

**EXTRACTIVE HEGEMONY IN THE ARCTIC:
ENERGY RESOURCES AND POLITICAL CONFLICT IN NUNAVUT, 1970-2017**

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Abstract

This dissertation explains how Nunavut's government and Inuit organizations have come to support an economy based on extraction and consent to especially controversial forms of energy extraction. To this end, it examines conflicts over energy resource extraction – specifically uranium mining in the Kivalliq region and oil and gas extraction in the Qikiqtani region – from 1970 until the present. It uses the concept of hegemony as a framework to analyze these conflicts and their implications for the relationship between Inuit and the mining industry. The cases I examined show that the Canadian state responded to Inuit resistance to uranium and hydrocarbon extraction with a series of processes and mechanisms – including environmental assessment, land use planning, land claims, and the legal discourse of Aboriginal rights – which were structured to persuade Inuit to consent to an economy based on extraction. These mechanisms and processes all imposed economic compromises between Inuit and extractive capital. These compromises involved material sacrifices on the part of capital and served as enticements for Inuit to consent to extraction. Environmental assessment, planning, land claims, and Aboriginal rights also performed the ideological function of depoliticizing extraction. By providing depoliticized forums for discussing proposed extraction, they further facilitated the development of alliances between extractive capital and various institutions and social groups in Nunavut. These findings have important implications for scholarly debates about Canadian colonialism, environmental assessment, land claim agreements, and the duty to consult.

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ma'na/qujannamiik/thank you

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Chapter One

Introduction

In the 1970s and 1980s, Nunavut's¹ Inuit organizations were very critical of the federal government's plans to develop the North with extractive industries. Groups like the Baffin Island Regional Inuit Association (BRIA), the Keewatin Inuit Association (KIA), the Inuit Tapirisat of Canada (ITC), and the Inuit Circumpolar Conference (ICC) were especially concerned with the prospects of the extraction of uranium, oil, and natural gas. These organizations consistently opposed proposals to explore for and extract energy resources in Nunavut. During this period, the Inuit political leadership clearly saw the oil, gas, and uranium industries as political opponents, or adversaries.

A series of jokes printed in *Inuit Today* (a newsletter published by ITC in the 1970s and 1980s) are illustrative of this adversarial approach to energy extraction. The first joke was made by outgoing ITC president James Arvaluk in a speech at ITC's 1977 General Assembly. Newly-elected ITC president Michael Amarook presented Arvaluk with a gift for his years of service to Inuit. *Inuit Today* described the scene as follows.

James was presented with a new rifle on behalf of all the Inuit in Canada. "I don't know what to say," James said, holding the rifle up. "I don't know if I should use this on the federal government...or maybe the oil companies. You are the only ones to know whom to use it on. Thank you very much." (*Inuit Today*, 1977g)

The comment was no doubt meant as humorous, and should not be understood as a real threat of violence. Its significance lies in the fact that it clearly names the oil industry as an enemy of Inuit.

¹ Nunavut is a political jurisdiction in Northern Canada. Before 1999, Nunavut was part of the Northwest Territories and known as the Eastern and Central Arctic.

Inuit Today regularly featured cartoons drawn by editor Alootook Ipellie which satirized the political issues of the day. His artwork consistently depicted the relationship between Inuit and extractive capital as adversarial. Like Arvaluk's speech, his cartoons clearly name the oil industry as a colonizing force.

One of Ipellie's cartoon depicted the dispossession Inuit experienced at the hands of the oil industry. It included an 'oil company chart' showing a 'boom' for extractive industries. Below was an 'Inuit and animals cart' showing a 'crash' for various wildlife species. Drawings of a hefty capitalist (wearing a full suit and top hat) and an emaciated hunter (clad in tattered skins) accompanied the charts (*Inuit Monthly*, 1975:51)

Another cartoon presented a tongue-in-cheek expression of the frustration and anger Inuit held towards mining companies during this era. In the first panel, a reporter asks an Inuk, "What do you have to say about a mining company assaulting your traditional hunting grounds?" The Inuk replies, "As far as I am concerned, I have a family of nine that is hungry for caribou. Looks to me like they will have to have a change of diet as of today, if you know what I mean." In the second panel, the Inuk is leaning over the body of a miner and says, "I can't wait to try his tongue." (*Inuit Today*, 1981c:12)

This adversarial position was gradually abandoned in the 1990s. In 1993, Nunavut Inuit signed the Nunavut Agreement², a modern treaty that, among other things, created new political institutions to represent Inuit. These new organizations include Nunavut Tunngavik Incorporated (NTI), a corporate body that represents all Inuit in Nunavut, as well as the Government of Nunavut (GN), a public government that represents all residents of the Nunavut territory,

² Until recently, the Nunavut Agreement was commonly referred to as the 'Nunavut Land Claims Agreement'. However, in 2016 Nunavut Tunngavik Incorporated began to use the term 'Nunavut Agreement' instead. The Nunavut Agreement's full title is the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (1993).

regardless of ethnicity. The GN and NTI have both adopted policies which embrace mineral and energy extraction as the road to development for the new territory (NTI, 1997; GN, 2006). Both organizations have also actively consented to oil, gas, and uranium extraction (INAC, 2000; NTI, 2007, GN, 2012). Instead of understanding energy extraction as a colonial endeavour, these organizations increasingly see it as an integral part of regional development and Inuit self-determination.

This change in position is reflected in statements made by Nunavut's political leadership. In his keynote address to the Nunavut Mining Symposium, NTI first vice president James Eetoolook told delegates,

[W]e have a vision in which the development of our mineral resources - as well as oil and gas - will bring greater prosperity to Inuit, with Inuit as full participants. We believe Nunavut's mining industry can be a model that we can hold up to the world – a model in which all parties work together in a spirit of cooperation and partnership. (Eetoolook, 2000:2)

In a cover letter to the GN's 2006 mineral exploration and mining strategy, then-Premier Paul Okalik wrote

We have a wealth of resources, a growing economy, breathtaking landscapes and a unique culture to share with the rest of the world. I welcome you to come north and discover the vastness and potential of our land, the depths of our untapped riches and the legacy of our culture. (GN, 2006:ii)

The positions articulated in Eetoolook's and Okalik's comments could not be further removed from those implied in Arvaluk's joke and Ipellie's cartoons.

This dissertation documents and critically analyzes this transition from adversarial resistance to collaboration and consent. It uses the concept of hegemony as a framework to understand how people can come to consent to unjust relationships. As I explain in Chapter Three, the notion of hegemony is drawn from the work of Italian Marxist Antonio Gramsci (1997), and refers to a form of domination based on the active consent of subordinate groups.

While all relationships of domination involve a combination of coercion and consent, hegemonic powers mostly rely on their powers of persuasion to maintain their domination (Guha, 1997).

This persuasion entails exercising political, economic, and ideological leadership over subordinate groups (Gramsci, 1997). Hegemony depends on the ability of ruling groups to take the economic interests of subordinate parties into account (Arrighi, 1994), including by making compromises and material sacrifices (Poulantzas, 1973). It also depends on the ability of ruling groups to promote a framework for understanding society that legitimizes their dominance (Harvey, 2005; Peet, 2007). The state is an important mechanism through which these concessions and ideologies are imposed and propagated (Poulantzas, 1973).

This dissertation is structured to answer the following question: how is the hegemony of extractive capital produced and reproduced in Nunavut? To address this question, it examines a series of conflicts over energy resource extraction in Nunavut, from 1970 until 2017. More specifically, it examines conflicts with the uranium mining industry in the Kivalliq (formerly called ‘Keewatin’) region and offshore oil and gas industry in the Qikiqtani (formerly called ‘Baffin Island’) region.

My analysis of these struggles shows that the Canadian state responded to Inuit resistance to uranium and hydrocarbon extraction with a series of processes and mechanisms – including environmental assessment, land use planning, land claims, and the legal discourse of Aboriginal rights – which were structured to persuade Inuit to consent to an economy based on extraction. These mechanisms and processes all imposed economic compromises between Inuit and extractive capital. These compromises involved material sacrifices on the part of capital and served as enticements for Inuit to consent to extraction. Environmental assessment, planning, land claims, and Aboriginal rights also performed the ideological function of depoliticizing

extraction. By providing depoliticized forums for discussing proposed extraction, they further facilitated the development of alliances between extractive capital and various institutions and social groups in Nunavut.

1.1 NUNAVUT INUIT

Nunavut is a federal political jurisdiction in northern Canada. The Nunavut Territory was created in 1999 as a result of the Nunavut Agreement – a modern treaty between Nunavut Inuit and the Canadian state, signed in 1993. Prior to 1999, the region now called Nunavut was a part of the Northwest Territories (NWT), and was usually referred to as the “Central and Eastern Arctic” in bureaucratic circles. However, while the Nunavut Territory is a new jurisdiction, I use the term ‘Nunavut’ to refer to the region even in historic contexts. I have done so, in part, for stylistic reasons. ‘Nunavut’ is simply less cumbersome than ‘the Central and Eastern Arctic’. I also use the term Nunavut in historical context because Inuit have referred to this region as ‘Nunavut’ since at least the early 1970s. The division of the Northwest Territories to create a new Nunavut Territory was a political vision that Inuit leaders clearly articulated from that time onwards (Dacks, 1991).

Nunavut is an Arctic jurisdiction. The vast majority of the territory is above the treeline in the zone of continuous permafrost. The region experiences a polar climate with short cool summers and long cold winters. While traditional European representations of the Canadian Arctic treated it as a barren and forbidding place, in reality Nunavut is rich in natural resources. Nunavut’s renewable resources include fish (char, trout, and turbot), marine mammals (seal, whale, walrus, and polar bear), and land mammals (caribou, muskox, grizzly bear). Nunavut’s

non-renewable resources include substantial deposits of energy resources (oil, natural gas, coal, and uranium), metals, and gems.

The majority of the residents of Nunavut are Inuit. Inuit are an Arctic Indigenous people with a homeland that stretches from Eastern Siberia, across Alaska and Arctic Canada, to Greenland. Inuit Nunangat – the Inuit homeland in Canada – includes Nunatsiavut (Arctic Labrador), Nunavik (Arctic Quebec), Nunavut, and the Inuvialuit homeland (the Arctic Northwest Territories) (Fig 1).

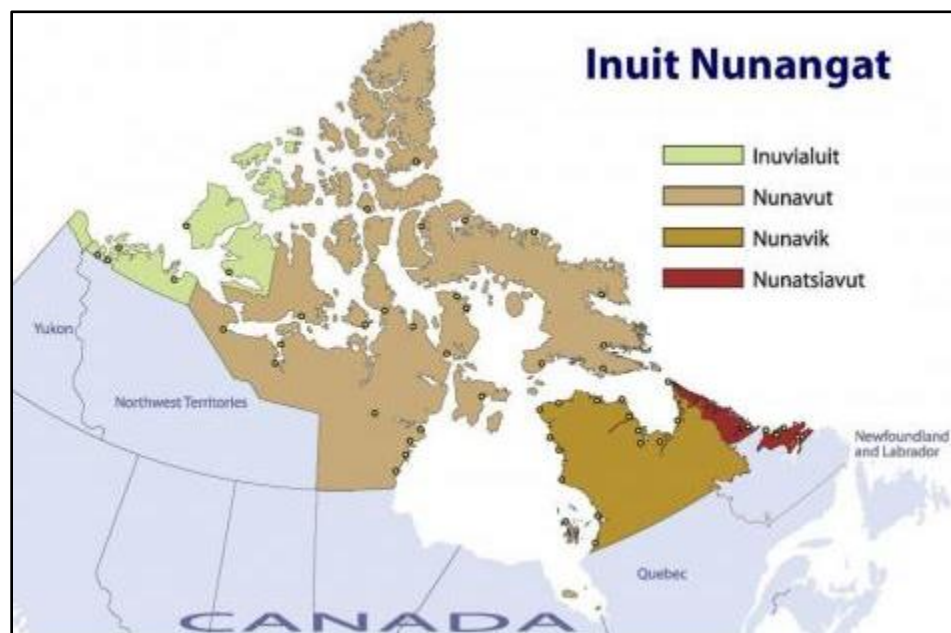


Figure 1.1. Map of Inuit Nunangat (the Inuit homeland in Canada) (ITK, 2009)

While Inuit are an Indigenous people in Canada, they are not considered one of the 'First Nations'. Many Inuit consider themselves culturally distinct from First Nations (Bennett and Rowley, 2004), and recent genetic studies suggest that Inuit are ancestrally distinct from First Nations (Raghavan *et al*, 2014). More importantly, the Canadian state has created and maintained a political and legal division between Inuit and First Nations. Inuit were not placed under the *Indian Act*, and as a result are not governed by band councils, do not live on reserves,

and are not counted in Canada's Indian Register. Instead, the Inuit relationship with Canada is mostly structured by modern treaties Inuit have negotiated since the 1970s (Simon, 1996).

Like many other northern Indigenous peoples, Nunavut Inuit were, and in many respects still are, a hunting and gathering society (Kulchyski, 2005). Before World War Two, Inuit lived in relatively small seasonal hunting camps, living off of hunting, fishing, and trapping.

Beginning in the 1950s, the federal government began to encourage (and in many cases coerce) Inuit to leave their seasonal camps to live in permanent settlements and work as wage labourers (Tester and Kulchyski, 1994). By the early 1970s this transition from dispersed camps into centralized settlements was largely complete and the vast majority of Inuit now live in permanent communities established by the federal government (Damas, 2001). However, many Inuit continue to spend significant amounts of time each year – in some cases months at a time – at hunting and fishing camps 'on the land'. Further, while Nunavut Inuit are increasingly dependent on the market economy and wage labour opportunities, many families continue to rely on hunting, fishing, and other forms of household production to satisfy their economic, social, and cultural needs (Priest and Usher, 2004).

Today, Nunavut Inuit live in twenty-five municipalities (Fig. 1.2). These communities range in size from nearly 8000 in the case of the territory's capital Iqaluit, to less than 200 in smaller communities like Grise Fiord and Resolute. Nunavut is divided into three administrative regions: the Kitikmeot (formerly called the 'Central Arctic Region'), the Kivalliq (formerly called Keewatin) and Qikiqtani (formerly called Baffin Island) regions. Each region is serviced by an administrative center, with Cambridge Bay in the Kitikmeot region, Rankin Inlet in the Kivalliq, and Iqaluit in the Qikiqtani.

Because Nunavut was incorporated into Canada as a territory rather than a province, political life in Nunavut is dominated by the federal Government of Canada. Territorial governments exist as subordinate entities of the federal government. The powers they hold have mostly been delegated from the federal government (Cameron and White, 1995). At present, some of the powers that provincial governments enjoy – such as the ability to control and collect royalties from resource extraction on Crown lands – remain in the hands of the federal government rather than the Government of Nunavut (Henderson, 2007).

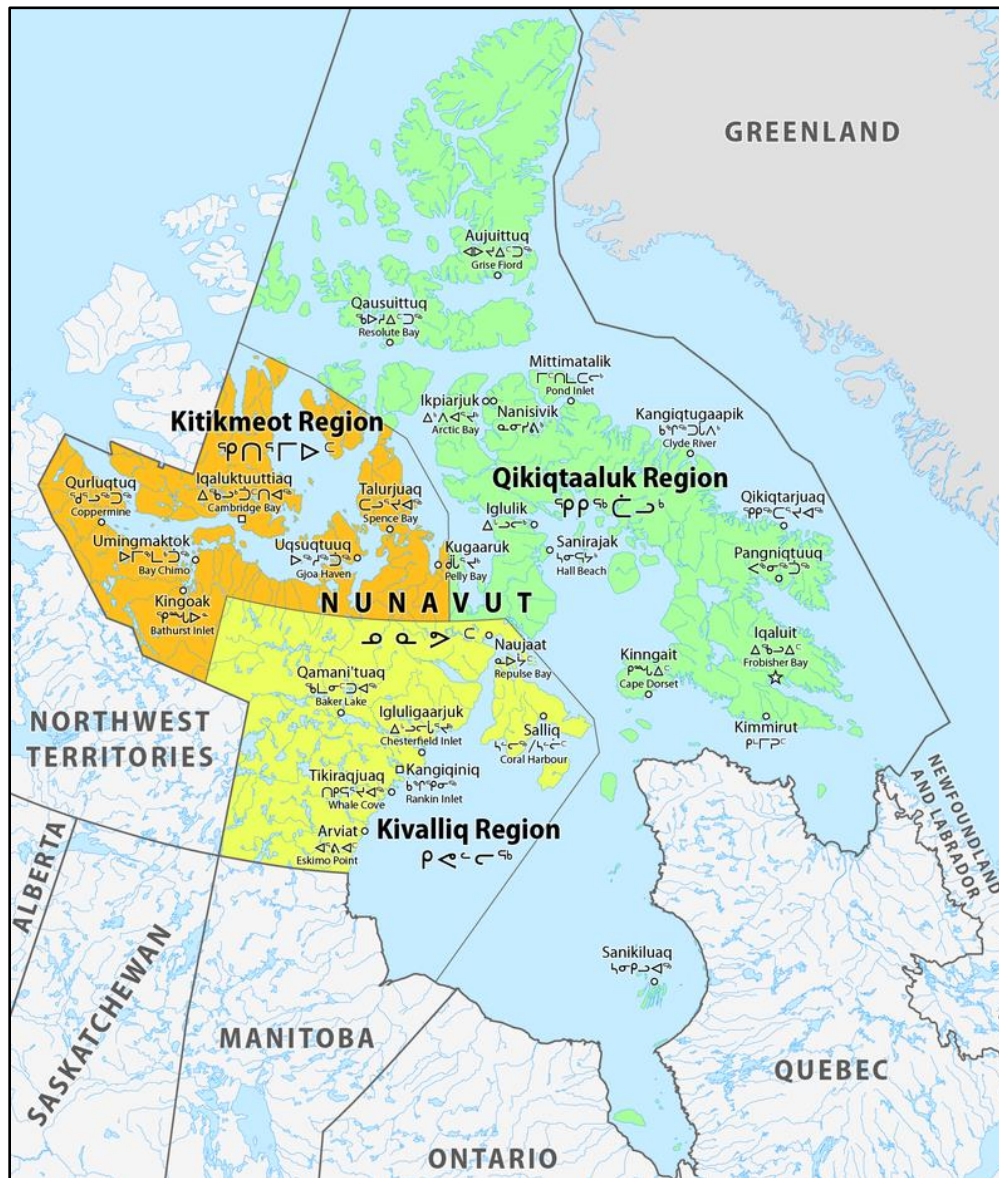


Figure 1.2. Communities and Administrative Regions of Nunavut (Dorrbecker, 2016)

1.2 EXTRACTIVE HEGEMONY

This dissertation uses the concept of hegemony to characterize the relationship between Nunavut Inuit and extractive capital. This relationship is a form of domination based on the active consent of the Government of Nunavut and Nunavut's Inuit organizations. In other words, persuasion, rather than coercion, is the dominant means through which extractive capital's dominance is maintained.

I draw from Nicos Poulantzas' theory of the capitalist state to help explain how this hegemonic order was established. According to Poulantzas, the state imposes an 'unstable equilibrium of compromises' between different classes and class fractions. This system of economic compromises is fundamental to the establishment of hegemony, because it provides material incentives for subordinate parties to consent to their subordination. As a result, the state will sometimes make decisions that run contrary to the immediate interests of some fractions of capital, in order to secure the long-term hegemony of capital as a whole (Poulantzas, 1969/1973).

Poulantzas also argues that the state operates through a very specific ideological framework. He is one of several theorists who examine how ideology can operate through the denial or disavowal of antagonisms (see also: Marcuse, 1964; Jameson, 1981; Swyngedouw, 2010). According to Poulantzas, the state depoliticizes capitalism by imposing an illusion of political equality between 'individuals', as well as through the application of technical discourses (Poulantzas, 1973).

This dissertation examines how the state responded to Inuit resistance to proposed extraction. I consider how the state's interventions were structured to produce and reproduce extractive capital's hegemony. I pay particular attention to how the state imposes material

compromises between Inuit and extractive capital, as well as the ways in which it depoliticized extraction.

To clarify, I am not using the concept of hegemony to describe the relationship between Inuit and the Canadian state. Further, I do not use the terms ‘hegemony’ or ‘hegemonic’ to refer to ideas that are widespread or dominant. Following Poulantzas (1973) I restrict my use of the concept to examine the political practices used to persuade people to consent to the domination of capital, generally under a specific fraction of capital. Accordingly, I examine how the state works to produce the hegemony of extractive capital.

