legal Arguments

On July 28, 2014, the Hamlet of Clyde River, its HTO, and Natanine applied for a judicial review of the NEB decision at the Federal Court of Appeal under the *Federal Courts Act, 1985* and *National Energy Board Act* (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2014). The companies, PGS, MKI, and TGS-NOPEC were named as respondents along with the Crown. The National Energy Board was granted intervener status. While Clyde River requested that the hearing occur in Iqaluit, it instead took place case at the Federal Court of Appeal in Toronto on April 20, 2015. The decision has yet to be released. Clyde River's arguments are centred on the Aboriginal right to be meaningfully consulted when the Crown makes decisions affecting their rights, enshrined in section 35 of the *Constitution Act, 1982* (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015).

The inclusion of section 35 in the constitution represented a landmark moment in the fight to achieve justice for Indigenous peoples within the Canadian legal system. It reads: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (*Constitution Act, 1982*, s. 35). Over the following decades, the courts have begun to develop principles on how this statement should be interpreted. The Supreme Court of Canada (SCC) ruling on *R v. Sparrow* in 1990 introduced the concept of the "honour of the Crown," which it said gave rise to a responsibility to act in the best interests of Aboriginal peoples, and that this should be "general guiding principle" for the interpretation of section 35 rights

(Morellato 2008). It also asserted that, therefore, the Crown would need to justify any infringement on Aboriginal rights. In order to do so, it would need to show that it had behaved honourably during the infringement, including by consulting the affected group and by ensuring the impacts were limited to the greatest extent possible (1990). This gave rise to the duty to consult and accommodate.

Later decisions further established that consultation and accommodation should have as their overarching goal reconciliation between the Crown and Aboriginal peoples (Morellato 2008). *Delgamuukw v. British Columbia* asserted that negotiation with Aboriginal peoples "must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples" (1997). It also established that the "nature and scope" of consultation required varies in accordance with two critical indicators: first, the strength of claim to an Aboriginal right, and second, the severity of the impact on that right (1997). In *Haida Nation v. British Columbia,* the Court further specified that that "the honour of the Crown cannot be delegated, and the legal responsibility for consultation and accommodation rests with the Crown" and that "The Crown alone remains legally responsible for the consequences of its actions and interactions with third parties that affect Aboriginal interests" (2004). However, it also conceded that "The Crown may delegate procedural aspects of consultation to industry proponents seeking a particular development" (2004). *Haida* also reaffirmed the Crown's obligation to conduct "a meaningful process of consultation in good faith," but clarified that the Crown is nonetheless "not under a duty to reach an agreement" (2004). By most accounts, Canadian law has therefore denied Indigenous peoples the right to say no to development on their lands, though the process of consultation and accommodation should allow them to shape how it occurs and to be compensated – depending on the severity of the impacts.

Nunavummiut lost their Aboriginal title under the terms of the NLCA, but they retained specific rights to harvest wildlife and are still owed meaningful, good faith consultation where those rights may be affected. In fact, because those rights are enshrined in the NLCA, their "claim" to them is strong in accordance with the *Delgamuukw* test (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). Therefore, because the potential impact on Inuit harvesting is also severe in this case, an in-depth consultation is required. While Clyde River's legal defense argues that the duty to consult was not met, the Attorney General and proponent refute that an in-depth consultation was required.[12] Their position is based on the denial that the risk to harvesting rights is high, and, in the proponent's case, a technical argument that Natanine, the Hamlet, and the HTO do not have the legal authority under the NLCA to represent collective Inuit rights, and therefore do not have a strong claim to the rights in question. The proponent's legal defense asserts that only "medium-level" consultation was required.[13] The case has also raised questions about the issue of "delegation" addressed in *Haida. Haida* and its companion decision, *Taku River Tlingit First Nation v. British Columbia,* established that regulatory processes like EAs can

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[12] Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015. Federal Court of Appeal. Personal notes.