I use the term ‘extractive capital’ to refer to capital that is primarily concerned with the extraction of raw resources (‘primary production’) for export to other regions. This ‘resource seeking capital’ exploits both renewable and non-renewable resources, including fossil fuels, metals, gemstones, industrial minerals, lumber, pulp/paper, biofuels, and agrofood products (Petras and Veltmeyer, 2014). I use the term ‘extractivism’ to describe development policies and strategies that look to extractive capital as a fundamental driver of national development (Gudynas, 2010).

Canada’s imperialist project, both at home and abroad, is and always has been related to extractive capital. The interests of the French and British empires in what is now Canada were focused on the extraction of fish and fur. Canada inherited this ‘staples’ economy and national development became tied to the extraction of resources for export, especially wheat, forest products, hydroelectricity, minerals, and hydrocarbons. The extraction of these resources had profound implications for the way Canadian society developed (Innis, 1930). Except for fisheries and the fur trade, these extractive economies are premised on the alienation of land from Indigenous peoples (Watkins, 1977). The Canadian state carried out this alienation through a

combination of persuasion and coercion. Treaty negotiations have been the primary persuasive measure Canada has used to gain access to Indigenous lands and resources (Miller, 2009). Coercive techniques have included military invasion (Barkwell, 2005), manipulation of famine (Daskhuk, 2013), the forced removal of children for residential schooling (TRC, 2015), and the criminalization of Indigenous resistance (Zalik, 2011; Pasternak *et al*, 2013). Indeed, many of the most notorious moments of Canadian colonialism were attempts to transform Indigenous societies to facilitate the accumulation of capital (Kulchyski, 2005).

In recent years, the Canadian colonial project has been extended beyond Canada's formal borders, as the Canadian state pursues an increasingly aggressive foreign policy in support of Canadian capital's interests abroad (Klassen and Albo, 2012; Shipley, 2017). With the majority of the world's mining companies headquartered in Canada, the Canadian state is increasingly working in the service of extractive industries that perpetuate the flow of wealth from the Global South to the Global North (Gordon and Webber, 2016).

Since the sphere of capital accumulation was extended into Nunavut in the 19th century, capital has been almost exclusively interested in Nunavut as a source of raw resources for export. The Scottish and American whaling companies that exploited Nunavut's bowhead whale stocks to the brink of extinction in the 19th century (Ross, 1989), the British, French and Canadian fur companies that earned handsome profits from Nunavut's Arctic fox populations in the first half of the 20th century (Ray, 1990), and the firms that have extracted Nunavut's oil and minerals since the second world war (McPherson, 2003) are all examples of extractive capital's operations in Nunavut.

Extractive capital is the fraction of capital around which a 'regional class alliance' has been established in Nunavut (Harvey, 1981). The GN and NTI both look to extractive capital as

the underlying driver of economic development for the territory. This close association between extraction and development is reflected in the language many residents of Nunavut use to talk about the extractive industries in their territory. It is common to use the terms ‘development’ or ‘mineral development’ as synonyms for mining and energy resource extraction in the territory.

The concept of hegemony usefully characterizes extractive capital’s domination over Nunavut. From a global perspective, finance is the dominant and hegemonic fraction of capital (Peet, 2007). However, in Nunavut, it is extractive capital that has won the hearts and minds of Nunavut’s political leadership.

I focus specifically on energy resource extraction, rather than extraction more generally, for two related reasons. First, energy extraction is the focus of considerably more resistance than the extraction of other minerals. Uranium mining and offshore hydrocarbon extraction have been the source of considerable controversy among Nunavut Inuit. Opposition to offshore oil and gas extraction in the Qikiqtani region, as well as uranium exploration and mining in the Kivalliq, were important foundational moments in the Inuit movement for self-determination (McPherson, 2003). Energy extraction remains controversial to this day, and the most prominent conflicts between Inuit and extractive industries in the last decade have involved oil, gas, and uranium. Many Inuit remain concerned that an oil spill or uranium-related accident could have especially catastrophic effects on the Inuit hunting economy. Some Inuit have also expressed moral reservations about the ‘end uses’ of these resources, including nuclear weapons, nuclear waste, and greenhouse gas emissions (Kulchyski and Bernauer, 2014). Uranium and hydrocarbon extraction are also of special interest to other social movements. Several environment organizations have dedicated significant resources towards campaigns against uranium and hydrocarbon extraction.

Oil, gas, and uranium are also of special economic and geopolitical significance. Because uranium is used in nuclear weapons, it is a strategic resource of national importance (Kosek, 2006; Keeling, 2010). Hydrocarbons play an integral role in the functioning of the global economy, a system some scholars call ‘fossil capitalism’ to draw attention to this relationship between hydrocarbons and capitalism (Altvater, 2006; Zalik, 2008; Malm, 2016). Recently, scholars have examined the role of oil and natural gas in the expanded reproduction of capital (Huber, 2009), the international imperial order (Harvey, 2003; Foster and Clark, 2004), uneven development (Labban, 2008), and neoliberal governmentality (Huber, 2013).

Because oil, gas, and uranium extraction have been the focus of more intense resistance, the state has to work much harder to persuade Indigenous peoples to consent to these industries. Further, because oil, gas, and uranium are of such importance to national security and economic development, the Canadian state is under considerably more pressure to ensure that these industries can function smoothly. As a result, conflicts over oil, gas, and uranium provide especially rich opportunities to observe the strategies and tactics the state deploys to obtain consent to extraction.

The cases I examine in this dissertation show that Environmental Assessment (EA), land use planning, land claims, and the doctrine of Aboriginal rights were structured to persuade Inuit to consent to an economy based on extraction. These state processes all imposed compromises on extractive capital that required it to make material sacrifices to Inuit. These sacrifices included the payment of rents, environmental regulations, seasonal restrictions on activity in sensitive areas, the withdrawal of land for conservation purposes, and the denial of permits for particularly risky and controversial projects. These sacrifices are important components of the system of compromises hegemony is based upon.

EA, planning, land claims, and Aboriginal rights also played important ideological roles by depoliticizing extraction. EA and planning depoliticized extraction in four ways. First, EA and planning create a depoliticized forum by constricting the ability of Inuit to make political arguments about justice/injustice, and instead limiting their participation to expressing ‘concerns’ with proposed extraction. As a result, in the space of an EA hearing or planning meeting, Inuit are generally denied the capacity for political speech (Ranciere, 1999). Inuit can generally say anything they like during the community meetings, public hearings, and other participatory aspects of assessment and planning. However, planners and technical experts tend to reinterpret political statements into technical concerns for experts to analyze. Second, EA and planning are premised on instrumental reason. They emphasize questions pertaining to means (“how can we limit the negative impacts of the extractive economy?”) rather than ends (“is the extractive economy appropriate for Nunavut?”). By focusing debate on questions of means rather than ends, the application of instrumental reason is very effective in defusing resistance and encouraging compromise (Horkheimer, 1993). Third, EA and planning are based on anti-political discourses that transforms political dissent into a series of technical problems. By responding to political challenges with technical solutions (Fergusson, 1994) and ‘screening out’ political issues during successive stages of the planning process (Li, 2006), EA and planning ensure that proposed extraction is treated as a technical, rather than political, issue. Fourth, EA and planning are premised on a ‘post-political’ framework that discourages adversarial behaviour in favour of collaboration (Swyngedouw, 2010). By directing discussion towards potential compromises, and focusing on technical solutions to local ‘concerns’, EA and planning create a framework through which Inuit and extractive capital can build alliances. These four logics work together to create

depoliticized forums that facilitate the negotiation and imposition of the economic compromises upon which hegemony depends (Poulantzas, 1973).

The Nunavut Agreement contributed to the depoliticization of extraction by entrenching technical planning and EA as preferred methods for making decisions about extraction. The agreement's provisions for co-management have been especially important in legitimizing these processes in Nunavut.

Finally, the Supreme Court of Canada's interpretation of Aboriginal rights has played an important role in the depoliticization of extraction. The legal discourse of the 'duty to consult' is based on the same premises as EA and planning. Like EA and planning, the duty to consult is premised on instrumental reason that prioritizes questions of means ('did the government adequately consult Inuit before issuing permits for oil extraction?') rather than ends ('should the government permit oil extraction in the Arctic?'). Because the duty requires indigenous communities to negotiate in 'good faith', it is premised on a post-political framework that discourages adversarial behaviour. Finally, the duty to consult is premised on 'anti-politics' in-so-far as it can be satisfied by technical planning and EA.

1.3 METHODS

I began preliminary research for this project with fieldwork in the community of Baker Lake in the summers of 2011 and 2012.³ I interviewed 15 hunters and elders about their perspectives on the environmental assessment of a proposed uranium mine. I also had the opportunity to discuss my research with the board members of the Baker Lake HTO.

³ This preliminary research was conducted with approval of the York University Office of Research Ethics and the Nunavut Research Institute.

Based on these discussions, I determined that conducting further interviews would not be a useful direction for my research to take. The HTO board explained that the community was suffering from research fatigue, as several scholars, industry consultants, and government researchers had repeatedly interviewed local hunters and elders about extractive industries. Additionally, regulators, industry, and Inuit organizations had held numerous town-hall meetings where community members had extensively discussed the mining industry. As a result, HTO board members felt that they had already explained their perspective on the matter on the public record and were therefore wary of participating in further interviews. Some of the hunters and elders I interviewed expressed similar sentiments.

The HTO board and I agreed that it would be more useful if I learned about the politics of extraction by volunteering to help the HTO participate in the EA of a proposed uranium mine. However, we also agreed that it would be inappropriate for me to approach this volunteer work as a form of ‘participant observation’. Instead of writing about my experiences volunteering for the HTO, I would base my dissertation on public record documents.⁴

From 2011-2015, I helped the Baker Lake HTO draft submissions to regulators and present at public hearings and technical meetings related to the proposed Kiggavik uranium mine. Because of my work with the Baker Lake HTO, the Clyde River Hamlet Council contacted me for support in their campaign against proposed seismic surveys for the oil and gas industry. From 2013-2017 I volunteered with Clyde River Mayor Jerry Natanine in his campaign to stop the proposed surveys. This work included assisting drafting submissions to the National Energy Board (NEB), as well as assisting in the preparation of a legal challenge to the NEB’s approval of the surveys.

⁴ Because this dissertation is based solely on public record documents, it does not involve human participants and therefore does not require ethics review.

My experiences volunteering for these community organizations helped me identify many of the public record documents that form that basis of this dissertation. These experiences were especially useful in helping me identify sources related to struggles over energy extraction after the Nunavut Agreement was signed in 1993. Key resources included public registries from EA and planning boards, court records, and the Hansard of the Legislative Assembly of Nunavut.

For historic struggles in the 1970s and 1980s, I conducted further research in Canadian libraries and archives. Federal EA reports and newsletters from Inuit organizations, available at York University's libraries, were especially useful resources. The Canadian Arctic Resources Committee fonds at Wildfred Laurier archives, as well as the NWT Archives, also provided useful information.

With these resources, I began to write an initial draft of this dissertation in the fall of 2014. I organized the data into case studies of conflicts over proposed oil, gas, and uranium extraction. At the time, I was proceeding under the assumption that both the proposed uranium mine and offshore oil and gas exploration would ultimately be approved. The context in which I was working – in the shadow of Stephen Harper's changes to federal EA legislation (Peyton and Franks, 2015) and the resulting backlash through the Idle No More protests of 2012/2013 (Coulthard, 2014) – left me skeptical that an EA would result in a decision that was favorable to Inuit hunters. As a result, the early drafts of my dissertation were mostly focused on the ways in which Nunavut's regulatory processes were biased in favour of industry.

However, in the spring of 2015 something quite unexpected happened. The Nunavut Impact Review Board (NIRB) recommended the Kiggavik uranium mine not be approved. The decision was based primarily on the submissions and presentations by Baker Lake HTO. I, like many residents of Baker Lake, celebrated this decision as a victory. However, this victory

created serious conceptual problems for my doctoral work. A dissertation focusing on how Inuit hunters are systematically excluded from the EA process now appeared somewhat silly, as Inuit hunters had just successfully navigated the EA process to stop a uranium mine. Clearly, I needed to find a more nuanced way to explain the power relations at work in EA and planning.

In the years following the NIRB decision, I suffered from an extended period of writer's block. I drafted several additional chapters but struggled to find a framework to make sense of my experiences. My need to identify a more nuanced way to examine EA and planning became even greater in 2016, when the federal government formally accepted NIRB's decision and announced that it would not issue permits for the Kiggavik mine. The following summer, the Supreme Court of Canada ruled in favour of Clyde River and quashed the permits for offshore seismic surveys.

On the one hand, I felt incredibly privileged to have been able to work so closely with communities on such important struggles, both of which had unexpectedly positive outcomes. In many ways it was a dream come true. On the other hand, this activist dream was becoming an academic nightmare, as I continued to struggle to find a framework that adequately made sense of the data I had collected.

I had a revelation of sorts when I re-read the debate between Nicos Poulantzas (1969/1976) and Ralph Miliband (1970) on the problem of the capitalist state. I read these exchanges, not to gain insight into my dissertation, but rather as a pastime one afternoon while I was (as usual) struggling with writer's block. I had assumed that the Poulantzas-Miliband debate was dated and had little to offer in explaining contemporary Indigenous politics. However, I quickly realized that I, along with several other authors working on conflicts over energy extraction, had missed Poulantzas' basic point that hegemony depends upon real economic

sacrifices, and that the capitalist state therefore often makes decisions that run contrary to the immediate interests of some fractions of capital (for example, by denying permits for a uranium mine) in order to secure hegemony for capital as a whole.

1.4 LITERATURE REVIEW

This dissertation engages with several debates both within and outside of academia. Four are especially noteworthy. First, it contributes to the growing body of scholarship examining extraction in Nunavut. Most recent studies in this field focus on documenting the experience of communities with specific extractive projects. This scholarship includes oral histories of historic mining projects (Carter and Keeling, 2013; Tester, Lambert, and Lim, 2013; Lim, 2013; Carter, 2013; Green, 2013; Keeling and Boultier, 2015; Green, 2015; Midgley, 2015; Longley, 2015) as well as community-based research on experiences with contemporary and proposed mining (Bernauer, 2011; Bradshaw *et al*, 2012; Peterson, 2012; Carter, 2013, Gocke, 2013; Scobie and Rodgers, 2013; Kulchyski and Bernauer, 2014; Czyzewski *et al*, 2014; Williams, 2015; Keeling and Boutet, 2015; Blangey and Rixen, 2016). The emphases of these studies ranges from socio-economic impacts (Peterson, 2012; Bradshaw *et al*, 2012; Rodon and Levesque, 2013; Czyzewski *et al*, 2014; Blangey and Rixen, 2016), to resource governance (Gladstone, 2009; Bernauer, 2011; Gocke, 2013; Scobie and Rodgers, 2013; Kulchyski and Bernauer, 2014; Proctor, 2015; Williams, 2015; Papillon and Rodon, 2017; Rodon, 2018; Dalseg-Kennedy *et al.*, 2018), to land-based economies (Blangey and Deffner, 2014), and Inuit identities (Carter, 2013; Carter and Keeling, 2013; Proctor, 2016).

By contrast, this dissertation takes a broad regional and historical approach to the extractive economy in Nunavut. By taking this approach, my work fills an empirical gap in

scholarship about extraction in Nunavut. There have been few attempts to examine the broader history of conflicts over mineral and energy extraction in Nunavut. McPherson (2003) examines the history of extractive industries in Nunavut until 1993. As such, there is some overlap between our work. However, McPherson's approach is significantly different from my own. He is not focused exclusively on energy extraction, but instead considers extractive industries more broadly. Further, he does not have an explicit methodology or research question, but is instead focused on telling the story of the development of the extractive sector in the Arctic. This story is told from the point of view of a geologist with a decades-long career working in Nunavut for industry and, later, Inuit organizations. As a result, our work documents different aspects of the history of extraction and comes to very different conclusions about the nature of extraction in Nunavut.

Second, this dissertation engages with recent scholarship about Canadian colonialism. Several recent works that examine contemporary Canadian colonialism, in both geography and Indigenous studies, draw upon Michel Foucault's concept of governmentality to explain how colonial domination is maintained (Youdelis, 2016; Cameron, 2015; Coulthard, 2014; Cameron, 2012; Alfred, 2009a; Alfred, 2009b; Nadasdy, 2003). These scholars focus on the subtle ways in which peoples' beliefs, desires, and actions are shaped by their interactions with the state, creating subjects who "do as they ought" (Li, 2006:10). Governmentality is, for these scholars, a means for the state to reproduce its power over Indigenous peoples. As such, these scholars tend to focus on the relationship between Indigenous peoples and the Canadian state.

By contrast, I use the concept of hegemony to examine the relationship between Indigenous peoples and capital. This turns the focus away from how the state reproduces its own power, and towards the ways in which the state reproduces the domination of capital. This

approach is consistent with, and is intended to build upon, the literature about governmentality and colonialism cited above.

Third, this dissertation engages in recent debates about environmental assessment (EA) in Canada. Most recent criticisms of Canadian EA processes from the environmental movement are based on the concept of ‘regulatory capture’. Over the past decade, a plethora of op-eds, blog posts, articles, books, and government reports have been published which argue that regulatory agencies – especially the National Energy Board and Canadian Nuclear Safety Coalition – have been ‘captured’ by the industries they are intended to regulate (Expert Panel for the Review of the Environmental Assessment Process, 2017; Taft, 2017; Nikiforuk, 2017; Bernier *et al.*, 2016). Similar criticisms of the reformed Canadian Environmental Assessment Agency were an important issue driving the Idle No More protests of 2012/2013 (Coulthard, 2014). Recent critical appraisals of EA by Canadian scholars have similarly focused on the ways in which these processes are biased in favour of industry (Kennedy Dalseg *et al.*, 2018; Zalik, 2015/2016; Peyton and Franks, 2015; Scott, 2013).

This dissertation approaches EA from a different perspective. Rather than considering the political implications of regulatory bias, in this dissertation I am more concerned with the political effects of EA when it is independent and unbiased. Drawing from Poulantzas (1969/1973), I argue that EA plays an important role in the production of extractive capital’s hegemony, in part by imposing concessions and compromises between Indigenous communities and extractive capital. Because these concessions entail material sacrifices on the part of capital, EA boards are better able to fulfil this role when they are ‘relatively autonomous’ from capital. As such, while campaigns for regulatory neutrality are important and cannot be dismissed, they are unlikely to significantly challenge the hegemony of extractive capital.

Fourth, this dissertation contributes to debates about the legal ‘duty to consult and accommodate’ Indigenous peoples. Scholars have responded to the Canadian judiciary’s development of the Crown’s ‘duty to consult’ in a variety of ways. Newman (2009) argues that the development of the duty to consult is a positive development that offers protection for Aboriginal rights before these rights have been formally recognized by government. By contrast, Promislow (2013) argues that the duty to consult, as defined by the judiciary, has limited potential to promote a fundamental restructuring of relationships or significant change in decision-making procedures related to lands and resources. McNeil (2005) also provides a negative assessment of duty to consult jurisprudence, especially the fact that the duty allows provincial governments to infringe on lands subject to Aboriginal title. Mullan (2009) explores the similarities between Canada’s constitutional requirements for ‘consultation’ and the standard of consent enshrined in international human rights instruments (see also: Bernauer, 2016). Sossin (2010) considers whether the duty to consult’s emphasis on procedural rights is an appropriate way to interpret and implement Indigenous rights, while Zalik (2016) argues that current government practices do not meaningfully satisfy this legal requirement.

By contrast, I consider how the duty to consult helps to produce extractive capital’s hegemony over Indigenous communities. The cases I examine show how the duty to consult is based on the same logic as EA and planning. That is, the duty to consult compels the state to impose compromises between Indigenous peoples and extractive capital while, at the same time, depoliticizing extraction.

1.5 CHAPTER OVERVIEW

Chapter Two provides historical, economic, and political context for the conflicts I examine in later chapters. It focuses on the relationship between extraction and colonialism in Nunavut. It begins with an historical overview of the colonization of Nunavut and the Inuit movement for self-determination. The latter half of Chapter Two examines the contemporary extractive economy, using data from industry and government reports. The chapter concludes that Nunavut's extractive economy remains a colonial economy because it is controlled by and disproportionately benefits interests which are external to Nunavut. Further, it is not clear that the extractive economy will provide a basis for stable and long-term regional development.

Chapter Three elaborates and explains the concepts I use to analyze struggles over extraction. It is divided into three parts. First, it draws from several scholars to define hegemony as a mode of domination based on material compromises, ideology, and the active consent of subordinate parties. Next, it examines the Marxist theories of the state that developed out of this concept of hegemony, especially Nicos Poulantzas' characterization of the capitalist state as a mechanism through which capitalist hegemony is secured through material compromises and depoliticizing ideology. The third and final section provides an overview of the four depoliticizing logics – denial of political speech, instrumental reason, anti-politics, and post-politics – I identify in EA, planning, and the discourse of the 'duty to consult'.

Chapter Four examines conflicts over uranium mining in the Kivalliq region, between 1970 and 1993. Chapter Five deals with conflicts over oil and gas extraction in the Qikiqtani region during the same time period. These chapters document how Inuit communities – with the support of the new representative Inuit organizations – protested the exploration for energy resources in the early 1970s. The federal government responded to Inuit resistance by

introducing new bureaucratic processes to regulate extraction, including EA and land use planning. These processes were structured to persuade Inuit to consent to extraction by imposing compromises between Inuit and extractive capital, as well as by depoliticizing the extractive economy. The introduction of EA and planning was therefore an important moment in the establishment of extractive capital's hegemony over Nunavut. However, chapters three and four also show that Inuit communities and political organizations proceeded to challenge, rather than accept, extractive capital's hegemony. In the Kivalliq region, Inuit rejected new caribou protections measures as a compromise solution and (unsuccessfully) attempted to halt uranium exploration with litigation. In the Qikiqtani region, Inuit rejected EA as a legitimate means to make decisions about oil and gas, and (also unsuccessfully) petitioned the federal government to initiate a public inquiry into oil and gas extraction. By the 1980s, Inuit organizations increasingly participated in EA and planning. However, they continued to challenge extractive capital's hegemony, and used these regulatory processes as a means to defeat proposed uranium mining and natural gas extraction. Notably, these organizations developed coalitions and alliances with other Indigenous peoples to defeat these proposals for energy extraction. Several of these campaigns were quite successful. Inuit interventions in EA played an important role in stopping proposed oil exploration in Lancaster Sound, natural gas extraction in the High Arctic, and uranium mining near Baker Lake.

Chapter Six examines the 1993 Nunavut Agreement's provisions for land/resource ownership and co-management. It begins with an overview of the land ownership regime created by the agreement, with a focus on the provisions which allow Inuit organizations to collect rents from extraction in Nunavut. These provisions have given these organizations strong financial interests in extraction in general, as well as very specific interests in controversial types of

extraction. The latter include uranium mining, extraction in sensitive wildlife habitat, and extraction in areas of high cultural and heritage value. Next, I provide an overview of the co-management system created by the agreement, with a focus on the boards responsible for EA and land use planning. While the co-management of land and resources has afforded Inuit a greater opportunity to participate in EA and planning, it has not changed the fundamental structure of these processes. EA and planning remain structured to produce extractive capital's hegemony by imposing compromises and depoliticizing extraction. By giving Inuit organizations a significant financial interest in controversial forms of extraction, as well as by reproducing the basic structure of federal EA and planning, the Nunavut Agreement had the political effect of entrenching extractive capital's hegemony.

Chapter Seven examines conflicts over uranium mining from 1993-2017. These conflicts illustrate how extractive capital's hegemony is now increasingly reproduced by organizations created by the Nunavut Agreement. I begin with an analysis of uranium policy development. Both NTI and the GN initially issued policies which forbade uranium mining in Nunavut. However, in 2007 both organizations overturned these positions and issued policies supporting uranium mining. This new position supporting uranium mining was (unsuccessfully) challenged by other groups in Nunavut, most notably Nunavummiut Makitagunaraningit (Makita), a grassroots environmental group that was strongly critical of uranium mining. Next, I examine the EA of the proposed Kiggavik uranium mine by the Nunavut Impact Review Board (NIRB). After an EA that lasted over six years, the NIRB recommended the proposal not be approved. This decision was made in response to pressure from Inuit hunters. However, despite denying project approval, the NIRB's EA was still focused on identifying potential compromises between Inuit and extractive capital, and was therefore important in reproducing extractive capital's hegemony.

Chapter Eight deals with conflicts over oil and gas extraction in the Qikiqtani region after the 1993 Nunavut Agreement. It begins with a brief analysis of oil and gas policy in Nunavut. While NTI and the GN did not develop extensive policy statements on oil and gas, both consented to the resumption of oil and gas extraction in the High Arctic shortly after Nunavut was created. Next, I examine conflicts over two proposed offshore seismic surveys to explore for oil and gas near Baffin Island. The first survey included activity in Lancaster Sound, an area that Inuit had long sought to protect from extractive industries. The second focused on Baffin Bay and Davis Strait, areas which constitute important habitat for the marine mammals hunted by Qikiqtani Inuit. Both surveys were opposed by Inuit community groups and the Qikiqtani Inuit Association. Both were also approved by government after EAs. In both cases, Inuit contested government approval with litigation that alleged the government had breached its constitutional ‘duty to consult’ Inuit. Surveys in Lancaster Sound were abandoned after the Nunavut Court of Justice issued an interlocutory injunction, and as a result the case did not proceed to trial. The challenge to seismic surveys in Baffin Bay and Davis Strait was initially dismissed by the Federal Court of Appeal. However, this decision was overturned by the Supreme Court of Canada, which quashed the licences the NEB had issued. These conflicts and policy developments further illustrate the dynamic identified in Chapter Seven, whereby organizations based in Nunavut are increasingly involved in the reproduction of extractive capital’s hegemony. However, it also illustrates the ongoing role of institutions based outside of Nunavut – especially the judicial system – in imposing this hegemony. The concept of the ‘duty to consult’ developed by the Supreme Court compels government to impose compromises between Indigenous peoples and extractive capital, and compels Indigenous peoples to adopt a collaborative rather than

adversarial approach to proposed extraction. As such, like EA, planning, and land claims, the duty to consult is structured to reproduce extractive capital's hegemony.

Chapter Two

Colonialism and Extraction in Nunavut

This chapter provides historical, economic, and political context for the conflicts I examine in later chapters. It begins with an overview of the colonization of Nunavut and the Inuit movement for self-determination. Next, it draws from industry and government reports to examine the contemporary extractive economy. It concludes that Nunavut's economy remains a colonial economy, despite the constitutional entrenchment of Aboriginal rights and the negotiation of the Nunavut Agreement. It is controlled by, and disproportionately benefits, interests that are external to Nunavut. Most of the wealth produced by the extractive economy – including profits, rents, employment, and economic multipliers – accrues to other regions. Further, it is unclear whether the economic benefits Nunavut *does* capture will translate into stable and sustained development, because of high levels of economic leakage, the crisis-prone nature of the extractive economy, and the ability of mining companies to use investment strikes to leverage concessions.

2.1 QALLUNAAT & COLONIZATION

Beginning in the late 19th Century, and accelerating greatly after World War Two, Nunavut Inuit were drawn into a colonial relationship with Canada. This development of this relationship has many similarities with First Nations and Metis experiences with Canadian colonialism in Southern Canada. There are, however, several important differences. As a result, the concept of settler colonialism – an increasingly common framework for understanding the colonization of Indigenous peoples in Canada – fits somewhat awkwardly in the Nunavut context.

Settler colonialism refers to a form of colonialism where large groups of colonizers displace and significantly outnumber the Indigenous populations. The dispossession of land and resources, rather than the exploitation of Indigenous labour, is the primary economic motivation that drives settler colonialism. As a result, the ‘erasure’ or ‘elimination’ of Indigenous populations – through processes ranging from physical genocide to coerced assimilation – is one of its defining features (Coulthard, 2014; Veracini, 2011; Wolfe, 2006).

While the concept of settler colonialism can provide important insights into the colonization of the Arctic (Cameron, 2015), its utility as a framing concept has limits. Because Nunavut’s physical geography makes extensive agriculture impossible, it has not experienced a substantial influx of settlers. As a result, Nunavut Inuit remain a majority in their homeland and most land in Nunavut has not been physically enclosed. Because Inuit were not subjected to the *Indian Act*, and because the state did not intensively intervene in Inuit society until after World War Two, many Inuit were not subjected to the state’s assimilatory policies to the same extent as most First Nations and Metis communities. Further, as I explain in this chapter, while dispossession and assimilation are important aspects of Arctic colonialism, there are other important ways in which Inuit experience colonialism that are not captured by these concepts.

As such, I find it useful to supplement the concept of settler colonialism with insights from core-periphery models of internal colonialism which, while popular in the 1970s and 1980s, are no longer frequently used to frame studies of Indigenous politics in Canada. Internal colonialism presents colonialism as (in part) a spatial relationship between ‘core’ regions (sometimes called the ‘metropole’, ‘center’, or ‘heartland’) and the ‘periphery’ (also referred to as a ‘frontier’ or ‘hinterland’). The core exerts political domination over the periphery, as the latter is wholly dependent on decisions made by institutions based in the former (Bowles, 1982;

McCann, 1987). An extractive economy develops the core at the expense of the periphery. Most of the wealth produced by extraction – corporate profits, government royalties/taxes, economic multipliers, and the resources themselves – flows to the core (Watkins, 1977; Dacks, 1981; Loxley, 1981). The periphery is left with the negative consequences, including environmental degradation and vulnerability to boom-bust economic cycles (Watkins, 1977; McCann, 1987).

The concept of internal colonialism as applied to northern Canada is similar to concepts associated with world systems and dependency theories (Frank, 1969; Wallerstein, 1974; Amin, 1976). Both bodies of work emphasized the role of economic dependency in the maintenance of power relations and examined flows of wealth between peripheral and core regions. Both models also grew out of political movements that challenged colonial and neocolonial relationships. However, most applications of the core-periphery model to northern Canada drew upon the ‘staples theory’ of economic historian Harold Innis (1930) more than the political economy of Frank, Amin, or Wallerstein.

Scholars utilized this core-periphery model to characterize the relationship between different regions of Canada, with little attention to the specific experience of Indigenous peoples (Bowles, 1982; McCann, 1987). Others have used the model to specifically examine northern Indigenous contexts (Brody, 1975; Usher, 1976; Berger, 1977; Watkins, 1977; Dacks, 1981; Loxley, 1981). These latter scholars argued that, in addition to the general problems of peripheral capitalism (outlined above), the extractive economy is colonial because it is premised on the dispossession of land, resources, and the means of subsistence from Indigenous peoples. They also saw manifestations of colonialism in the ethnic stratification of the northern workforce, whereby Indigenous peoples constituted a ‘reserve army’ of labour, hired for relatively menial, poorly paid, and temporary positions (if they were hired at all).

This core-periphery approach was not without its own shortcomings. By focusing on the determining role of the type of resources being extracted, ‘staples’ models of internal colonialism displaced the determining role of class and other political struggles in the development of Canadian capitalism (McNally, 1981). Many of the ‘staples’ scholars also incorrectly depict Canada as a semi-colony of the United States, rather than an imperialist power in its own right (Kellogg, 2015). Further, as Keeling (2010) notes, the staples approach is not an explanatory theory so much as a ‘descriptive metaphor’. While it describes uneven development under capitalism, it does not adequately explain it. By emphasizing the potential for land claims and other negotiated agreements to address the problems of internal colonialism, many of the ‘staples’ authors neglect the fact that the capitalist mode of production has inherent tendencies towards cyclical crises and uneven development (Hicks, 2004).

This chapter uses insights drawn from both settler and internal models of colonialism to help describe and explain the politics of extraction in Nunavut. It also draws on Marxist theories of uneven development to supplement the ‘staples’ approach with a more robust understanding of uneven geographic development.

Arctic colonialism is, I argue, a relationship characterized by the subjugation of Inuit to external political control. It also develops other regions at the expense of Nunavut Inuit. This process of development/underdevelopment includes the racialized dispossession of land and resources, but is not reducible to it. There are other ways in which core regions are developed at the expense of Nunavut that are not clearly captured by the concept of dispossession.

2.1.1 Initial Incursions

The commercial whale hunt brought the first sustained presence of *Qallunaat* (Europeans) in Nunavut. Beginning in the 1840s Scottish and American whalers regularly visited the Baffin Island area in search of bowhead whales, primarily for their fat, which was used as fuel in lamps and lubricant in industrial machinery. Major whaling centers developed in Cumberland Sound on Baffin Island, Roes Welcome Sound in Hudson Bay, and the Mackenzie Delta in the Beaufort Sea. Many Inuit were directly employed on whaling crews and as cooks and cabin cleaners. Others worked indirectly, by provisioning whaling crews with meat and fur clothing. All were paid with manufactured and agricultural goods. By World War 1 the collapse of whale stocks due to over-harvesting, combined with the development of petroleum products to replace whale oil, caused the end of the commercial whaling era (Ross, 1989; Steveson, 1998).

The whaling era is illustrative of the colonial relationship that was developing between Inuit and *Qallunaat*. The legacy of commercial whaling includes the catastrophic introduction of diseases (which utterly destroyed Inuit communities in the Mackenzie Delta and Southampton Island areas) and the near destruction of bowhead whales (a wildlife resource that had formerly served as an important resource to many Inuit communities). At the same time, commercial whaling provided resources to help fuel the industrialization of Europe and the USA, and generated substantial profits for American and Scottish whaling companies (Ross, 1989; Stevenson, 1997). As such, it drove economic development in core regions at the expense of Nunavut Inuit.

The decline of commercial whaling was soon followed by the arrival of a second form of resource extraction: the fur trade. While some Inuit in the Kivalliq region had intermittently traded with the Hudson Bay Company (HBC) since the late eighteenth century (Fossett, 2001),

its system of trade posts was not expanded into Nunavut until the early twentieth century. After World War One, competing companies (such as the Montreal-based Revillon Frieres Company) and independent traders also began operations in Nunavut. The most sought-after pelt was that of the Arctic fox, which Inuit trapped and brought to trade posts, and exchanged for agricultural and manufactured goods (Ray, 1990).

Like whaling, the Arctic fur trade was a thoroughly colonial endeavour. The wealth produced by the fur trade was mostly expatriated, as the profits flowed to companies based in Southern Canada and Europe. The fur trade also substantially increased Inuit dependence on imported technology, as access to rifles and other manufactured tools became a prerequisite to subsistence production. This dependence eventually afforded Qallunaat traders and government officials with significant power over Inuit (Brody, 1975; Ray, 1990).

The early twentieth century also brought sustained contact between Inuit and Christian churches. While missionaries had arrived in Nunavut until the late nineteenth century, it was not until the 1920s that Catholic and Anglican churches established a significant presence throughout Nunavut. Missions resulted in a significant change in systems of power and authority in the Arctic, as clergy became embroiled in power struggles with Inuit leaders. As such, they were an important aspect of the exertion of external control over Nunavut (Trott, 1998).

2.1.2 The Canadian State

The fur trade era also saw the Canadian state develop a sustained presence in Nunavut. Canada had obtained ownership of most of Nunavut when it purchased Rupert's Land from the HBC in 1870. The remainder, the High Arctic Islands, were transferred to Canadian

administration in 1880. Inuit were not consulted on the matter, and at the time most Inuit were likely unaware that their homeland had been incorporated into Canada.

The Nunavut region was incorporated into the political jurisdiction of the Northwest Territories (NWT). The Canadian federal government proceeded to govern the NWT as a political colony and denied Inuit basic citizenship rights. Legislation barred Inuit from participating in federal elections. Even if Inuit had been legally allowed to vote, they would have been practically unable to, because there were no federal electoral ridings in Nunavut. Further, the NWT was governed by a council of federal civil servants, rather than a body elected by residents of the territory (Dickerson, 1992; Henderson, 2007).

The Canadian state made no attempt to exert effective control over the region until 1903, when the Royal North West Mounted Police – later renamed Royal Canadian Mounted Police (RCMP) – were dispatched to assert Canadian sovereignty over the Arctic. Police posts were scattered and few in number, and as a result there was only sporadic contact between police and most Inuit camps. However, through the application of the criminal code – in particular laws concerning homicide and wildlife management – the RCMP began a gradual process of displacing traditional Inuit structures of authority, decision-making, and conflict resolution (Harper, 2015; NTI, 2014; Kulchyski and Tester, 2008).

Aside from these periodic RCMP patrols, the state exerted relatively little control over the day-to-day affairs of Inuit. Government determined that Inuit should not be subjected to the same assimilatory legislation and policies as First Nations, a decision which spared Inuit from the provisions of the *Indian Act*, as well as (for the time being) the Indian Residential School system. While this course of action was argued in terms of benevolence, it likely had just as much to do with the lack of pressure to open the Arctic for Euro-Canadian agricultural settlement

or energy/mineral extraction. The decision to ‘leave Inuit alone’ was also consistent with the interests of capital. The Arctic fur-trade remained profitable only in-so-far as Inuit maintained a land-based lifestyle whereby they produced much of what they needed themselves. As such, it made little economic or political sense to subject Inuit to the policies and laws that had dispossessed First Nations from their land and means of subsistence (Tester and Kulchyski, 1994; RCAP, 1996a).

2.1.3 Intensive State Intervention

World War Two caused a rapid militarization of the Canadian Arctic. Canada and the United States built a series of air force and radio communications bases (the “crimson line”) across Nunavut, Labrador, and Greenland, to ensure a northern air-supply and communications route to Europe. After World War Two ended, the Cold War quickly took its place, and a string of radar bases (the “distant early warning line”) was built to provide advanced warning of Soviet airstrikes. American bombers armed with nuclear weapons regularly flew over Nunavut airspace, while submarines in the service of various imperial powers regularly patrolled the Arctic Oceans (Farish, 2010; Coates *et al*, 2008).

World War Two coincided with the collapse of the fur trade economy. The price of fox skins plummeted in relation to the price of trade goods Inuit had become dependent upon. As a result, Inuit dependency began to shift from the fur trade to ‘relief’ payments provided by the federal government. Famine became a problem in some regions, with several instances of death by starvation. Disease outbreaks, driven by the influx of non-Inuit military personnel, plagued many camps (RCAP, 1996a; Tester and Kulchyski, 1994).

The federal government's response to this economic crisis was to abandon its previous *laissez-faire* approach and intervene in Inuit society via the application of modernist planning (Kulchyski and Tester, 1994). Many of these interventions are now infamous for their human costs, especially in terms of social trauma. Numerous scholars, government commissions, and Indigenous organizations have identified government actions during this era as the historic roots of the social problems Nunavut Inuit disproportionately confront today, including addictions, violence against women and children, youth suicide, and conflicts with the criminal justice system (Crawford and Hicks, 2018; ITK, 2016; NTI, 2014; RCAP, 1996a).

The underlying assumptions of the state's interventions changed over time. Initially, government officials assumed that Inuit would continue to live as hunters and trappers in dispersed camps. By the late 1950s, however, attempts to provide government services and material assistance to Inuit in scattered camps gave way to interventions which assumed Inuit would become wage labourers in centralized communities (Damas, 2001).

The relocation of Inuit populations – one of the most infamous interventions into Inuit society – illustrates the changing assumptions and goals underlying state actions. Initial relocations of Inuit by the federal government – including Ennadai Lake (1949/1958) and High Arctic (1953/1957) relocations – were carried out with the intent that Inuit would continue to live on the land. In the 1960s, the government continued to relocate Inuit, but with the new assumption that Inuit would move to permanent settlements and become wage labourers. Rather than dispersing Inuit on the land, later relocations centralized them into the permanent settlements that dot the map of Nunavut today (Qikiqtani Truth Commission, 2013a; Laugrand *et al*, 2010; Damas, 2002; RCAP, 1996b; Tester and Kulchyski, 1994)

Compulsory schooling was introduced gradually in the 1950s. Most Inuit children were sent to day-schools, operated by the federal government, and located in the small communities that had developed around RCMP stations, HBC posts, and Church missions. As with Indian Residential Schools, Inuit children were required to leave their family camps and stay in hostels. However, unlike residential schools (which were operated with the explicit intent of isolating children from their parents) the day schools were built in locations Inuit frequented, allowing parents to visit children. The system still involved the painful removal of children from their parents, who were often coerced to send their children to school with threats of halting family allowance and other ‘relief’ payments most families had become dependent upon as the fur trade declined. Further, some schools became notorious for the rampant emotional, physical, and sexual abuse of Inuit children. Moreover, the curriculum was based on southern style-education, with little relevance to life on the land, and the language of instruction was English. As such, schooling contributed to the erosion of social knowledge integral to the hunting economy (TRC, 2015; QTC, 2013b).

One critical intervention that continues to be the source of particularly bitter controversy in Nunavut is the killing of Inuit sled dogs by police and government officials in the 1960s. RCMP claim that dogs were killed during this period to enforce bylaws forbidding loose dogs in settlements (where Inuit would come to trade) and to control outbreaks of canine diseases. Inuit, however, understood the dog killings as part of a coordinated effort to force them to settle into permanent communities. The Qikiqtani Truth Commission (QTC), a commission of inquiry funded and initiated by the Qikiqtani Inuit Association, found no evidence of a coordinated effort to kill sled dogs in order to coerce Inuit into permanent settlements. However, the commission also concluded that, regardless of intentions, the killing of sled dogs by RCMP had the effect of

forcing many Inuit to leave their life on the land and settle in permanent communities (QTC, 2013c).