[13] *Ibid*.

act as the vehicles through which the duty to consult is discharged, and nowadays they very commonly do. *Mikisew Cree First Nation v. Canada*, however, determined that even in instances where the duty required is minimal, a "public consultation" process is not enough and Indigenous peoples must be engaged in light of their specific rights. Within this framework, the Crown can rely on regulatory processes which it does not itself directly orchestrate, but it retains the ultimate responsibility for the discharging of the duty.

According to Clyde River's legal defense, not only did the NEB fall short of conducting an adequate consultation process, in fact failing even to mention Aboriginal rights at any point, it does not even have the authority to discharge the duty to consult. Further, the Crown failed to fulfill its obligations as the bearer of ultimate responsibility. This argument is based on AANDC Minister Valcourt's refusal to become involved in the regulatory process, despite repeated requests from Inuit organizations to act on the inadequacy of the consultation as it was occurring. As asserted in Clyde River's *Memorandum of Fact and Law*, "the Minister's role was limited to helping the Proponents tick off a box in their application for a GOA" (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015). The proponent's legal defense and the Attorney General, on the other hand, argues that the NEB was cognizant of the requirements laid out in section 35 jurisprudence, even if they were never mentioned, and the Crown merely relied upon the NEB process to discharge the duty. They further assert that because the NEB did what would have been required, the question of the rightful role of NEB in relation to the duty, or whether they explicitly considered Aboriginal rights and the nature and scope of consultation necessary, is irrelevant. In this view, a regulatory process can be deemed to have discharged the duty after its completion, even if it was never intended to do so and the Crown's involvement was minimal – or nonexistent. The implication struck a chord with the judges, who asked three times during the hearing for clarification on how the Crown could retain ultimate responsibility for meaningful consultation with the goal of reconciliation, and yet not be required to play any concrete role.

Indigenous legal scholars have already criticized the limited capacity of the consultation framework to allow for meaningful dialogue between Indigenous peoples and the Crown, in the original spirit of section 35 jurisprudence (Borrows 2012; Henderson 2009; Ritchie 2013). When the duty is discharged through regulatory processes that are narrowly focussed on specific projects, are not designed to facilitate dialogue between equal parties, and indeed do not meaningfully involve the Crown, Indigenous participants are invariably disadvantaged and end up "consulting away their rights" (Ritchie 2013). The Clyde River case demonstrates how neoliberal policy adds to these concerns by weakening the regulatory frameworks through which consultation occurs. As a result, it becomes less likely that a robust process will take place, uncertain under what auspices consultation can occur – and therefore more difficult to ensure one happens unless the burden of self-advocacy is taken up by the Indigenous group – and more difficult to hold anyone to account (Ritchie 2013; Huntington, Lynge, Stotts, Hartsig and Porta 2012). This makes all the more dangerous the proponent and Attorney General's assertion that any regulatory process can be said to have discharged the duty after the fact, even if its intentions were never declared as such.

As previously mentioned, in 2012, the Harper government repealed the *Canadian Environmental Assessment Act* (CEAA) and replaced it with the *Canadian Environmental*

Assessment Act, 2012 (CEAA, 2012). As a result, proposals no longer "trigger" a federal EA according to broad criteria, but only require a federal EA if the project is captured on a list, the *Regulations Designating Physical Activities* (Doelle 2012). As a result, the TGS-NOPEC and MKI seismic testing program ceased to require a federal EA one year after one had already been initiated. Previously, the NEB had been required to follow the specific requirements for the EA process laid out in CEAA. The NEB's regulatory responsibilities for oil exploration in the Arctic are now liberated from those bounds, including the responsibility to conduct an actual EA at all, although, as mentioned, it must still consider environmental and safety concerns under COGOA. The NEB appears to have interpreted the change to imply that whether or not Inuit would be consulted had become an arbitrary decision. In its EA report, it describes how the Board "decided" to continue the process that was already unfolding, and that consultation was permitted to continue because MKI voluntarily waived a privilege not to disclose its materials (n.d.a). This account of the decision-making process appears to demonstrate that deregulation had rendered it an open question whether any process would occur through which the duty to consult might be discharged.