As a result of these interventions, by the end of the 1960s Nunavut Inuit left their dispersed camps on the land and moved into the permanent settlements which dot the maps of Nunavut today. The specific mechanisms by which different Inuit made this move varied. Some were physically and coercively relocated by the government, most notably when children were taken from their parents to attend school. Motivations for migration included pull factors (especially a desire to live near children who had been taken for schooling), as well as push factors (including famine associated with the collapse of the fur trade) (QTC, 2013a; Damas, 2002; RCAP, 1996b).

2.1.4 Centralization, Colonial Power, and Primitive Accumulation

The movement from dispersed camps into centralized settlements is perhaps the most significant social and spatial transformation Inuit have experienced to-date. It significantly augmented the power colonial officials exercised over Inuit. Despite periodic visits from RCMP and Clergy, camps on the land were places where traditional Inuit leadership figures continued to exercise authority. The permanent communities, on the other hand, were essentially spaces of white power. The positions of authority – Government officials, RCMP, and missionaries – were all occupied by *Qallunaat* (Brody, 1975). Further, Inuit elders found it difficult to apply traditional methods of discipline and social control in the new context of relatively large permanent communities, further weakening their authority and influence (Rasing, 2017).

Inuit power and freedom were further curtailed by the economic shift involved in this spatial reorganization. While the fur trade created a dependency on imported technology, this was augmented substantially by the move to centralized communities. Hunting suddenly required

expensive motorized transportation – including snowmobiles and motor boats – to travel long distances in short periods of time. Fur clothing was of limited utility indoors, creating a need for imported clothing suitable for settlement life. Imported housing and other consumer goods also quickly became necessary. This new dependency was initially offset by the new sealskin economy. However, by the late 1970s, it had largely collapsed in the face of sealskin boycotts in the United States and European Economic Community, rendering Inuit increasingly dependent upon wage labour (Wenzel, 1991).

The centralization of Inuit into permanent communities was therefore an important moment in what Marx (1992) called *primitive accumulation* – the process by which capitalist social relations are created through the destruction of non-capitalist modes of production. In *Capital*, Marx presents primitive accumulation as an (often violent) process that creates two fundamental social classes: one (capitalists) who own the means of production, and the other (proletarians) who have no means of obtaining the things they need outside of the wage labour relation. For Marx, it was this dependency of workers on capitalists which allows the latter to exploit the former.

The relationship between working classes and the means of subsistence is generally far more complex than the ‘pure’ capitalist social relations that Marx assumes in his critique of political economy. In many cases, there is an ‘articulation’ of different modes of production (Poulantzas, 1973). In these contexts, people often continue to have some direct access to the means of subsistence outside of the wage relation, but are dependent on the technology and other goods produced by capitalist enterprise (Foster-Carter, 1978).

In Nunavut, the whale hunt and the fur trade first created this ‘articulation’ as they rendered Inuit dependent upon imported goods. However, this dependency on imported goods

did not fundamentally change the relationship Inuit had with the land, or with one-another. Hunting and household production largely continued as it had before, despite the fact that Inuit were producing furs for market and obtaining many important items through trade. With the movement from the land into centralized communities, this articulation underwent a structural shift, as wage labour became increasingly necessary to access the means of subsistence. Hunting alone could no longer produce all of the goods Inuit required, and many Inuit began to rely on wages to purchase hunting equipment. Hunting has, however, continues to be very important for the well-being of many households in Nunavut (Riewe, 1992; RCAP, 1996a; Priest and Usher, 2004; Kulchyski, 2005).

This articulation of modes of production is often referred to as a ‘mixed economy’ in northern studies literature. The economy is ‘mixed’ in-so-far as many Inuit households satisfy their material needs through a ‘mixture’ of different economic activities. While land-based activities like hunting remain important for household food security, the means to participate in that economy, as well as other economic necessities, are acquired through wage work, hunter support programs, and the household production of commodities like fur and carvings for sale on the market. Family members frequently move from one activity to another, especially on a seasonal basis. As such, these different activities become blended, or mixed, within a household (Usher, 1998; Abele, 2009).

2.1.5 The New Extractive Economy: Mineral and Energy Resources

While prospecting and government geological studies had taken place in Nunavut since the 1920s, extractive industries did not significantly penetrate Nunavut until after World War Two (McPherson 2003). Beginning in the 1950s, the Government of Canada sought to develop

and modernize the Arctic by promoting the extraction of mineral and energy resources by private corporations. Government attempts to attract investment have included subsidizing infrastructure, maintaining low tax and royalty rates, and organizing consortiums to overcome technical and logistical challenges of extraction in northern environments (RCAP, 1996a; Usher, 1998).

In Nunavut, significant mineral exploration began after World War Two. The North Rankin Nickle Mine (1957-1962) was the first active mine in the region. This was followed by Nanisivik (1976-2002) and Polaris (1981-2002) lead-zinc mines, as well as the Lupin (1982-2005) and Cullaton Lake (1983-1985) gold mines (Lim, 2013; Green, 2013; Carter and Keeling, 2013).

While significant resources were spent exploring for uranium, oil, and natural gas – and several significant discoveries were made – there has only been minimal extraction of energy resources in Nunavut. Several proposals were developed for the extraction and export of these resources in the 1970s and 1980s. However, because of a combination of poor market prices for resources and persistent Inuit resistance, all but one were abandoned. Only the tiny Bent Horn ‘demonstration project’ (1985-1996), which exported token amounts of oil from the High Arctic by tanker, came to fruition (AMAP, 2007; McPherson, 2003).

Like other Northern Indigenous peoples, Inuit experienced industrial extraction as an aspect of colonialism. The extraction of mineral and energy resources had important parallels with the fur trade and commercial whaling. The new extractive economy was controlled by institutions based outside of the Arctic and benefitted more developed regions at the expense of Nunavut. Most of the wealth it produced – profits, rents, economic multipliers, and employment – accrued to other regions. The workforce in the extractive economy was racially stratified, as

Inuit were generally only hired for temporary and relatively poorly paid labour positions. Extraction negatively impacted the Inuit hunting economy, as the noise, waste, and other disturbances caused changes in the seasonal distribution of some wildlife species (Brody, 1975; Usher, 1976; Berger, 1977; Dacks, 1981; Coates, 1986).

2.1.6 Resistance

While Inuit had previously responded to colonialism with a mostly passive resistance (Kulchyski and Tester, 2006), the response to mineral and energy resource extraction was overt. This is partially because the growth of the extractive economy coincided with the development of new representative political institutions in Nunavut. In the 1950s, the Canadian state began to extend the institutions of representative democracy into the Arctic. Legislation barring Inuit from participating in federal elections was revoked in 1950, and the NWT council began to gradually change from an appointed into an elected body. However, Inuit were not immediately able to participate in elections, as government delayed the extension of both federal and territorial ridings into Inuit territory (Henderson, 2007; Dickerson, 1992). Instead, government officials opted to gradually (and often paternalistically) ‘teach’ Inuit about representative democracy through community-level ‘Eskimo Councils’. These councils were advisory and lacked formal powers (Tester and Kulchyski, 1994; Kulchyski and Tester, 2006). As a result, it was not until the later 1960s that most Inuit could participate in elections. A watershed event took place in 1967, when the NWT Council and bureaucracy was relocated from Ottawa to Yellowknife and the number of elected council members was significantly expanded (Henderson, 2007; Dickerson, 1992).

This extension of formal citizenship rights to Inuit coincided with the development of

new ethno-political institutions to represent Inuit as an Indigenous people. The Inuit Tapirisat of Canada (ITC) – later renamed Inuit Tapiriit Kanatami (ITK) – was created in 1971, to provide a united national voice for Inuit in Canada. Through the 1970s, various regional organizations became affiliated with ITC. In Nunavut, these include the Keewatin Inuit Association (KIA), the Baffin Regional Inuit Association (BRIA), and the Kitikmeot Regional Inuit Association (KitIA) (Henderson, 2007). The Inuit Circumpolar Conference (ICC) – now ‘Inuit Circumpolar Council’ – was formed in 1978 to provide a unified voice for Inuit in international matters (Lynge, 1993; Simon, 1996).

The first documented case of Nunavut Inuit resistance to extractive industries was a 1953 petition by Inuit from Kugluktuk. Roughly 30 Inuit from the community requested the federal government recognize Inuit ownership over the minerals in their homeland, in what may have been the first petition from Inuit to the Canadian government. The petition demonstrates that Inuit were keenly aware of the colonial implications of the extractive economy. It declared that laws governing prospecting were unjust and that “the land is ours and we never gave it or sold it away and never will” [*sic*]. (Kulchyski and Tester, 2008).

In the 1970s, Inuit across the Canadian Arctic became embroiled in political struggles over energy resource extraction. These conflicts include Inuvialuit resistance to the Mackenzie Valley Pipeline (Berger, 1977), Kitikmeot Inuit resistance to natural gas exploration (Cameron, 2015), Qikiqtani Inuit resistance to oil extraction from the High Arctic (McPherson, 2003), Kivalliq Inuit resistance to uranium exploration (*ibid.*), Nunavik Inuit resistance to the James Bay Hydroelectric Project (Nungak, 2017), and Nunatsiavut Inuit resistance to uranium mining (Proctor, 2014). These struggles were foundational moments in the political development of Canada’s Arctic and served as triggers for the Inuit movement for self-determination.

2.2 FORGING A NEW RELATIONSHIP?

Several changes since the 1970s have restructured aspects of the relationship between Indigenous peoples, the Canadian state, and extractive industries. The most important changes for Nunavut Inuit include the development of the legal doctrine of Aboriginal rights and the negotiation of the Nunavut Agreement.

2.2.1 The Legal Doctrine of Indigenous Rights

One of the most important changes in Canadian colonialism since the 1970s is the development of the legal doctrine of Indigenous rights. Indigenous peoples' rights to land and resources had been repeatedly recognized in royal proclamations, treaties, and jurisprudence in the 18th, 19th, and early 20th centuries. After World War One, government increasingly ignored these rights and ceased negotiating treaties with Indigenous peoples (Kulchyski, 2013; RCAP, 1996b). However, a series of events since World War Two has led to a renewed recognition of Indigenous rights, as well as a resumption in treaty negotiations.

A significant turning point came in 1973 when a series of court rulings acknowledged that some Indigenous groups continued to possess Aboriginal land rights ('Aboriginal title) to their homelands. That year, the Quebec Superior Court recognized Inuit and Cree title to northern Quebec, while the Supreme Court of the NWT recognized Dene title in the NWT. Both decisions were overturned on appeal, due to technical aspects of the cases un-related to the Cree, Dene, and Inuit title claims (Irlbacher-Fox, 2009). The most important ruling of 1973 was, however, the Supreme Court of Canada's decision in *Calder v British Columbia* (1973), where a majority of judges acknowledged that, in principle, Indigenous communities could still possess Aboriginal title to their lands if they had not signed historic treaties (Kulchyski, 2013). These

rulings helped to usher in a new era of treaty-making in Canada, as the state began to negotiate ‘modern treaties’ (sometimes called ‘comprehensive land claims’) (discussed below).

The entrenchment of Aboriginal rights in the Canadian constitution represents a second turning point. In response to political mobilization by Indigenous peoples, Canada’s *Constitution Act* (1982) includes protection for Indigenous rights. Section 35 of the constitution ‘recognized and affirmed’ Aboriginal and treaty rights. However, it did not define the nature, contents, or limits of these rights. Instead, it deferred these questions to future constitutional negotiations between the Prime Minister, Provincial Premiers, and Indigenous leaders. A series of constitutional conferences were held throughout the 1980s, but all ended in stalemates (Asch, 2014).

Due to the failure of political negotiations, the definition of Aboriginal and treaty rights was left to the judiciary. Since 1990, the Supreme Court of Canada has issued a series of landmark decisions regarding Indigenous rights (Kulchyski, 2013; Asch, 2014). These decisions have developed a series of legal principles which now play an important role in structuring the contemporary relationship between Indigenous peoples, the state, and capital.

The court defined *Aboriginal rights* as rights to site-specific traditional practices like hunting, fishing, gathering, and ceremonies. For a practice to be protected as an Aboriginal right, it must have been *integral* to the distinctive culture of the Indigenous group at the time of contact with European society (*R v Vanderpeet*, 1996). *Aboriginal title* was defined as a subset of Aboriginal rights pertaining to land. Aboriginal title is a *sui generis* (unique) form of property, which confers the right to exclusively use, occupy, benefit from, and control title lands (*Tsilhqot’in Nation v British Columbia*, 2014). The court adopted a ‘liberal and expansive’ approach to defining *treaty rights*. It recognized several 18th century agreements between the

British Crown and Eastern First Nations which the federal government had denied constituted existing treaties. The court also insisted on a liberal and expansive interpretation of the contents of treaties, and has emphasized the legitimacy of Indigenous understandings and oral histories of historic treaties (*R v Sioui*, 1990; *R v Marshal*, 1999).

With regards to limits, the court has ruled that the 1982 constitution prevents the state from unilaterally *extinguishing* Aboriginal and treaty rights. However, the state is able to *infringe* on these rights, provided that it does so honorably (*R v Sparrow*, 1990). Before making decisions that have the potential to infringe upon Aboriginal and treaty rights – including issuing permits for mineral and energy extraction – the state is required to consult, and possibly accommodate, Indigenous rights-holders (*Haida Nation v British Columbia (Minister of Forests)*, 1999).

2.2.2 Modern Treaties and the Nunavut Agreement

In the wake of the 1973 Calder decision, the state resumed treaty-making with Indigenous peoples. These agreements, which are sometimes called ‘comprehensive land claims’, were intended by the state to create ‘certainty’ of land/resource ownership to facilitate investment. The first generation of modern treaties achieved this with the now infamous ‘extinguishment’ clause, whereby Indigenous communities agreed to ‘surrender’ their Aboriginal rights and title to land. Modern treaties signed since the 1990s do not extinguish title, but instead clearly (and exhaustively) stipulate the rights possessed by the Indigenous group. In exchange for agreeing to this ‘certainty’ Indigenous groups generally receive money, ownership of small portions of their historic territory, specified rights, and political development (usually the co-management of land and resources). Modern treaties also usually include mechanisms for Indigenous communities to capture a share of rents from extraction (Slowey, 2008a; Kulchyski, 2015).

Negotiations for the Nunavut land claim began in the early 1970s. The Inuit Tapirisat of Canada (ITC) developed initial proposals for a land claim for the Inuit of the Northwest Territories (NWT). ITC negotiators initially saw a land claim as a means to “end the colonization of the north” and satisfy Inuit aspirations for “political self-determination” (*Inuit Today*, 1977a: 33-35). Early proposals called for Inuit ownership over most of the land and mineral resources in Inuit territory in the NWT and Yukon. A central demand was that the NWT be divided to create the new political jurisdiction of Nunavut. The new territory would have a public government, which all residents of Nunavut could participate in. However, due to their demographic majority, Inuit would be able to control it electorally (Meritt *et al*, 1989; Dacks, 1991).

The federal government, however, saw land claims as a means, not to recognize Inuit ownership over land and resources, but rather to extinguish Aboriginal land rights. This was necessary, government officials claimed, to provide the legal certainty necessary for mineral and energy extraction to proceed. As such, the government land claim policy conceived of land claims as a transaction, where Aboriginal title could be exchanged for money and possibly other benefits. It was particularly hesitant to include questions of Indigenous self-government and political development, or to negotiate an agreement that would provide Indigenous peoples with ownership of large amounts of land and resources (Asch, 2014).

These divergent positions caused a stalemate, which was broken in the early 1980s. On the one hand, the federal government successfully exploited divisions between Inuit groups. The original ITC land claim proposal included the Mackenzie delta area, the homeland of the Inuvialuit. However, fearing that anticipated oil and gas extraction in the Beaufort Sea would proceed regardless of whether they had signed an agreement, the Inuvialuit broke away from ITC and began negotiating a separate land claim in 1979. On the other hand, a division had

developed between ITC negotiators and their base. Realizing that they did not have sufficient grassroots support, ITC withdrew from land claims negotiations, and a new group, the Tunngavik Federation of Nunavut (TFN) was created in 1982 with a mandate to negotiate a land claim agreement for Nunavut (Meritt *et al*, 1989; Dacks, 1991).

Nunavut Inuit negotiators subsequently changed their position on fundamental questions about land ownership, especially the extinguishment of Aboriginal title, in the hopes of achieving some form of agreement. Through the 1980s, TFN negotiated preliminary agreements on specific topics, including wildlife management, land use planning, and environmental assessment (Banks, 1987; Meritt *et al*, 1989). Over the course of negotiations, the Inuit position on core issues continued to change, as Inuit negotiators accepted many of the federal government's assumptions about what land claims should entail. They went from demanding ownership over the entirety of their traditional territory, to securing a much smaller land base for "economic self-sufficiency." (Banks, 1987:98). At the same time, the political aspiration of "self-determination" was replaced with the goals of "self-reliance" and "cultural and social wellbeing." (Henderson, 2007: 223)

In early 1990, TFN and the federal government reached an Agreement-in-Principle, which included the basic features of other modern treaties, such as extinguishment of Aboriginal title in exchange for money, title to smaller tracts of land, harvesting rights, and a co-management system. The agreement did not commit the government to create a new Nunavut territory, and instead only indicated "support in principle" for this abstract goal. However, negotiations soon began to unravel, as TFN reverted to the position that the claim must address the Inuit aspirations for a Nunavut territory (Dacks, 1991).

This deadlock was overcome when the Government of Canada (under incredible pressure to demonstrate its progress on Indigenous land issues in the wake of the Oka crisis) agreed to stronger language related to the creation of a Nunavut territory. In 1991, a Final Agreement was reached, which included specific commitments to “recommend to parliament...legislation to establish...a new Nunavut Territory”. The final agreement was then presented to Inuit communities, and a majority of Inuit supported it in a ratification vote (Hicks and White, 2015).

In 1993, the Nunavut Land Claims Agreement (“Nunavut Agreement”) was signed by Prime Minister Brian Mulroney and TFN President Paul Quassa in a nationally-televised ceremony in Iqaluit. The event included a great deal of fanfare, was celebrated as a landmark in Indigenous struggles for justice and self-determination (Hicks and White, 2000).

Through the Nunavut Agreement, Inuit agreed to ‘cede, release, and surrender’ their Aboriginal title (a form of property ownership which confers rights which were, at the time, only vaguely defined in law). In return, they received \$1.14 billion and title to roughly 350,000 km² of land (including mineral rights to 28,000km²). A series of specified rights are entrenched in the agreement, including rights to wildlife harvesting and a share of mining royalties from Crown land (*ibid.*).

The Nunavut Agreement also addressed governance issues. Mostly famously, it provided for the creation of the Territory of Nunavut. It also created a series of co-management advisory boards, to allow Inuit to ‘participate’ in decisions about land use planning, environmental assessment (EA), and wildlife management. However, in most cases, government retains the right to make final decisions on these matters (*ibid.*).

The Government of Nunavut (GN) is the public government for the Territory of Nunavut. Its structure is broadly similar to other provincial and territorial governments in Canada. The

GN's legislation is created by the Legislative Assembly of Nunavut. Members of the Legislative Assembly (MLAs) are elected by all residents of Nunavut, whether or not they are Inuit. Following territorial elections, MLAs select a Premier and Government Ministers. The GN's jurisdiction is similar to the Government of the Northwest Territories, and included health, education, and terrestrial wildlife. The GN has limited jurisdiction over mining and mineral exploration, because Crown lands are a responsibility of the federal government. As a result, final decision-making authority, and the ability to collect royalties from the mining industry, generally remain under federal jurisdiction. However, the GN participates in environmental reviews and land use planning. It also collects some taxes from mining operations in the territory. Further, the GN is attempting to increase its jurisdiction over the mining industry by negotiating a devolution agreement with Canada. If and when devolution negotiations are completed, the GN will likely gain greater decision-making powers over Crown lands and the ability to capture a share of royalties from extractive industries (Henderson, 2007; Hicks and White, 2015).

Nunavut Tunngavik Incorporated (NTI) replaced TFN as the representative of Nunavut Inuit after the land claim had been signed. It is the primary legal entity through which Inuit Aboriginal and treaty rights are exercised. Major political decisions for NTI are made by its board of directors. The NTI executive is elected by all Nunavut Inuit, and other board members are representatives from the Region Inuit Associations (discussed below). NTI also holds annual general meetings, with representatives from each community in Nunavut, which have the power to pass resolutions and direct the organization's activities. NTI manages the lands where Inuit own mineral rights. It is responsible for issuing exploration licences and mineral leases on these lands, and collects royalties and other monies from these agreements (Legare, 2006).