The wiggle room now enjoyed by the NEB is particularly disconcerting in light of growing criticism that the NEB favours industry and eschews public participation, in the wake of omnibus bills C-38 and C-45 (Doelle 2012). For example, former CEO of BC Hydro Marc Eliesen wrote, after dropping out of the Kinder Morgan pipeline hearings, that the process was "fraudulent," a "farce," and that "the Board, through its decisions, is engaged in a public deception" (Eliesen 2014). Kanesatake Grand Chief Serge Simon, preparing to testify at the 2015 Energy East pipeline hearings, called the NEB a "kangaroo court" (quoted in Curtis 2015). As environmental law scholar Meinhard Doelle explained, there are "legitimate concerns that some regulators may be captured by their industry, making it difficult for them to consider whether the industry sector they regulate offers the most sustainable long-term solution to the need or purpose being pursued with the proposed project" (2012).

Neoliberalism therefore heightens the issues associated with discharging the duty to consult through regulatory processes, placing less powerful Indigenous participants at an even greater disadvantage in their dealings with a potentially "captured" regulator. Particularly as the restrictions on Crown delegation of the "procedural" aspects of its duty in *Haida* are interpreted increasingly leniently, neoliberal regulatory procedures have arguably strayed quite a distance from the intent of SCC jurisprudence to empower Indigenous peoples to participate in meaningful dialogue, instead of being marginalized in decision-making processes in which the odds are stacked against them. In the Clyde River case, this manifested both through the NEB's failure to address basic concerns about the environmental impacts of the project as part of its EA, and through the consistent failure to take Inuit seriously in the consultations.

The Hearing Day: discursive practice in court

The questions of whether the duty to consult was met in this case, and whether the goal of meaningful dialogue was lost through delegation to neoliberal regulatory processes are critical to ask. However, there are other layers to the problem of Aboriginal rights protection through the Canadian courts. Taking a step back to consider the broader picture, it becomes possible to note

that the legal system, like the regulatory process to which Baffin Island Inuit were subject, operates based on an assumption of western ways of being and thinking as the neutral ground. Following Foucault's insights, it becomes clear that the courts, even more so than the NEB or Crown institutions, are endowed with the special authority to rule on matters of true of false, to exercise the power of truth through the application of discursive practices, and in accordance with the regime of truth. Their basis in specific culturally-mediated discourses almost always remains obscured.

Particular rituals and discursive practices reproduce and affirm the neutral authority of the courts and the legal system, from the spatial organization of the courtroom, with the black-cloaked judges seated upon high-backed chairs on a raised platform, to the patterned and formal speech of the attorneys. Paulette Regan, Director of the Research for Canada's Truth and Reconciliation Commission, draws on Joseph Campbell to explain the power of ritual in reaffirming cultural myths like the court's special claim to universal truth; "Rituals evoke the energy of myths, and their power compels us to behave and think accordingly… [but] Western rituals are often invisible to the public and simply taken for granted as customary practice" (Regan 2010). The judge, "dressed in a robe and armed with a gavel" offers a visual representation of cultural myths, but, as Regan asserts, "less visible are the ways in which law, embedded in a myth of neutrality… can deny or minimize the legitimacy of Indigenous knowledge systems, history, and law." Knowledges that are at odds with the regime of truth permeating the rituals of practice in the courtroom become unspeakable, even obscene.

Paulette Regan explores this phenomenon as it manifested during the *Delgamuukw* hearings at the SCC, in which Gitxsan and Wet'suwet'en Elders brought "stories, ceremonies, songs and rituals" into the courtroom in order to demonstrate their claim to their lands in the traditional way (2010). In Regan's account, SCC Justice McEachern was "clearly uncomfortable with this breach of court decorum," issued a reminder that "this is a trial, not a performance," and assured them that "I have a tin ear… it's not going to do any good to sing it to me" (Regan 2010). Incidents like this one demonstrate that the power relations performed through discursive practices in the courtroom are unquestionable, therefore placing Indigenous peoples at a disadvantage.

The effects were clear during the Clyde River hearing. Mayor Natanine and Deputy Mayor Sandy Kautuq sat silently in the back of the courtroom, while others watched the hearing as it was live-streamed in Iqaluit.[14] The attorneys offered narratives that bore little resemblances to the consultations as they unfolded according to Inuit, and spun abstract legal arguments that appeared almost entirely divorced from the concrete reality of the case. Nowhere was this clearer than in the challenges to the legal standing of Natanine, the Hamlet, and HTO to bring a breach of the collective Inuit right to be consulted to the courts. The argument, which may have

[14] Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2015. Federal Court of Appeal. Personal notes.

occupied more time in the hearing than the issue of the duty to consult, is legally intelligible and perhaps even sound. Nonetheless, it appears absurd in light of overwhelming popular support for the opposition across Baffin Island. Further, QIA, which the respondents argued *could* have represented collective Inuit rights in court, publicly declared that they "wholeheartedly" back the Clyde River case (quoted in Rogers 2015). Not once throughout the case did the voice of an Inuk fall upon the ears of the judges. The urgency with which Inuit had spoken about the pain of colonial subjugation and their deeply held desire to preserve their way of life receded into obscurity.

In some ways, the legal process replicated, and even heightened, the same power relations that were at play during the consultation. The authority of the legal system is unquestionably founded on its claim to neutrality, which underlies the need to perform the formal rituals that demonstrate solemn impartiality, and in the heavy regulation of what can be argued as part of a legal case and what can be said in a courtroom. However, these narrow parameters are not, in reality, reflective of a pursuit of legitimate, impartial knowledge, but instead represent the policing of the western regime of truth.

Conclusion: formulating new approaches to Inuit participation

The failure of the NEB regulatory process to meaningfully allow Inuit an opportunity to shape the course of development in the Arctic according to their own priorities is clear. The ruling of the Federal Court of Appeal has yet to be released, but regardless of the outcome in this particular case, concerns will stand about the tendency of powerful discursive practices that structure legal proceedings to marginalize Inuit, in ways not unlike the consultation process featured in this paper. Victory for Clyde River, while cause for celebration, unfortunately will not unseat the operation of power as truth in the courts' claims to neutrality and authority.

The rejection of regulatory processes as a vehicle for Indigenous self-determination in the face of resource development proposals, and the task of formulating new approaches, is already being undertaken by many theorists (Henderson 2009; Huntington et al. 2012; Isomura 2014; Kirchoff and Gardner 2013; Ladner 2001; Ritchie 2013). Like critics of the *Comprehensive Land Claims Policy*, a number of theorists frame the problem with regulatory consultations as an issue of neo-colonialism, insofar as the process of securing Indigenous lands for extraction replicates the political and economic tactics imposed by core powers upon former colonies in the Global South (Isomura 2014; Ladner 2011; Maaka 2009; Nkrumh 1965). However, the history of the Arctic's transformation into an extractive periphery and the current Clyde River case demonstrate that there is danger inherent in failing to account for the operation of power through institutional processes, *beyond* explicit agendas that may be pursued by elite groups.