Regional Inuit Associations (RIAs) are Inuit organizations that represent Inuit in the three regions of Nunavut. These include the Kivalliq Inuit Association (KIA), Qikiqtani Inuit Association (QIA) and Kitikmeot Inuit Association (KitIA). The executive of each RIA is elected by all Inuit of the region, and each community elects a representative on its board of directors. RIAs manage lands where Inuit own surface rights. RIAs are responsible for issuing permits and negotiating Impact and Benefit Agreements for these lands (*ibid*).

Hunters and Trappers Organizations (HTOs) replaced Hunters and Trappers Associations as community-based representatives for Inuit hunters. Each community in Nunavut has an HTO, and all Inuit residents can be members. The HTO's operations are directed by a board elected by its general membership. These organizations manage hunting at the community level by distributing quotas, imposing other limitations on hunting, and organizing community hunts. HTOs also have a mandate to represent the interests of Inuit hunters, including going to court if Inuit hunting rights are infringed upon. HTOs regularly participate in environmental assessments and other decisions about mining and exploration (Bernauer, 2015).

Several co-management boards were created to advise government on decisions related to land, water, and other resources in Nunavut. The Nunavut Planning Commission (NPC) develops and implements land use plans for the territory. The Nunavut Impact Review Board (NIRB) conducts environmental assessments (EA) of proposals for resource extraction and associated activities (Hicks and White, 2000).

2.3 THE EXTRACTIVE ECONOMY TODAY: COLONIAL CONTINUITIES

Nunavut's extractive economy has not achieved the level of activity the architects of the Nunavut Agreement had anticipated. All the operating mines in Nunavut – the Polaris, Lupin,

and Nanisivik mines – were shuttered in response to changing market conditions and depleting resources shortly after Nunavut was created. By 2004, there were no active mines in the territory. The Jericho Diamond Mine was operated by Tahera Resources beginning in 2006, but project activity ceased when Tahera entered bankruptcy protection in 2008. Shear Diamonds acquired the property in 2010, and resumed diamond production in the summer of 2012. However, production was halted in the fall due to poor market conditions and all employees were laid off. In the coming months, Shear’s officers and board of directors rapidly quit, and correspondence from regulators has gone unanswered. The project is now considered “abandoned” by the government (ReSDA, 2016).

As of 2018 there were only two operating mines in Nunavut. The Meadowbank gold mine, located near Baker Lake in the Kivalliq region, began production in 2010 under the ownership of Agnico-Eagle Mines Ltd. Mining at the Meadowbank site is scheduled to end in 2018. However, the company has submitted a proposal to mine satellite deposits, which may extend the life of the project. The Mary River mine, located near Pond Inlet on North Baffin Island, began production in 2014 under the ownership of Baffinland Iron Mines Corporation. Several other projects have successfully completed environmental reviews, but have yet to go into production, including the Back River, Hope Bay, and Meliadine gold mines (*ibid.*).

There has been limited interest in Nunavut’s energy resources since 1999. Two proposals for seismic surveys have been brought forward to search for offshore oil and gas deposits near Baffin Island. Both were met with fierce community opposition. One was halted by an interim injunction, and later abandoned, after litigation by the Qikiqtani Inuit Association. The other was defeated by litigation brought to the Supreme Court of Canada by the community of Clyde River (Bernauer, 2016).

Interest in the territory's uranium resources boomed in the mid-2000s, with significant exploration occurring in the Kivalliq region beginning in 2006. However, by 2012, exploration levels dropped substantially due to the poor market for uranium following the Fukushima nuclear disaster (Bernauer, 2015). The Kiggavik uranium project near Baker Lake was resurrected by AREVA Resources and a renewed proposal was submitted in 2008. However, after an environmental assessment recommended the project not be approved, the federal government formally denied AREVA permission to build the mine (see: Chapter Seven).

2.3.1 Colonialism: outdated metaphor or contemporary reality?

According to some scholars, the state's recognition of Aboriginal rights have significantly altered the dynamics of internal colonialism. Mills and Sweeny (2013) argue that modern treaties and other negotiated agreements have produced a "partial remedy of neocolonial patterns of resource development" by providing Indigenous communities with opportunities to capture increased economic benefits and participate in decisions (8). Slowey (2008a, 2008b) argues that extraction can provide financial resources to fund self-government institutions and can thus contribute towards the goal of Indigenous self-determination (see also: Wilson and Alcantara, 2012; Dylan *et al*, 2013; Huskey, 2018). O'Fairchallach (2018) argues that these resources can be invested in cultural programming and subsistence economies, and can therefore play an important role in the revitalization of Indigenous cultural practices (see also: Southcott and Natcher, 2018; Boutet, Keeling, and Sandlos, 2015).

Other scholars emphasize the colonial continuities in the contemporary extractive economy. Some argue that extraction continues to be fundamentally colonial because it is premised on the dispossession of Indigenous land and resources (Sandlos and Keeling, 2015;

Hoogeveen, 2015; Kulchyski and Bernauer, 2014; Coulthard, 2014; Hall, 2012; Zalik, 2011 Gordon, 2010). These scholars generally look to Marx's (1992) theory of 'primitive accumulation', David Harvey's (2003) reworking of Marx's concept as 'accumulation by dispossession', and Patrick Wolfe's (1999) writings on settler colonialism for frameworks to examine dispossession. Several scholars argue that extraction is fundamentally colonial because it is at odds with Indigenous identities. For these scholars, many of whom are associated with the 'resurgence' movement in Indigenous studies, capitalist extraction is inconsistent with Indigenous values and practices regarding the land, wildlife, and the accumulation of personal wealth (Coulthard, 2014; Kuokkanen, 2012; Simpson, 2011; Alfred, 2010). Some also note that the concept of development itself is inherently colonial, because it is premised on the notion of external 'experts' changing and 'improving' Indigenous ways of life (Keeling, 2010).

This emphasis on dispossession, identity, and discourse has, in many cases, displaced the concerns of the staples scholars and the core-periphery model of internal-colonialism. There are, of course, important exceptions, as several scholars continue to examine cyclical crises (Keeling, 2010; Sandlos and Keeling, 2015), the destruction of subsistence economies (Southcott and Natcher, 2018), and leakage of wealth from periphery to core (Parlee, 2015; Thistle, 2016).

Scholars continue to use the concept of colonialism to examine historic mining operations in Nunavut (Tester, Lambert, and Lim, 2013; Carter and Keeling, 2013; Keeling and Boultier, 2015; Green, 2015; Midgley, 2015). However, this is much less common for studies on contemporary mining projects. Most conclude that mining produces a 'mixed legacy' (Sandlos and Keeling, 2015) with 'heterogeneous' impacts (Peterson, 2013; see also: Bradshaw, 2013; Rodon and Levesque, 2014).

It is certainly true that the extractive economy has impacts for northern Indigenous communities that are not exclusively negative. Indeed, a central argument of this dissertation is that extractive industries depend on real economic concessions to Indigenous peoples to obtain support for the extractive economy. However, an examination of available data suggests that Nunavut's extractive economy remains a colonial economy in several respects.

2.3.2 External Control

The extractive economy remains under the control of institutions based outside of Nunavut. One aspect of this is the federal government's ongoing formal political control of lands and resources in Nunavut. Prior to the 1993 Nunavut Agreement, the federal government exercised control over all lands and mineral resources in the Arctic. In the 1950s and 1960s, it made decisions without consulting Inuit. Because of a wave of political activism by northern Indigenous communities in the 1970s, government representatives began to discuss proposed extractive projects with Inuit communities and political organizations, especially through environmental assessment and planning. In the 1980s, the Government of the Northwest Territories (GNWT) began to play a larger role in resource governance. However, most important decisions about extraction remained in the hands of the federal government. Further, the Yellowknife-based GNWT was regarded as an externally imposed and controlled government. By negotiating a land claim, Inuit sought to (among many other things) gain increased control over the extractive economy (McPherson, 2003).

The Nunavut Agreement provides Inuit with some formal control over lands and resources. It also laid the groundwork for that control to increase in the future. Inuit Organizations hold the surface rights to almost 20% of the territory, and mineral rights to

roughly 2% of the territory. The federal government currently retains control over Crown lands, which constitute most land in Nunavut. Therefore, at present, formal political jurisdiction over most land and mineral resources in Nunavut is held by the federal government – an institution that is based outside of Nunavut and over which Inuit have relatively little control.

Nunavummiut are currently attempting to transfer some control over Crown lands and resources to the territorial GN through devolution negotiations. However, it is unclear whether a devolution agreement will provide the GN with significant control over the extractive economy. While scholars have documented a positive experience with devolution in the Yukon (Slowey, 2015a), there has been a great deal of criticism of the process (Iralbacher-Fox, 2009) and outcome (Slowey, 2015b) of devolution negotiations in the NWT. According to Slowey (2015b) the devolution agreement for the NWT “transforms the GNWT into another colonizing government” by increasing its responsibilities without significantly improving its jurisdictional authority and financial capacity. Slowey cautions that many of the social, economic, and political problems the GNWT has long grappled with – including sluggish economic development, conflicts between the GNWT and Indigenous governments, and intergenerational trauma – are unlikely to be resolved by devolution.

Government jurisdiction over lands is, however, only one aspect of political control over the extractive economy. Much more fundamental is the extent to which extractive capital, acting through multi-national corporations, is able to exert its political will over the economy. The political control exerted by capital is often ignored in analyses of extraction in Nunavut. This is doubtless a reflection of the separation of economic and political ‘spheres’ of society in modern capitalism, which relegates corporate power into a “private” (and therefore non-political) sphere (see Wood, 1981). However, the fact remains that many of the most important political decisions

about extraction rest within the ‘private’ sphere of corporate decisions (See also: Slowey, 2008). As a result, such decisions are largely based on the profit motive, rather than the material interests and political will of Inuit.

2.3.3 Extraction and the Subsistence Economy

The extractive economy’s colonial continuities are also apparent in the relationship between extractive industries and the subsistence economy in Nunavut. These two ‘sectors’ of Nunavut’s economy are antagonistic to one another. This antagonism is rooted in both the ecological implications of extraction and extractive capital’s profit motive.

There are several mechanisms by which extractive industries can damage the ecosystems upon which Inuit hunting practices depend. Extraction often entails significant physical modifications to landscapes, damaging the habitat and diverting the migration routes of wildlife. These disturbances can impede Indigenous access to resources and drive declines in wildlife populations. Extraction may also cause toxic contamination of the land, water, and wildlife. The actual impacts of specific projects vary considerably, depending on factors which include the size of the project, the type of mineral being extracted, whether or not it is located in sensitive wildlife habitat, the regulatory environment, and whether or not the project suffers significant accidents (Bridge, 2004).

Thus far, the extractive economy has not caused a large-scale degradation of the subsistence economy across Nunavut. However, most of the proposed projects which generated significant concern among Inuit have not come to fruition. Energy extraction – especially uranium, oil, and natural gas extraction – is a source of greater concern among Inuit hunters than the extraction of other minerals, due in part to the potentially catastrophic impacts of a uranium

tailings management failure or oil spill (Kulchyski and Bernauer, 2014). Aside from the small Bent Horn ‘demonstration’ oil project, Inuit have successfully resisted all proposals for energy resource extraction in the region. Extraction in critical wildlife habitat, especially caribou calving grounds, is also particularly concerning to Inuit hunters. While caribou calving grounds have been subjected to significant levels of exploration activity, no actual mines or major infrastructure developments have taken place in these sensitive areas (Bernauer, 2015).

There is, however, a growing body of evidence that the cumulative effects of sprawling extractive activities across the range of the Bathurst and Porcupine caribou herds is an important factor in recent dramatic population declines in both herds (Parlee, Sandlos, and Natcher, 2018). Inuit hunters also continue to complain that activities related to extractive industries are having localized effects on subsistence practices. For example, hunters and elders from Baker Lake have repeatedly testified that the Meadowbank gold project has caused localized disturbance to caribou migrations, restricting the ability of hunters to access caribou herds. Hunters and elders from Chesterfield Inlet and Coral Harbour have likewise complained that increased marine shipping associated with the Meadowbank mine has driven changes in marine mammal distribution, negatively effecting the hunting economy (Baker Lake HTO, 2012; Baker Lake HTO, 2015). Biologists have also speculated that recent narwhal entrapments – which resulted in the death of large numbers of narwhal – may be linked to oil and gas exploration (Heide-Jorgensen *et al.*, 2013).

Some scholars reject the dichotomy between hunting and extraction. For example, Southcott and Natcher (2018) reject the notion that an antagonistic relationship exists between industrial extraction and subsistence production.

The relationship between industrial development and the subsistence economy of Indigenous communities is now much more complex than it was in the 1970s. While threats to traditional

activities remain, there is evidence that these activities can, in certain circumstances, benefit from industrial projects when Indigenous communities have increased control over these types of development (*ibid.*:138).

As evidence of this claim, the authors point to the fact that the rents Indigenous organizations collect through impact and benefit agreements, as well as the wages Indigenous workers collect by working in industry, can be reinvested into the subsistence sector (see also: O’Faircheallaigh, 2018; Natcher, Castro and Felt, 2015; Boutet, Keeling, and Sandlos, 2015).

It is certainly true that some scholars writing from a marxist perspective (myself included) tend to present the contradiction between extraction and subsistence as more absolute than it is (see: Gordon, 2010; Bernauer, 2011; Hall, 2012; Coulthard, 2014). There are, however, several problems with an approach that rejects an opposition between extraction and subsistence. While extraction may not have destroyed subsistence economies across the north, conflicts between indigenous hunters and extractive capital remain widespread. In this sense, they are antagonistic to one another.

These conflicts are generated by two broad influences. On the one hand, industrial extraction can pose significant risks to Arctic ecosystems, especially if activities are not subjected to strong environmental regulations. On the other hand, extractive capital operates according to the profit motive, and environmental controls can reduce profit margins. As a result, there is a material basis for ongoing political conflict and struggle over the impacts of the extractive economy on subsistence practices. These conflicts can take many forms, ranging from outright opposition to certain types of extraction with the potential for especially severe impacts, to pressuring mining companies to implement stronger environmental controls. Regardless of the outcome of these conflicts the impacts of extraction on subsistence production will likely remain

a key source of contention and conflict between Inuit and extractive industries into the indefinite future.

2.3.4 Geographic Distribution of Wealth

Before the Nunavut Agreement, extraction failed to produce significant economic benefits for Inuit (AMAP, 2007; Lim, 2013; Green, 2013; Tester and Blangy, 2013). The agreement has helped Inuit mitigate this drain of wealth associated with extraction to some degree. However, it has by no means changed the process whereby extraction disproportionately benefits other regions.

The profits generated by extraction flow to corporate headquarters and shareholders' accounts, all of which are located outside of Nunavut. Nunavut lacks a capitalist class, and no mining corporations are headquartered in Nunavut. As such, the flow of profits out of Nunavut is likely to continue unabated into the foreseeable future.

Most jobs, and especially highly-paid technical and management positions, are filled by workers from southern Canada. With the exception of the North Rankin Nickle Mine, none of the mines or oil/gas projects that operated in Nunavut before 1999 employed a majority-Inuit workforce. At the Rankin mine peak Inuit employment levels were as high as 70%, an achievement thus far unrepeated in the history of Nunavut (Carter and Keeling, 2013). Inuit participation at Nanisivik peaked at 28% (Lim, 2013). The Polaris, Lupin, Cullaton Lake, and Bent Horn projects did not employ Inuit in significant numbers (AMAP, 2007; Green, 2013; ReDSA, 2016).

There is no clear trend in the Inuit participation rate in the mining industry's labour force since the Nunavut Agreement came into force. The Nunavut Economic Development Strategy –

developed with the participation of the GN, NTI, and the federal government – set a target of 50% of all expenditures on employment in mining and the petroleum industry to accrue to Nunavut residents (Nunavut Economic Forum, 2003). However, this goal has not been met. Inuit employment levels vary considerably between projects, but none have achieved an Inuit-majority workforce. The Mary River mine has a significantly lower proportion of Inuit employees than many of the projects that operated in the 1970s and 1980s. The overwhelming majority of jobs in mineral exploration and mining in Nunavut continue to be filled by residents of other jurisdictions (*Fig. 2.1*).

Figure 2.1 Proportion of Inuit Employees in Mining and Exploration (2016)

	Inuit Employees	Non-Inuit Employees
Meadowbank Mine ⁵	36%	63%
Mary River Mine ⁶	12.5%	87.5%
Mining/Exploration Total ⁷	20%	80%

Statistics also demonstrate that the workforce remains ethnically stratified. At the Meadowbank mine, the vast majority of technical and management positions are filled by non-Inuit, while the majority of Inuit employees work unskilled and entry level positions (*Fig. 2.2*). Inuit are also more likely than non-Inuit to fill temporary and ‘on-call’ jobs and are therefore more precariously employed (*Fig. 2.3*).

Figure 2.2. Skill Level of Positions Held by Inuit at Meadowbank Mine (2015/2016)

	Professional/ Management	Skilled	Semi-Skilled	Unskilled
2015 ⁸	0%	2.5%	43%	54%
2016 ⁹	0%	1.5%	45%	53%

⁵ Agnico-Eagle, 2016a

⁶ Baffinland, 2016

⁷ NWT and Nunavut Chamber of Mines and Commerce, 2018

⁸ Agnico-Eagle, 2015

⁹ Agnico-Eagle, 2016a

Figure 2.3 Proportion of Permanent and Temporary Workers at Meadowbank Mine (2016)

	Permanent	Temporary/ On-Call	Student/ Coop
Inuit	70%	30%	0%
Non-Inuit	95%	1%	4%

While organizations in Nunavut now collect a substantial share of rents from extraction, significant amounts of rent money continue to flow out of the territory. Before the Nunavut Agreement, all rents were collected by the federal government. Several organizations based in Nunavut now collect resource rents and taxes from mining projects in Nunavut. The GN collects income and corporate taxes from mining projects, NTI collects royalties from projects where Inuit own mineral rights, and Regional Inuit Associations collect IBA payments from projects where Inuit own surface rights. The federal government continues to collect royalties on Crown lands, a portion of which is shared with NTI. However, the GN is in the process of negotiating a devolution agreement with the federal government, which may allow it to collect a share of royalties from Crown lands in the future.

It is difficult to assess the geographic distribution of rents and taxes from extraction in Nunavut. This information has not been clearly reported in the annual reports submitted to regulators, and financial details of some IBAs are confidential. Predictions contained in social-economic impact studies suggest that while Nunavut institutions are now collecting a significant share of rents (*Fig. 2.4*). However, both the GN and Inuit organizations are under a great deal of pressure to keep rents and taxes low (see below), and Northern Canada has relatively low royalty rates compared to other jurisdictions both domestically and globally (Irlbacher-Fox, 2009; GNWT, 2017).

Figure 2.4 Anticipated Distribution of Rent for Meadowbank Expansion¹⁰

Federal Government	50%
Government of Nunavut	30%
Nunavut Tunngavik Incorporated	15%
Kivalliq Inuit Association	5%

In the NWT, a major point of contention is how rent money should be shared between the public GNWT and the various Indigenous governments created by modern treaties (Irlbacher-Fox, 2009; Slowey, 2015b). The case of Nunavut is somewhat different, because the GN was created through a modern treaty and therefore has greater legitimacy than the GNWT. However, there remain important questions about how rents should be divided between the public GN (which is responsible for delivering most social services) and NTI and its subsidiaries (which focus on economic and cultural development and promoting the rights of Inuit) (Mifflin, 2009).

The need for the GN to collect a share of resource royalties appears urgent, insofar as additional funding may help it improve the delivery of social services, which are presently inadequate to address the needs of Inuit (Hicks and White, 2015). However, the ability to collect royalties will not necessarily increase the financial resources available for social services in Nunavut. The GN currently relies on federal transfer payments as its primary source of revenue. If a devolution agreement is reached, there is a real danger that the federal government may reduce transfers as the GN begins to collect royalties from mines in Nunavut. In this scenario, Nunavut would not obtain additional resources to improve social service delivery, despite sacrificing land and resources for extraction.

Historically, most of the economic linkages associated with the extractive industries were oriented outside of the North, and as such the economic multipliers which drive diversified development accrued to other regions (Watkins, 1977; Loxley, 1981; Dacks, 1981). This

¹⁰ Agnico-Eagle, 2016b. These figures were calculated based on Agnico-Eagle's predicted average annual payments.

continues to be the case in Nunavut. Once extracted, mineral and energy resources are shipped to other jurisdictions, where they are consumed to meet human needs or used to fuel secondary production. Thus, Nunavut does not capture any ‘forward linkages’ from extraction. Nunavut lacks a substantial domestic market for consumption, as well as the workforce, proximity to markets, and infrastructure necessary for a manufacturing sector. This is unlikely to change in the foreseeable future. There has been one attempt to use Nunavut’s energy resources for local use as part of a larger extraction project. Unprocessed oil from Bent Horn was burned in electricity generating stations in the community of Resolute and at the Polaris mine in the late 1980s. However, the project was halted after only two seasons because it was economically unviable and the unprocessed oil produced a foul odour (AMAP, 2007). A similar attempt to use energy resources locally in the Inuvialuit region (adjacent to Nunavut) was likewise unsuccessful. The Ikhil natural gas project began supplying the community of Inuvik in 1999. Over 80% of buildings were converted to gas heating, with the assumption that the Mackenzie Valley Gas Project would soon be built and ensure a steady source of natural gas after the small Ikhil project ran dry (*ibid.*). However, the Mackenzie Valley Gas Project was put on hold in the late 2000s, and by 2012 Ikhil’s depletion was immanent. As a result, Inuvik was forced to import propane at a much higher cost. According to the press, the cost of heating fuel increased by 83% in 2013 alone (*CBC News/North*, 2014; *National Post*, 2012).

Many sub-contracting and supply opportunities continue to accrue to southern firms, because Nunavut lacks the manufacturing, agricultural, and technical capacity to provision mines and oil rigs with machinery, food products, and specialized services. As such, Nunavut is also unable to capture many “backward linkages”. According to the NWT and Nunavut Chamber of Mines (2018), in 2016 57% of expenditures from the mining and exploration industry were

captured by southern firms, with the remaining 43% directed to Nunavut-based firms. Between 2010 and 2016, 53% of expenditures on contracts and procurement from the Meadowbank gold mine went to firms from southern Canada, while 40% were captured by Nunavut-based firms. However, only 28% of expenditures were spent on goods and services from Inuit-owned firms (Agnico Eagle, 2017). While these numbers suggest a significant benefit to local business, both ‘Inuit owned’ and ‘Nunavut based’ can be misleading terms, especially if joint venture partnerships are involved. Further, the majority of backwards linkages still ultimately flow out of the territory.

Nunavut’s economy is thus a “divergent” economy – it lacks “internal linkages” because “what is produced locally is not consumed locally and what is consumed locally is not produced locally” (Loxley, 1981:158). As a result, money spent in the territory flows out very quickly. While it is difficult to quantify, economists predict that the rate of leakage in Nunavut’s economy is very high (Conference Board of Canada, 2001). For example, at the 2012 Arctic Oil and Gas Symposium, Nunavut Premier Eva Ariak told delegates,

You know, right now about 80 percent of any investment in Nunavut’s infrastructure—be it housing, airports or mines—flows to southern Canada. These investments flow to suppliers in all ten of the southern provinces. They flow to dock workers at the ports of Montreal and Delta B.C. handling shipments on their way North. They flow to southern construction workers who are helping to build the territory. So any investment in Nunavut sees immediate pay-backs across this wonderful country. (Ariak, 2012)

Thus the royalties, service contracts, and wages that Nunavut’s residents and institutions collect will likely flow out of the territory, even if they are spent on infrastructure, development projects, or consumer items intended to increase the well-being of Nunavummiut.

1.4 LIMITS TO EXTRACTION: CAPITALISM, CRISES AND UNEVEN DEVELOPMENT

While the Nunavut Agreement has allowed Nunavut Inuit to capture larger shares of wealth than was previously possible, most of the wealth produced by extractive industries continues to flow out of the territory. Many no doubt hope that larger shares of this wealth will eventually accrue to Nunavut as it ‘catches up’ with other jurisdictions. However, a closer examination of the social and spatial relations of capitalism further illustrates the limits to developing northern Indigenous communities through extractive industries.

2.4.1 Extractive Economies and Economic Crises

The extractive economy is notorious for its instability. The capitalist economy is prone to recurrent crises which occur at local, regional, and sometimes global scales (Burkett and Hart-Landsberg, 2003; Arrighi, 2004; Harvey, 2010; McNally, 2011). Extractive economies have particularly strong tendencies to suffer from recurrent ‘boom-bust’ cycles, and as such ‘single industry towns’ tend to experience localized crises more frequently and with greater intensity than regions with more diversified economies. “Booms” of proliferations of wage labour opportunities are inevitably followed by “busts” when resources are depleted or market dynamics render projects unprofitable. The “bust” period of this cycle is notorious for economic hardships and community decline (Barnes *et al.*, 2001; Keeling, 2010; High, 2018).

Since the arrival of the commercial whale hunt, Nunavut’s economy has followed this ‘cylconic’ pattern of affluent booms followed by catastrophic busts. A whaling ‘boom’ in the 1850s was followed by a ‘bust’ in the early twentieth century, after whale resources were depleted and alternative sources of fuel were developed (Ross, 1989). The furtrade boomed in the 1920s, only to ‘bust’ in the 1940s, leaving Inuit destitute and dependent on the Canadian state

(Tester and Kulchyski, 1994). The development of a sealing economy offered some reprieve, until it too went ‘bust’ in the face of American and European import bans on sealskins (Wenzel, 1991). Exploration booms for energy resources have come and gone, as has interest in extracting those resources (Bernauer, 2015). Several mines opened in the 1970s and 1980s (McPherson, 2003), only to close in a dramatic ‘bust’ shortly after Nunavut was created. While a series of new mines have gone into production in Nunavut since 2006, they too will have a limited lifespan.

Recurrent crises therefore appear to place limits on the ability of northern jurisdictions like Nunavut to drive development with mineral and energy resource extraction. Some authors suggest that Indigenous communities can use rents to help weather boom-bust cycles and escape the ‘resource curse’ (Huskey, 2018; O’Faircheallaigh, 2018). However, these authors do not address the particularly poor bargaining position Nunavut is in to negotiate rents. Further, they do not consider the extremely high cost of providing housing, services, and other necessities of life in the Canadian Arctic. Relatively low rents combined with notably high costs of life mean that rents can only go so far in jurisdictions like Nunavut.

In addition to placing limits on the ability of extraction to produce stable development, boom-bust cycles also place communities in notably poor bargaining positions *vis-à-vis* extractive industries. Capital has become quite adept at managing and manipulating crises to its advantage (Harvey, 2010; McNally, 2011). In jurisdictions with extractive economies, capital has used boom-bust cycles to leverage concessions, including tax breaks, the privatization of state-owned industries, and reductions in environmental controls and wages (Bunker and Ciccantell, 2005; Fraser, 2010; Petras and Veltmeyer, 2014; Zalik, 2015). For example, Baffinland Iron Mines has responded to recent slumps in iron prices by attempting to leverage concessions from Nunavut Inuit. In 2015, the company announced a ten percent wage-cut for all

employees to offset low prices for iron. In 2016, it announced major changes to the Mary River project, which it explained were necessary because of low prices for iron ore. Community groups from Pond Inlet have opposed the proposed revisions, arguing that the revised project poses significantly greater risks to Inuit hunting practices than the original proposal (Tester *et al.*, 2018).¹¹

2.4.2 Capital Mobility and Investment Strikes

The reality of competition between regions suggests that extraction by multi-national corporations is unlikely to drive stable and sustained development in Nunavut. Capital is constantly in motion as it seeks ‘locational advantages’ by moving to jurisdictions that offer potential for higher profits. This includes firms relocating to areas with lower taxes and rents, weaker labour movements, and more relaxed environmental legislation. As a result, jurisdictions are forced to compete for capital investment, by creating conditions that offer greater opportunities for profit (Harvey, 1982; Smith, 1984). Capital’s mobility, and the related imperative to compete, has increased dramatically since the Second World War. Financial deregulation, the negotiation of trade and other international agreements, the rise of the multi-national corporation, increases in foreign-direct investment, the fall of the Soviet Bloc, and improvements in transportation and communications technology have allowed capital the ability to move across the globe with increased ease (Harvey, 2005; Bunker and Ciccantell, 2005; McNally, 2006).

¹¹ The new proposal calls shipping through an alternative harbour and may entail significant icebreaking shipping. This is the source of significant concern for the HTO and Hamlet of Pond Inlet. Both community organizations opposed the proposed changes to the Mary River project at land use plan amendment hearings.

Because of this competition, successes in development under capitalism are ungeneralizable. There will be winners and losers in the contest to attract investment, which is a zero-sum game. Successes also tend to be ephemeral. Previous successes are lost as other jurisdictions find ways to achieve competitive advantages (Burkett and Hart-Landsburg, 2003). Extraction has thus benefitted some northern Indigenous communities but not others, leading to rising inequalities between Indigenous communities as well as between members of these communities (see: Slowey, 2008a).

Capital's mobility also provides it with significant power over Indigenous communities. Competition for investment tends to take the form of a 'race to the bottom' where human development is subordinated to the profit motive. Competition between jurisdictions can compel governments to suppress the demands of labour and social movements that may harm profitability, such as wage increases, stricter environmental controls, and higher corporate taxes (Burkett and Hart-Landsberg, 2001, 2003). This reality of competition was an important means by which states were compelled to adopt neoliberal economic programs (Harvey, 2005; Peet, 2007).

Because capital is mobile it is able to use "investment strikes" to effectively veto policies that threaten profit margins (Peet, 2007). In many cases simply threatening to relocate production, rather than actually moving, is sufficient to "blackmail concessions" from workers and governments (Harvey, 1982: 421).

At first glance, it may appear that the mining industry lacks the geographic mobility necessary to utilize threats of an investment strike to leverage substantial concessions. As Thistle (2016) notes:

The underlying assumption is that mining companies, like widget makers, may locate anywhere they want, but mining companies are not widget makers. Unlike widget makers, mining companies, like resource companies more generally, must go where the resources

are. It follows that the decision to develop a mine rests, not on one factor, but on many, one of which is the resource itself... (111).

Thistle is correct to point out that siting a mine involves considerably different considerations than in siting a manufacturing plant. However, there are other ways extractive industries can execute investment strikes beyond the decision to develop a mine. For example, mining companies can temporarily halt or reduce production at existing operations, especially during negotiations for mine expansions. This can be a very effective means to persuade Indigenous leaders to abandon demands for greater shares of economic rents and stricter environmental controls. Simply threatening temporary shut-downs and layoffs can place an incredible amount of pressure on Indigenous politicians, especially if such threats are communicated to local workers. Further, while shuttering an existing mine and shifting *production* to other jurisdictions is incredibly costly, industry is able to shift investment in *exploration* between jurisdictions with relative ease.

As a result, jurisdictions in the global south with extractive economies are often coerced into lowering resource rents, gutting environmental regulations, suppressing social movements, and incurring debt to finance infrastructure for extractive industries, least investment flow elsewhere (Petras and Veltmeyer, 2014; Gudynas, 2010; Bunker and Ciccantell, 2005).

Jurisdictions in Canada, including Indigenous jurisdictions, frequently face similar pressures (Zalik, 2012). As Pierre Gratton, President of the Canadian Mining Association, explained in a 2014 speech,

Aboriginal communities have to recognize capital is mobile and need to invest in understanding the mining business. Strong political rhetoric asserting rights, title and indifference to the economic opportunity a new mine offers may be a good negotiating tactic. However, unless prepared to end up with nothing, know what is reasonable and realistic in terms of what a company can do (Gratton, 2014: 13).

The Northwest Territories and Nunavut Chamber of Mines serves as an organizing committee for extractive capital in Nunavut, and is the institution through which it issues threats of investment strikes. It frequently lobbies territorial governments and Indigenous organizations to relax requirements for environmental assessment and community consultation, as well as to abandon proposals for new protected areas, with the implication that environmental regulations, protected areas, and consultations deter investment in exploration (NWT and Nunavut Chamber of Mines, 2015; NWT and Nunavut Chamber of Mines, 2012).

Debates over caribou habitat conservation illustrate how extractive capital has been able to execute investment strikes to pressure Nunavut's institutions to reduce demands for environmental protection. From 2010-2017 the Nunavut Planning Commission (NPC) conducted consultations for the development of a new land use plan for the territory. Many organizations indicated that a new land use plan should ban mining and mineral exploration in caribou calving grounds, because caribou are especially sensitive to disturbance during this phase in their lifecycle. This proposed habitat protection was supported by most HTOs from the Kivalliq region, as well as several Dene and Metis communities in the Northwest Territories, Manitoba, and Saskatchewan who rely on caribou herds that give birth in Nunavut (Bernauer, 2015). The NPC released a draft land use plan in late 2016, which prohibited mineral exploration and mining in calving grounds. The Northwest Territories and Nunavut Chamber of Mines was quick to condemn the plan. In a letter to the President of NTI, the Premier of Nunavut, and the federal Minister of Indigenous and Northern Affairs, Chamber president Gary Vivian warned that protection of caribou calving grounds would "deter investors from funding exploration projects in the territory." (Vivian, 2017). Ten months later, the chamber of mines issued a press release reporting that projected expenditures on mineral exploration in 2018 had dropped 35% in

Nunavut, a decrease of \$58.6 million from the previous year. The release quoted Vivian, who urged Nunavut to “take actions to regain investor confidence” including ensuring that a new land use plan did not impede access to land with new protected areas (NWT and Nunavut Chamber of Mines, 2018b). Industry was thus able to divert millions of dollars of investment away from Nunavut in a relatively short time, to pressure Nunavut institutions to temper demands for conservation.

The fact that Nunavut is a remote region with higher operating costs makes it less competitive for investment from the outset, increasing pressure on Inuit to temper their demands for environmental protection and a share of the wealth produced by extraction. Nunavut suffers from: insufficient transportation, communications, electricity generation, and infrastructure; high transportation costs; high labour costs; an ‘unskilled’ labour force; and the logistical difficulties of operating in an Arctic climate and permafrost environment. As a result, Nunavut is a high-cost jurisdiction which offers comparably lower profit margins (Canadian Mining Association *et al.*, 2015; See also Montreal Economic Institute, 2014). It is therefore arguably under more pressure than other jurisdictions to subordinate its aspirations for economic benefits and environmental protection to the profit needs of capital.

2.4.3 Nunavut and the Race to the Bottom

The Government of Nunavut and Nunavut’s Inuit organizations have mostly embraced this extractivist strategy of subordinating local aspirations for environmental protection and economic development in the hopes of attracting capital investment. As GN Minister of Economic Development Patterk Netser explained in a 2008 letter to Industry Canada, the basis of

the GN's development strategy is to "ensure that foreign capital is free to flow to Nunavut in as efficient a manner as is possible." (Government of Nunavut, 2008).

This position has been made clear in statements, policies, and actions of the GN and NTI. NTI's mining policy proclaims that the organization will "attract mining investment" through various means, including lobbying government to "streamline environment regulations" (NTI, 1997:5). In a speech to the Nunavut Mining Symposium, NTI First Vice President James Eetoolook reassured industry representatives that his organization would not allow conservation areas to impede potential extraction.

We will do our best to ensure that, before any more land is taken as parks and conservation areas, it does not include areas of high mineral potential. We recognize that mineral resources are rare and valuable and we do not wish to see them wasted because they are included inside a new park (Eetoolook, 2000).

Similarly, the GN's 2007 mining strategy included a cover letter from then-Premier Paul Okalik, which boasted his government's commitment to attracting investment by tempering local demands for wealth and environmental production.

We are preparing for growth today. We have Canada's lowest personal income tax rates, no sales or capital tax, and our small business and corporate taxes are among the lowest in the country. We also offer a performance based fuel tax rebate for off road economic development activity. Along with ensuring that you are not overtaxed we are also making sure that you are not overregulated. Our government is reviewing our business regulations and making recommendations on streamlining or eliminating regulatory barriers to business development. (Government of Nunavut, 2007: ii)

Since 2002, the federal government has passed several pieces of legislation – with the support and collaboration of the NTI and the GN – which streamlined the EA process in Nunavut by reducing requirements for public consultation and assessments for mineral exploration (Bowman, 2011). Further, both NTI and the GN have consented to types of extraction that are controversial and may pose significant risks to Nunavut's wildlife resources and harvesting economy. For example, NTI and the GN both issued policies supporting uranium mining, despite

longstanding opposition to proposed uranium mining in the community of Baker Lake (Bowman, 2011; Gocke, 2013). NTI and the GN have also supported mineral exploration and mining in Nunavut's caribou calving grounds, despite proposals by Nunavut's Hunters and Trappers Organizations to prohibit extraction in calving grounds (Bernauer, 2015).

2.5 CONCLUSIONS

The Nunavut Agreement has provided Nunavut with the ability to capture a greater share of the wealth produced by extraction, especially through rents and contract procurement. However, most of the wealth produced by extraction still accrues to other jurisdictions. Further, it is not clear that the wealth Nunavut does capture will translate into stable development over the long term, given high levels of economic leakage, the crisis tendencies of extractive capitalism, and the ability of capital to use investment strikes to compel jurisdictions to reduce environmental protections and royalty payments. As such, the term 'colonialism' seems more apt than 'development' to describe the contemporary extractive economy.

There are therefore several interesting parallels between Nunavut and the 'progressive extractivist' regimes that rose to power in Latin America in the early 21st century (see: Gudynas, 2010). Both Nunavut and the 'pink tide' governments in Latin America look to extraction of raw resources by multinational corporations for export as the underlying driver of national economic development. Both have succeeded in capturing larger shares of rents from extraction than was previously the case, and both hope to use this revenue to administer progressive social programs to increase the wellbeing of their residents. However, neither Nunavut nor the pink tide governments have substantially changed colonial processes whereby wealth flows from periphery to core. In both cases, many of the problems that plagued previous attempts at

extractive development persist, including environmental degradation, destruction of subsistence livelihoods, and political conflict with the social movements that form in response to these negative impacts. Both Nunavut and progressive extractivist regimes also remain vulnerable to economic crises and manipulation by extractive capital. In both cases, it remains unclear whether extractivism will deliver the long-term and stable development its proponents promise (Gudynas, 2010; Petras and Veltmeyer, 2014; Valdivia, 2015).

Chapter Three

Hegemony, the State, and Depoliticizing Ideology

This chapter explains and elaborates the concepts I use to analyze struggles over energy extraction in later chapters. It begins with an overview of the concept of hegemony, which I use to refer to the political practices ruling groups use to persuade subordinates to consent to their domination. Next, it summarizes Nicos Poulantzas' conception of the state as a mechanism through which capital's hegemony is reproduced, in part by imposing compromises and depoliticizing capitalism. In the third section I explain four related logics that the state uses to depoliticize extractive capitalism. A conclusion summarizes how these concepts have informed the analyses in subsequent chapters.

3.1 HEGEMONY

The term 'hegemony' is most often associated with the Italian Marxist Antonio Gramsci. Gramsci inherited the concept from the Russian left, among whom it was used to discuss potential alliances between workers and peasants.¹² Gramsci initially used the term similarly, to describe revolutionary alliances in Italy. In his later work its use is expanded to examine the political practices of class domination in Western capitalist society.¹³

Following the publication of the *Prison Notebooks*, Gramsci's concept of hegemony has been utilized by a plethora of scholars (Anderson, 2016). Scholars have used it to examine the role of culture in domination and resistance (Williams, 1977; Hall and Jefferson, 1975), frame histories "from below" (Guha, 1997; Guha, 2011), analyze international relations (Arrighi, 1983;

¹² Bucci-Glucksmann (1980) provides an overview of these debates and Gramsci's engagement with them.

¹³ For useful overviews of the development of Gramsci's thought, especially the evolution of the concept of hegemony, see: Anderson, (1976); Mouffe, (1979); Buci-Glucksmann, (1980).

Arrighi, 1994; Agnew, 2003; Harvey, 2003; Agnew, 2009), develop theories of the state (Althusser, 1971; Poulantzas, 1973; Poulantzas, 1978; Buci-Glucksmann, 1979; Buci-Glucksmann, 1980; Sotiris, 2014; Khachaturian, 2017; Sotiris, 2017), criticize currents of “economism” and “class reductionism” within Marxist theory (Said, 1978; Mouffe, 1979b; Laculau and Mouffe, 2001), and develop a theory of language (Ives, 2004; Ives, 2006; Hart, 2013). Scholars have examined neoliberalism as a hegemonic project (Hall, 1988), a line of inquiry to which geographers have contributed significantly (Peet, 2007; Harvey, 2005; Kohl, 2006; Andreucci, 2017). Geographers have also read Gramsci’s work more broadly for insights into traditional geographic questions related to space (Kipfer, 2013; Mann, 2013; Jessop, 2007a) and nature (Fontana, 2013; Wainwright, 2013; Loftus, 2013; Ekers, 2009; Loftus, 2009; Mann, 2009). This widespread use for significantly different purposes, combined with the “notoriously enigmatic” character of Gramsci’s writings (Li, 2006), has given rise to “multiple and incompatible interpretations” of his work (Anderson, 1976:5; see also: Mouffe, 1979a).