Even in the examination of the history through which the Arctic was subordinated to an extractive periphery, it becomes clear that while Marxist theory offers valuable insights into how the structural drive to capitalist expansion led to the crises of overproduction and overaccumulation that created Inuit dependency on the market economy, this imperative was conditioned by the regime of truth that equated capitalism with civilization, in turn equated with western ways of thinking and being (Harvey 2003; Marx 1867; Mills 2003; Springer 2012). This

was seen in, for example, the writings of Martin Frobisher's chronicler George Best, who helped construct Inuit as primitive and animalistic as the exploration expedition simultaneously imposed western knowledge systems on Inuit lands (Savours 2001). The European regime of truth was thereby implicitly posited as superior and objective, while Inuit and their knowledges were marginalized. This dynamic underlay acts of violence against Inuit and naturalized the exploitation of their territories without regard for its destructive effects. Later, during the implementation of the federal government's Inuit sedentarization project, the regime of truth manifested in assumptions of the state's authority to rule on what was best for Inuit, the legitimacy of the free market system, and the insignificance of Inuit perspectives (QIA 2010). It also manifested in the failure to recognize the power relations that were at play, for example, in rehabilitative programs that were blind to the colonial context informing Inuit suffering. Following Foucauldian criticisms of Marxist conceptions of power and the state, the sedentarization project demonstrates that while the role of state institutions in paving the way for extraction *may* be related to the agenda of the capitalist elite, it *necessarily* relies upon pre-existing, pervasive power relations that "extend beyond the limits of the State" (Foucault 1980).

The Clyde River case, meanwhile, demonstrates that the role of implicit power relations is particularly important in the neoliberal context. The failure to prioritize rigorous regulatory processes, and the endowment of regulatory and governance bodies with excessive discretionary powers, opens more space for the free reign of pre-existing, pervasive power relations. This can be seen in the NEB's use of discursive practices to obscure the weaknesses in the EA reports and to marginalize the legitimate concerns repeatedly raised by Inuit in the public meetings. While the Harper government's adoption of neoliberal policies in the Arctic likely reflects the desire to secure the Arctic for unhindered capital accumulation, the specific mechanisms through which those policies act to subordinate Inuit are not accounted for in that desire.

Foucauldian criticisms of Marxist conceptions of power and the state highlight the importance of expanding analyses of the weaknesses of current regulatory processes beyond their use as a tactic of subordination. Therefore, the formulation of new approaches must include the development of the capacity to explicitly challenge the western regime of truth as the neutral ground of negotiation, and to maintain checks and balances on the operation of power as truth throughout decision-making processes.

Glossary

Acronyms

AANDC Aboriginal Affairs and Northern Development Canada

CEAA Canadian Environmental Assessment Act

CEAA, 2012 Canadian Environmental Assessment Act, 2012

CLCP Comprehensive Land Claims Policy

COGOA Canada Oil and Gas Operations Act

EA Environmental assessment

GOA Geophysical Operations Authorization

HBC Hudson's Bay Company

HTO Hunters and Trappers Organization

IOL Inuit Owned Lands

IQ Inuit Qaujimajatuqangit, Inuit Indigenous Knowledge

MKI Multiklient Invest AS, Norwegian engineering services company

NEB National Energy Board

NLCA Nunavut Land Claims Agreement

NTI Nunavut Tunngavik Incorporated

NMC Nunavut Marine Council

NWMP Northwest Mounted Police

PGS Petroleum Geo-Services, Norwegian geophysical services company

QIA Qikiqtani Inuit Association

QTC Qikiqtani Truth Commission

RCMP Royal Canadian Mounted Police

RPS Rural Planning Services, of RPS Group, a multinational environmental consulting firm

SCC Supreme Court of Canada

TGS-NOPEC Tomlinson Geophysical Services Inc. and Norwegian Petroleum Exploration Consultants

Inuktitut Terms

Illagiit nunagivaktangit Small kin groups in which most Baffin Island Inuit lived prior to resettlement in the 1950s to 1970s

Nunavummiut Residents of Nunavut, Canada

Qajaq Kayak

Qallunaat Outsiders (usually white people)

Qarmat Single room family shelters, often tents, made of various materials

Qimmiijaqtauniq The sled dog slaughter of the 1950s to 1970s

Qimmiit Inuit sled dogs

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