I use the concept of hegemony to refer to a mode of domination which depends upon the *active consent* of subordinates. All relationships of domination involve some mixture of coercion and consent. However, hegemonic powers rely on their powers of *persuasion* more than their powers of coercion to maintain dominance (Guha, 1997).

Hegemonic powers rely on their ability to exercise political, intellectual, and moral *leadership* over subordinate groups to generate political support (Gramsci, 1997: 161). They are thus compelled to represent their interests as the interests of society as a whole. In other words, under hegemonic rule, the *particular* interests of the ruling group are perceived as the *universal* interests of society as a whole (that is, as embodying some sort of ‘general interest’ or ‘common good’). This entails “placing all the questions around which the struggle rages on a universal, not

a corporate level, thereby creating the hegemony of a fundamental social group over a series of subordinate ones.” (Gramsci, 1997:180).¹⁴

The fact that the hegemonic party’s interests are represented and perceived as the universal interests of society is not, strictly speaking, a case of the indoctrination of false ideas. To effectively exercise hegemonic leadership, the representation of the ruling class’ interests as universal must correspond, to some degree, to reality as it is experienced by some sectors of society.

The claim of the dominant group to represent the general interest is always more or less fraudulent. Nevertheless...we shall speak of hegemony only when the claim is at least partially true and adds something to the power of the dominant group. A situation in which the claim of the dominant group to represent the general interest is purely fraudulent will be defined as a situation not of hegemony but of failure of hegemony. (Arrighi, 1994: 30)

As such, hegemonic powers must actually take the interests of some subordinate groups into account. It is by incorporating some of the political aspirations and economic demands of subordinates, and creating an ‘unstable equilibrium of compromises’ through ‘real sacrifices’ and ‘concessions’, that hegemonic powers are able to secure political support from subordinate groups (Poulantzas, 1973: 192).

By stating that hegemonic powers take the interests of the ruled into account, I do not mean that the interests of subordinate groups are adequately served *per se*. Nor do I mean that hegemony is necessarily a just relationship, simply because subordinates consent to their domination. It is the juxtaposition between, on the one hand, consent of the dominated and, on

¹⁴ While Gramsci was the first Marxist theorist to significantly develop the concept of hegemony as the political practices of dominant classes, the notion that ruling groups legitimate their domination by presenting their interests as universal has a much longer history in Marxist thought. For example, in *The German Ideology*, Marx and Engels argued that domination depends on the ruling class “represent[ing] its interest as the common interest of all the members of society.” (Marx and Engels, 1976:65)

the other, inadequately met needs and ongoing injustice, that analyses of hegemony seek to explain.

Hegemonic orders are never monolithic, but rather are rife with internal contradictions and struggles. Any relationship of domination is characterized by varying degrees of coercion/persuasion on the part of the rulers, and resistance/collaboration on the part of the ruled (Guha, 1997). As such, even in situations where power appears to be widely accepted, it is possible to uncover and decode forms of resistance.¹⁵ Hegemonic rule is therefore not a static and passive form of dominance, but is rather dynamic, evolving as it responds to resistance and changing conditions (Williams, 1977; Williams, 2005).

Hegemony does not only refer to the political strategies used by dominant powers. It can also be applied to strategies for resistance. Recall that the term was originally used to describe and debate potential alliances among oppressed classes. Some have used the term “counter-hegemony” to refer to movements that challenge the existing order (Williams, 1977; Peet, 2007) and provide alternative “universal” interests around which particular interests can be organized (Ranciere, 1999; Zizek, 2006).

It is important to distinguish the concept of hegemony from the related notion of *ideology*. As with hegemony, ideology is a concept that has been defined in a multitude of different ways (for a useful overview of the shifting definition of ideology, see: Eagleton, 2007). I adopt Eagleton’s definition of ideology as “the way power struggles are fought out at the level of signification.” In this regard, I am especially concerned with the ways in which ruling groups and their supporters mobilize symbols, ideas, and understandings to legitimize their rule.

¹⁵ James Scott (1990) provides an interesting case for the decoding of “covert” acts of resistance which elide the “public transcript”. Unfortunately, Scott dismisses the concept of hegemony, based on a fundamental misreading of the concept. Scott’s reading of Gramsci characterizes hegemony as ideology which has permeated all aspects of social life, and therefore strips the concept of its fluidity and nuance. (See also Scott, 1985)

Gramsci's concept of hegemony included an understanding of ideology that ran 'deeper' than many of his contemporaries, in-so-far he understood ideology to operate through 'common sense', morality, and culture. This 'deeper' understanding of ideology is the primary lesson many scholars draw from Gramsci (Mouffe, 1979; Peet, 2007; Mann, 2008). However, in the present work, I favour Eagleton's approach, which emphasizes that hegemony is a "broader" category than ideology – "it includes ideology, but is not reducible to it." (Eagleton, 2007:112). Ideology is one of several tactics used to obtain the consent of subordinate groups, but it is by no means the only one. In other words, hegemony "goes beyond" ideology (Williams, 1979: 109). Thus, while ideology refers to "the way power-struggles are fought out at the level of signification", hegemony refers to a broader system that includes "various ideological, cultural, political, and economic aspects." (Eagleton, 2007:113)

To summarize, hegemony is a form of domination which depends upon the active consent of the dominated. To produce consent, hegemonic powers rely on their abilities to exercise political, intellectual, and moral leadership. This leadership involves both material compromises and the propagation of ideology. Hegemonic orders are always dynamic, shifting in response to changing conditions and challenges, especially resistance.

I find the concept of hegemony useful for several reasons. Gramsci's emphasis on the active consent of dominated parties is helpful, because I am examining a situation which involves clear and explicit consent to extraction. Further, Gramsci does not focus exclusively on the political experience of the working class. Instead, he emphasizes the need for class alliances between 'subaltern' groups. This makes his ideas much easier to apply to colonial and Indigenous contexts, where traditional Marxist concepts must be 'stretched' to account for colonial relationships (Fanon, 2004; Kulchyski, 2005; Coulthard, 2014).

3.2 HEGEMONY AND THE STATE

For Gramsci, ruling groups universalize their interests and exercise political leadership through the state and its “organs of political hegemony.” (Gramsci, 1997: 246) It is through the state that the particular interests of the hegemonic group are “coordinated concretely” with the general interest (*ibid.*: 182). In making this claim, Gramsci used an expansive definition of the state, what he called the state “in its integral form”. This included the aspects of “political society” that are usually associated with the state (government, legal system, and military), as well as institutions from “civil society” that are frequently understood as outside of the state.

[T]he general notion of the state includes elements which need to be referred back to the notion of civil society (in the sense that one might say that state = political society + civil society, in other words hegemony protected by the armour of coercion. (*ibid.*: 263)

Thus, for Gramsci, the state should be defined as “the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance but manages to win the active consent of those over whom it rules.” (*ibid.*: 244)

Some authors see this expansive definition of the state as one of the most significant and original contributions to social theory in Gramsci’s work (Buci-Glucksmann, 1979; Buci-Glucksmann, 1981; and Turner, 2009a). Others built theoretical projects in conversation with this concept.¹⁶ For example, Althusser (1971) drew from Gramsci the notion of a more expansive definition of the state. However, he rejected the concept of hegemony, denounced Gramsci’s ‘historicism’, and offered a modified theory of an expansive state, consisting of ‘repressive state apparatuses’ and ‘ideological state apparatuses’.

Nicos Poulantzas’ work on the role of the state in the production of political hegemony is especially useful for my analyses. While Poulantzas often went to great lengths to differentiate

¹⁶ Jessop (2007) and Sortis (2017) provide helpful overviews of scholars who have drawn on Gramsci to develop theories of the state.

his work from Gramsci's – first as an Althusserian polemic against “historicism”, later as an attack on the notion that only a force external to the state could bring about progressive social transformation – his ideas developed in conversation with Gramsci and his theory of the state owes a significant debt to the concept of hegemony (Sotiris, 2014).

Poulantzas' theory of the state developed gradually over a decade in a series of works, the most important of which include a 1965 article in *Les Temps Modernes* (reprinted in 2008), his book *Political Power and Social Class* (1973), his debate with Ralph Milliband in *New Left Review* (1969/1976), and his final book *State, Power, Socialism* (1978). The general trajectory of his work involved a shift in emphasis from the structure and functional role of the capitalist state in the reproduction of class domination, to one which stressed the role of class struggle in determining the form, structure, and actions of the state (Sotiris, 2014/2017). Related to this was Poulantzas' shift from seeing the state as an institution to be ‘smashed’ by an external force, to an institution which could in-part be maintained along a ‘democratic road to socialism’ (Khachaturian, 2017).¹⁷ However, despite these shifts in emphasis, Poulantzas' later works reiterated many of his earlier positions about the role of the state in the production of class hegemony.

For Poulantzas, the capitalist state serves a series of functions in producing the political hegemony of capital. It does this by simultaneously politically organizing the dominant classes while politically disorganizing the dominated classes. In the process, it brings the ruling and

¹⁷ Poulantzas understands the state as “a relation, or more precisely as the condensate of a relationship of power between struggling classes.” (Poulantzas, 1976:74). As such, the state is not a “thing” (a “passive tool in the hands of a class”), nor is it a “subject” (a fully autonomous body that acts according to its own will and its own interests). (*ibid.*, see also: Poulantzas, 1978: 129). The structure and actions of the state are the outcome of “political struggle and domination” which are “inscribed in the institutional materiality of the state.” (*ibid.*: 125). As a result, the state is “both shot through and constituted with and by these class contradictions” (Poulantzas, 1976: 74). The state is therefore not a monolithic entity, but is instead internally contradictory, as different material forces are reflected in both policy and institutional form.

subordinate classes into a “variable game of provisional compromises.” (Poulantzas, 1978:140). As such, the state has a central role in fostering social cohesion in a society fragmented by class and other divisions.

The state organizes the ruling classes, which are made up of competing fractions with opposing immediate economic interests. Because the state is not directly controlled by any specific group or fraction from the ruling classes, it is able to organize the long term political interests of capital in general. It does this by imposing compromises which balance the interests of the different fractions of the ruling classes, and thus organizes them into a “power bloc”, usually under the leadership of a specific fraction of capital (Poulantzas, 1978:127).

The state disorganizes the dominated classes through the imposition of compromises, the propagation of ideology, and physical repression. It is through the state that an “unstable equilibrium of compromise” is forged between dominant and dominated classes (Poulantzas, 1973:192).

[T]he state organizes and reproduces class hegemony by establishing a variable field of compromises between the dominant and the dominated classes; quite frequently, this will even involve the imposition of short-term material sacrifices on the dominant classes, in order that their long-term domination may be reproduced. (Poulantzas, 1978:184)

Such concessions may run contrary to the short-term economic interests of the ruling classes, but ultimately serve their long-term political interests, in-so-far as they work to generate political support for the existing order.¹⁸ Further, there are important limits to the types of concessions the state will impose, as it generally will not make interventions that seriously disrupt the accumulation and reproduction of capital (Poulantzas, 1978:169).

¹⁸ Others scholars have considered the role of the state in legitimizing class rule by imposing concessions which benefit dominated groups. O’Connor (1974) considers welfare as a practice designed to defuse political challenges posed by unemployed workers. Tester (2013) applies O’Connor’s insights to state healthcare in the Arctic.

The state also plays an important role in the production of ideology. For Poulantzas, ideology is an imaginative framework for society, rooted in material practices, which “hides” and “excludes” contradictions.

[I]deology has the precise function of hiding the real contradictions and of *reconstituting* on an imaginary level a relatively coherent discourse which serves as the horizon of agents’ experience. (Poulantzas, 1973:207)

Poulantzas is therefore one of several authors who understand ideology as a mode of legitimization that operates by providing an “imaginary resolution to a real contradiction” (Jameson, 1981:77).

For Poulantzas, “bourgeois political ideology” masks the political character of class relations under capitalism. It “conceals class exploitation” (Poulantzas, 1973, 214) and “designates as utopian any representation in which the class struggle is present in any form whatsoever.” (*ibid.*:218). As a result, “all trace of class domination is systematically absent from its language.” (*ibid.*:214). Notably, it is not economic stratification that ideology masks, but rather the *political* aspects (exploitation, struggle, and domination) of this division of human beings into socio-economic classes. In other words, capitalist ideology is *depoliticizing*.

Poulantzas examines several ways in which the state depoliticizes class conflict. On the one hand, the state imposes an illusion of political equality, by ‘atomizing’ people into ‘individuals’ that are equal before the law. On the other hand, the bureaucracy’s use of technical and scientific discourses serve to further mask the political nature of class domination (Poulantzas, 1973:216-217).

This dissertation utilizes Poulantzas’s characterization of the state as a mechanism through which capitalist hegemony is negotiated and reproduced, in part through the imposition of material compromises and an ideological framework that depoliticizes capitalism. In the

chapters that follow, I consider how the state responded to Inuit resistance to extraction. I pay particular attention to the ways in which these responses – which included Environmental Assessments (EA), land use planning, land claim negotiations, and the legal doctrine of Aboriginal rights – were structured to impose compromises between Inuit and extractive capital, as well as the ways in which they were structured to depoliticize extraction.

3.3 HEGEMONY AND DEPOLITICIZATION

In the cases I examine in this dissertation, I have identified four ways in which state processes depoliticized extraction. To explain these related logics, I draw upon four ideas: the post-colonial and post-marxist idea of the division between political speech and dehumanized voice; the Frankfurt School’s critique of instrumental reason; the post-development concept of ‘anti-politics’, and; the post-structuralist notion of ‘post-politics’.

3.3.1 Speech and Voice

The division between political speech and dehumanized voice is a fundamental means through which issues can be depoliticized. Per Ranciere, the possession of language is not a “physical capacity” but is rather a “symbolic division” between *speech* and *voice* (Ranciere, 2004:5) He argues that speech “expresses...the just and the unjust” while voice merely “indicates pleasure and pain” (Ranciere, 1999:2).

Traditionally, it had been not enough to hear what came out of the mouths of the majority of human beings – slaves, women, workers, colonised peoples, etc. – as language, and instead to hear only cries of hunger, rage, or hysteria, in order to deny them the quality of being political animals. (Ranciere, 2004:5)

For Ranciere, this symbolic division is a fundamental aspect of the operation of domination, and separates those who can meaningfully participate in politics from those who cannot. In its classic

form, this operates through the denial of the personhood of the oppressed. However, according to Ranciere, this denial of the capacity for politics is reproduced in expert discourses.

This dissertation considers how colonial domination is reproduced by limiting the ability of Indigenous peoples to make political arguments about justice, political rights, and morality. The cases I examine show that EA and planning have been constituted in a way that limits the ability of Inuit to make arguments about the moral and political implications of uranium mining and oil and gas extraction (see also: Zalik, 2015).

3.3.2 *Instrumental Reason: Means and Ends*

Scholars associated with the Frankfurt School of critical theory have developed accounts of ideology which highlight its depoliticizing aspects. For Horkheimer, the enlightenment is characterized by *instrumental reason*. This form of reason is “impartial with regards to what should be” because it is “devoted to the means, whatever end may be served.” (Horkheimer, 1993: 80) This focus on means rather than ends is, for Horkheimer, a fundamental aspect of enlightenment thought (Horkheimer and Adorno, 1972). This instrumental reason “easily lends itself to ideological manipulation and to propagation of even the most basic lies.” This is because reason that grounds itself in means is inherently subjective, varying between individuals, rather than objective, and grounded in universal truths about nature and humanity. This results in a philosophical relativism, and a type of reason which is unable to confront even the starkest injustices: “Since ends are no longer determined in light of reason, it is also impossible to say that one economic system or political system, no matter how cruel and despotic, is less reasonable than another.” (Horkheimer, 1973: 31) As such, instrumental reason has an important

depoliticizing effect. Without the ability to make universal claims about the ethical, moral, and political implications of different courses of action, enlightenment reason colludes with fascism.

A more thorough and explicit critique of depoliticization is contained in the work of Herbert Marcuse. For Marcuse, “advanced industrial society” has brought about “the disappearance of all genuinely radical critique, the integration of all opposition in the established system.” (Marcuse, 1964: xii) The integration of the working class – through material concessions, made possible by the high productivity of industrial society – has stabilized capitalism, neutralized the working class as a revolutionary subject, and created a “one dimensional society.” At the same time, instrumental reason (especially in the guise of what Marcuse calls “technological rationality”) has foreclosed space for “negative thinking” (that is, dialectically negating modes of thought). This leads to the predominance of “one dimensional thought” whereby the “critical tension between ‘is’ and ‘ought’” is erased (*ibid*, 133). The result is a “society without opposition” (*ibid*, xii).

For both Marcuse and Horkheimer, ideology appears as an abstract totality that had permeated all aspects of social life and human consciousness. Marcuse in particular paints a picture of an all-pervasive power which results in the “triumph of the one-dimensional reality over all contradiction.” (Marcuse, 1964: 124)

[D]omination – in the guise of affluence and liberty – extends to all spheres of private and public existence, integrates all authentic opposition, absorbs all alternatives. Technological rationality reveals its political character as it becomes the great vehicle of better domination, creating a truly totalitarian universe in which society and nature, mind and body are kept in a state of permanent mobilization for the defense of this universe. (*ibid*. 18)

As such, it leaves little, if any, room for resistance, and ultimately paints an inaccurate picture of ideology by overstating its power (Eagleton, 2007).¹⁹ There is also an abandonment of political economy in any rigorous sense, which led Marcuse to depict the very unusual affluence enjoyed by post-war American (white) society as a stable mode of living that would expand to other sectors of society (rather than collapse two decades later under neoliberalism).

However, despite these criticisms, many insights from the Frankfurt School remain valuable to understanding politics today. We need not follow Marcuse and Horkheimer to their extremes to utilize their insights. I draw from them an understanding of the way in which instrumental reason can absorb critique. Specifically I show how environmental assessment and planning depoliticize extraction by disavowing questions concerning ‘ends’ (what sort of economy should the north have?) in favour of questions pertaining to means (‘how can we best mitigate the effects of the extractive economy?’). Focus debates on means rather than ends is, I argue, a powerful way to defuse resistance because it allows EA and planning boards to ignore moral and political concerns with extraction.

3.3.3 ‘Anti-Politics’ and ‘Rendering Technical’

Technical and expert-based discourses can be used to disavow politics by *transforming political issues into technical problems*. Scholars working in the field of development studies – especially those associated with ‘post-development’ theoretical trends – have provided an extensive critique of the depoliticizing implications of technical discourses (Fergusson, 1990; Nustand, 2001; Li 2006; Buscher, 2010). These scholars argue that international development

¹⁹ Also applicable to the Frankfurt School are Raymond Williams’ cautions against accounts of hegemony which constitute it as an “abstract totalization” whereby hegemony appears more “uniform, more static and more abstract than in practice, if it is really understood, it can ever actually be.” (Williams, 1977: 111)

programs take political problems (especially poverty) and transform them into technical problems (deficiencies in infrastructure, technology, or technical expertise). Development programs are structured to see poverty as a problem with technical solutions (more efficient irrigation infrastructure, for example), rather than political solutions (changes in the distribution of power and wealth, through political struggle). The technical and scientific language of development planning serves as a legitimating discourse, further obscuring politics – it provides the appearance that decisions are based on rational calculations, rather than underlying political dynamics. While programs are framed with technical rationalizations, they have profoundly political effects.

Ferguson (1994) refers to development as an “anti politics machine” because it does not allow poverty to be formulated as a political problem, thus providing rationalization for uneven development and disparities in wealth.

By uncompromisingly reducing poverty to a technical problem, and by promising technical solutions to the suffering of powerless and oppressed people, the hegemonic problematic of “development” is the principle means through which the question of poverty is depoliticized in the world today. (256)

Ferguson argues that this apparently apolitical discourse has important political effects, including the expansion of the power of state bureaucracies. It does this “almost invisibly, under the cover of a neutral, technical mission to which no one can object.” As a result, development has an “ideological effect of depoliticizing both poverty and the state.” (*ibid.*)

For Li (2006), a central aspect of development planning is its tendency to “render technical”. That is, there is a general requirement that planning “frame problems in terms amenable to technical solutions”. As a result, planners must “screen out” political questions and “address some problems, and necessarily not others.” Development programs therefore “focus more on the capacities of the poor than on the practices through which one social group

impoverishes another.” While Li notes that development projects can be, and frequently have been used as conscious strategies to contain political challenges to the status quo, her work is more concerned with another important political operation unfolding through the seemingly apolitical process of development planning: the reproduction of the relationship of domination between expert (or, “trustee”) and the people whose lives the experts seek to “improve” (Li, 2006: 2-8).

The concepts ‘anti-politics’ and ‘rendering technical’ have been used by scholars in the fields of geography and anthropology to examine Indigenous politics in Canada. Youdelis (2016) uses the concept of anti-politics to examine the Canadian governments’ use of managerial ‘consultation’ processes to contain political challenges to the administration of national parks, while Cameron uses the concept of “rendering technical” to interrogate the ways in which Arctic environmental change is addressed in academia (Cameron, 2012) and governance (Cameron *et al*, 2015). Nadasdy (2009) deploys the notion of anti-politics to examine wildlife co-management and traditional knowledge studies in the Yukon.

My use of these concepts is distinct from the authors cited above. Their work is framed within a Foucauldian problematic, and is generally not concerned with the domination of capital. For Fergusson (1990), anti-politics is a means through which the state bureaucracy expands its powers, while Li (2006) uses “rendering technical” to examine the relationship between “expert” planners and those whose lives they seek to manage.²⁰ Youdelis (2016) and Nadasdy (2009) follow Fergusson, and emphasize the ways in consultations, co-management, and Indigenous knowledge studies reproduce the authority of the state. All these authors acknowledge that these

²⁰Many other authors working in the framework of post-development and post-colonial studies examine the relationship of domination between planners and those subject to their plans, without using the specific terms ‘anti-politics’ or ‘rendering technical’ (Chatterjee, 1993; Mitchell, 2002; Escobar, 2010).

technical discourses can play important roles in legitimizing other forms of domination (including class domination). However, their primary object of analysis is the relationship between the state's experts and those subjected to expert plans.

By contrast, I consider technical and managerial discourses as a means to reproduce, not the power of the state or its "experts", but the hegemony of extractive capital. I utilize Li's concept of "screening out" and Ferguson's insights into the implications of responding to political challenges with technical solutions. I show how environmental assessment and planning are similarly based upon technical discourses, and how these help legitimize the extractive economy in Nunavut.

3.3.4 'Post-Politics' and the 'Post-Political'

The concept of *post-politics* (sometimes referred to as the *post-political*) was developed by continental philosophers, including Jacques Ranciere, Chantal Mouffe, and Slavoj Zizek. It has subsequently been imported into the field of geography and expanded upon, most notably by Eric Swyngedouw. Despite some differences, the works of these theorists share common themes.

First, they all understand true politics to be fundamentally adversarial in nature. For Ranciere, political movements involve a fundamental disagreement (or "dissensus") over which issues count as political and/or which people can participate in decision-making. That is, he sees properly political movements as movements which involve either subjects asserting political rights that had hitherto been denied, or movements that declare the political nature of spaces which had hitherto been understood as private/personal (Ranciere, 1999/2004/2014). As such, for Ranciere, proper politics always involves a confrontation between clearly different understandings of justice and always involves a rupture. For Mouffe, society is necessarily

undercut by ‘us/them’ divisions, due to the nature of identity formation. Because there are problems “for which no rational solution could ever exist”, social divisions inevitably result in conflict. While these conflicts can develop into antagonisms (divisions of the ‘friend/enemy’ variety), Mouffe advocates for a form of politics that manages division into what she calls *agonisms* (divisions of the ‘ally/adversary’ type). The essence of politics is thus a “confrontation between adversaries” (Mouffe, 2004: 5), especially “a confrontation...between conflicting hegemonic projects.” (Mouffe, 2013a:231) For Žižek, true politics involves antagonistic struggle. The essence of politics lies in confrontations between markedly different systems of ideology (between, for example, capitalism and communism). As such, he tends to place a primacy on political practices which challenge the systemic nature of capitalism, as opposed to those which attempt to manage its worst aspects (Žižek, 2006/2008).

These authors also all characterize our current political situation as evacuated of politics, generally using the term ‘post-political’ (or some variant) to describe our present predicament. For these authors, the *post political* is an historical condition in which politics “claims to leave behind old ideological struggles and instead focus on expert administration.” (Žižek, 2008:40). It is based upon a refusal to “acknowledge the antagonistic dimension constitutive of the political.” (Mouffe, 2004: 6) As such, it “disavows dis-sensus and prevents antagonistic disagreement over real alternative socio-ecological futures.” (Swyngedouw, 2011:268) Through a “collaboration of enlightened technocrats” and “the process of negotiation of interests,” a “compromise is reached in the guise of a more or less universal consensus.” (Žižek, 2006:72) The result is an “evisceration of political contestation” from governance institutions, as politics is reduced to the management of the economy (Wilson and Swyngedouw, 2014:9).²¹

²¹ This conception of ideology as a mode of thought and practice which disavows antagonism, in part through scientific discourse, bears broad resemblances to both Poulantzas (1973) and Marcuse (1964).

Human geographer Erik Swyngedouw has examined the role of discourses related to the environment (especially climate change) in the construction of a post political order. For Swyngedouw, apocalyptic narratives about climate change and ecological collapse are important elements of the current post-political condition. By framing climate change as a global crisis threatening human civilization as a whole, environmental movements can disavow and displace political conflicts and social antagonisms (Swyngedouw, 2010; Swyngedouw, 2011).²²

While these theorists do not consistently use the concept of hegemony as a foundational concept, the notion of post-politics has strong parallels with Poulantzas' work on the role of the state in the production of capitalist hegemony. It also bears broad similarities to the Frankfurt School, especially Marcuse's concept of 'one dimensional society'. All three bodies of theory emphasize that the maintenance of capitalist social relations depends upon material compromises, the disavowal of contradictions, and technical 'expert' discourses.

Critics of the concept of post-politics contend that it depends upon normative and metaphysical conceptions of "proper" politics, that it disregards important sites of resistance, and that it ultimately overestimates the degree to which our current reality has been depoliticized (Thomas, 2009; McCarthy, 2013; Kipfer and Hart, 2013; Jessop, 2015). Some of these criticisms are well-founded.

Because of the similarities between the Frankfurt School and post-politics, critical reviews of the former can illustrate some limitations of the latter. Both schools of thought paint a similar picture of a thoroughly depoliticized society, where all contradictions, antagonisms, and opposition has been dispensed with.²³ For Eagleton (2007), by depicting ideology as all-

²² Similar criticisms of the depoliticizing and ideological implications of narratives of ecological catastrophe have been put forward by Harvey (1996) and Yuen (2013).

²³ The opening passage to *One Dimensional Man* bear a striking similarity to Swyngedouw's thesis that the apocalyptic framing of climate change prevents us from approaching climate change as a political problem, and thus

pervasive, the Frankfurt School took ideology “at face value, judging it as it would *wish* to appear.” (46-47). Similarly, by describing our current conjuncture as ‘post-political’, proponents of the concept accept the ideological notion that there is no opposition to global neoliberalism (i.e. there is no alternative). As such, despite producing a useful account of depoliticization, theories of the post-political as an all-pervasive historical condition can themselves be depoliticizing.

Ultimately, I accept the idea that politics is an adversarial practice, which divides people into friends and enemies, winners and losers. I also accept that representations and practices which deny antagonism can have a powerful ideological effect. In the analyses that follow, I show how EA, planning, land claims, and Aboriginal rights were all premised on the disavowal of antagonisms between Inuit and extractive capital.

3.4 SUMMARY

In the following chapters, I use the concept of hegemony to examine the relationship between Inuit and extractive capital, to understand how and why Inuit have come to consent to an economy based on extraction. To do so, I examine conflicts over energy resource extraction in Nunavut from 1970-2016. Following Poulantzas, I consider how the state’s interventions into conflicts between Inuit and extractive capital were structured to persuade Inuit to consent to extraction. I consider the state’s role in imposing material compromises between Inuit and extractive capital, as well as the state’s tendency to depoliticize extraction. I pay particular attention to the ways in which state processes depoliticize extraction by limiting the ability of

preventing us from address its root causes: “Does not the threat of an atomic catastrophe which could wipe out the human race also serve to protect the very forces which perpetuate this danger? The efforts to prevent such a catastrophe overshadow the search for its potential causes in contemporary industrial society.” (Marcuse, 1964:*xli*).

Inuit to make arguments about justice, focusing discussion on means rather than ends, offering technical solutions to political challenges, screening out political questions, and disavowing the adversarial relationship between Inuit and extractive capital. At the same time, I examine how Inuit resist this ideology by demanding to discuss ends instead of means, treating extraction as a political rather than technical problem, and addressing extractive capital as a political adversary.

Chapter Four

Establishing Hegemony 1: Uranium Mining in the Kivalliq Region (1970-1993)

In this chapter, I examine political conflicts over uranium mining and exploration in the Kivalliq region, before the Nunavut Agreement was signed in 1993. These conflicts, which include an Aboriginal title court case over uranium exploration and the environmental assessment of a proposed uranium mine, illustrate several important political dynamics from this era. Inuit resisted uranium exploration with petitions, in which they demanded recognition of their right to control the land and mineral resources. The federal government responded with bureaucratic processes which were structured to produce extractive capital's hegemony, by depoliticizing extraction and imposing concessions to generate political support for the extractive economy. Inuit political organizations resisted this depoliticization, continued to treat the uranium industry as political adversaries, and thus challenged extractive capital's hegemony.

4.1 BAKER LAKE CONFRONTS URANIUM EXPLORATION

In the post-war period, the strategic importance of uranium reserves for nuclear weapons, anxieties about energy security, and generous subsidies from the federal government caused uranium producers in Canada to expand their search for resources. By the late 1960s, mining companies began to explore for uranium in the Canadian Arctic, with activity focused on the central Kivalliq (then called "Keewatin") district of the Northwest Territories (NWT) and northern Labrador. In the Kivalliq, the community of Baker Lake became a base of operations for uranium exploration.

Baker Lake is the only inland Inuit community in Canada. Its residents are decedents of various Inuit groups with an inland orientation to their seasonal cycles. Early anthropologists

referred to these groups as “Caribou Eskimos”, because caribou was by far their most important subsistence resource (Birkett-Smith, 1929; Rasmussen, 1934). After relocating to the settlement of Baker Lake in the 1950s and 1960s, and up to the present day, Baker Lake Inuit continue to rely upon caribou hunting to meet many of their economic, social, and cultural needs (Welland, 1976; Riewe, 1992; Priest and Usher, 2004).

Significant exploration for uranium began in the Baker Lake area in 1969. In that year, prospecting permits were issued for roughly one-third of the area Baker Lake Inuit use most intensively for hunting (Interdisciplinary Systems, 1978: v). The rate of exploration continued to increase through the 1970s, leading to an exploration boom for uranium in the Kivalliq. Helicopters regularly moved people and supplies to and from base camps, drill sites, and the community (McPherson, 2003: 42-55). Exploration began to have a detrimental effect on the ability of Baker Lake Inuit to hunt caribou, as migration routes shifted and the herds failed to arrive at important hunting areas in substantial numbers (*ITC News*, 1979a).

The question of uranium exploration on Inuit land was depoliticized from the outset, because the state denied Inuit many fundamental political rights. On the one hand, through the postwar period, Inuit lacked the ability to participate in aspects of governance that other Canadians took for granted. Well into the 1970s government officials understood themselves to be training Inuit in politics, and local and territorial governments were only gradually given powers to manage northern affairs. Before 1950 Inuit were legally barred from participating in elections. Until the late 1960s legislation for the NWT was issued by a council that was mostly appointed by the federal government. The first Inuk was not elected to Canadian parliament until the late 1970s (Duffy, 1989). In effect, Inuit were subaltern, in the sense that Gayatri Spivak (1999) uses the term – they lacked access to hegemonic power structures and were denied the

capacity for political speech (see: Ranciere, 1999). On the other hand, the federal government did not recognize that Inuit possessed political rights based on their indigeneity. For example, there was no recognition that Inuit, as Indigenous peoples, possess a right to control their traditional lands and resources it contains. There was certainly no sense that Inuit should be able to provide or withhold their consent for the use of their lands for uranium exploration and mining.

4.1.1 Petitions and the Baker Lake Study

In April 1974, Baker Lake residents submitted a petition to the federal government, protesting planned uranium exploration near their community. A preamble to the petition claimed that low-flying aircraft, blasting, and drilling were disturbing the wildlife Inuit hunt, especially caribou.

We, the undersigned people of Baker Lake, do not accept the position of the federal and territorial governments, to allow exploration to continue to take place on Inuit land. We, the residents of Baker Lake, do not want exploration to take place on Inuit land until:

- 1) The Inuit land claims have been settled to the satisfaction of the Inuit peoples;
- 2) Formal approval has been received from the residents of Baker Lake to allow exploration to go ahead (*Inuit Monthly*, 1974: 49).

This petition represents an important political moment in Inuit history. Inuit were not merely requesting (or even demanding) that the federal government halt exploration activity. Instead, they were asserting political rights to control their traditional lands and the resources it contains. The petition also suggests that uranium exploration was a fundamentally political problem pertaining to the control of land and resources, in-so-far as it calls for a halt to exploration activity until a land claim is settled (which would, presumably, provide Inuit with the ability to control their land and their lives). As such, the petition represents a properly political moment,

according to Jacques Ranciere's (1999/2004) use of the term. It involved new political subjects asserting their rights to participate in politics, and brought new issues into the political sphere.

The demands in the petition were rejected, and in 1975, the Baker Lake Settlement Council and Hunters and Trappers Association submitted a proposal for a "land freeze" to the federal government, calling for a halt to all exploration activity in areas selected by the community. When this proposal was ignored, the Inuit Tapirisat of Canada (ITC) began advocating for a freeze on exploration throughout the region until land claims were settled (*Inuit Today*, 1977b:13).

In early 1977 the federal government announced that it would defer all new land use applications in the Baker Lake area for one year, to allow it to develop new regulations to protect wildlife from mineral exploration (*Inuit Today*, 1977c:23). A consulting firm was contracted to carry out research to support the development of new regulations. It conducted interviews with Inuit hunters and a review of relevant scientific literature. The report, issued in February 1978, examines the hunting and trapping economy in Baker Lake, the biological characteristics of animal species hunted by Inuit, and the potential impact of mineral exploration and development. The study identified "critical areas" for several species hunted by Inuit and recommended special management measures to protect these important habitats (Interdisciplinary Systems, 1978).

For caribou, the report identified several types of 'critical habitat', including calving grounds, post-calving grounds, and water crossings. 'Calving grounds' are the areas where caribou cows congregate each summer to give birth, while 'Post-calving grounds' are the areas where they nurse their young and graze after giving birth. Caribou are particularly sensitive to disturbance when they are giving birth and nursing newborn calves. During these periods, noise and other sensory disturbances can have implications for the population health of caribou herds

(BQCMB, 2004). Caribou water crossings are the points along a caribou herd's migration route where they swim across lakes and rivers. These crossings are among the most important hunting sites for inland Inuit. Before settling in permanent communities, inland Inuit would camp near caribou water crossings in the fall, where they would hunt large numbers of caribou. The meat and fur from these highly productive hunts would provide the majority of food and clothing necessary for the coming winter (Webster, 2001; Mannik, 1998; Burch, 1986). In the present day, hunting caribou at water crossings remains an important subsistence activity for Inuit in Baker Lake and Arviat (Welland, 1976; Priest and Usher, 2004). There is an extensive list of rules Inuit traditionally followed when hunting and camping near water crossings, designed to ensure that caribou would maintain predictable migration routes (Bernauer, 2015c; Webster, 2001; *Stewart et al.*, 2000).

The consulting report recommended a mixture of regulatory tools to minimize disturbance to caribou using these areas. For calving grounds, and post calving grounds, it recommended,

Controls [over industrial activities] including restrictions on the location of facilities and facility design, regulation of aircraft overflight altitudes, timing of activities, and possible outright prohibition of industrial facilities in certain favoured calving sites. (Interdisciplinary Systems Ltd., 1978:vi).

It also recommended “permanent above-ground developments” and “temporary exploration and development activities” not be permitted within 4.8 kilometers of water crossings (*ibid.*: vi).

The study acknowledged Inuit frustrations with the governance of land and resources, but stopped far short of supporting Inuit political demands. Instead of supporting the Inuit movement for formal political control over land, it recommended Inuit be ‘consulted’ before permits are issued in the future. It suggested that exploration companies “advise communities on the details regarding all proposed field activities”, that plans be “tailored with community concerns in

mind”, and that Inuit “participation” in the federal government’s permitting process be encouraged (Interdisciplinary Systems, 1978:viii).

Notably, the study did not suggest that Inuit had a right to say “no” to uranium exploration. It did not consider the moral and political implications of uranium exploration and mining, and gave no attention to whether or not a future based on uranium mining was in the best interests of Inuit. Most importantly, it was not concerned with whether or not Inuit wanted uranium exploration on their land. These and other political questions were ‘screened out’ (see: Li, 2006).

Instead, it presumed *a priori* that uranium exploration was acceptable in principle, and focused on minimizing the impact of exploration on Inuit harvest. As such, it is based upon instrumental reason – a form of thought focused on means rather than ends – which Frankfurt School scholars argue discourages critical politics (Marcuse, 1964; Horkheimer, 1993). In the process, it ‘rendered technical’ the Inuit protest of uranium exploration, by offering technical and managerial solutions to political dissent (Fergusson, 1994). This effectively disavowed the adversarial relationship developing between Inuit and exploration companies, by suggesting forms of compromise between extractive capital and Inuit hunters. Thus, it discouraged the sort of adversarial conflict that characterises political movements (Swyngedouw, 2010).

These technical compromises were not, however, strictly illusory. They involved important concessions to Inuit hunters. They were designed to limit the impact of exploration on the hunting economy, and would run contrary to the immediate economic interests of extractive capital (in-so-far as they would impact productivity, efficiency, and profitability). Ultimately, the recommended measures were structured to procure Inuit consent to uranium exploration, by imposing compromises between Inuit and extractive capital (Poulantzas, 1973).

The federal government accepted the study's recommendations and announced that it would lift the land freeze and impose new regulations on mineral exploration for the summer of 1978 (*Inuit Today*, 1978a). These new regulations included minimum altitude restrictions for aircraft and seasonal restrictions on activity in calving grounds, post-calving grounds, and near water crossings (*Hamlet of Baker Lake v Minister of Indian Affairs*, 1978).

4.1.2 Hamlet of Baker Lake v Minister of Indian Affairs

ITC and the Inuit of Baker Lake rejected the government's new regulations as a compromise solution to Inuit grievances with uranium exploration. In April of 1978, ITC, the Baker Lake Hunters and Trappers Association, the Baker Lake Hamlet, and one hundred and eleven Baker Lake residents sought a Federal Court injunction to halt exploration on all areas of occupancy and land use of the Inuit of Baker Lake. The application argued that uranium exploration was infringing upon the Aboriginal land rights of Inuit. The litigation was directed at the Minister of Indian Affairs and Northern Development, various government bodies involved in mining permitting, and the Attorney General of Canada. Six uranium exploration companies successfully applied to be joined as parties defendant to the action. The case was heard by Justice Patrick Mahoney of the Federal Court of Canada.

As part of their submission, Inuit applied for an interlocutory injunction to halt exploration planned for the summer of 1978, until the case could be heard in court. Mahoney issued an initial ruling in favour of an interlocutory injunction, finding that "the balance clearly weights in favour of an injunction: the minerals, if there, would remain; the caribou, presently there, may not." However, he determined that "the evidence does not support the grant of an injunction as broadly cast as that sought." He found that the conditions on exploration proposed

by the government would “by and large, afford the necessary protection” (*Hamlet of Baker Lake v Minister for Indian Affairs*, 1978: 10). As such, the injunction merely provided a deeper legal requirement for the government’s new regulations.

The case was heard in the summer of 1979. Inuit were seeking three general actions from the court. First, they requested court orders restraining uranium companies from conducting exploration and government from issuing permits for such activity near Baker Lake. Second, they sought a declaration that Inuit possessed Aboriginal title to the Baker Lake area. Third, they sought a declaration that Inuit title to the Baker Lake area limited the jurisdiction of the government of Canada to pass legislation that may abrogate Inuit rights, including the Canadian Mining Regulations. Inuit were, in other words, asserting that they held rights to land which included the political right to control land and resources. As with the petitions, this case represents an important political moment, in-so-far as it involves new political subjects demanding political rights (*Hamlet of Baker Lake v Minister for Indian Affairs*, 1979).

Lawyers representing the federal government and uranium firms claimed that Inuit had no Aboriginal rights to land. They claimed that Inuit only moved to the Baker Lake area recently, only occupied areas seasonally rather than continuously, and historically did not live in an organized tribe or nation. Frank Miller, a government biologist, claimed that Inuit overhunting had caused a general decline in caribou populations. He argued that this population decline, not uranium exploration, explained the poor caribou harvests in recent years (*ITC News*, 1979a).

Mahoney’s ruling was issued in late 1979. He found that Inuit did indeed possess Aboriginal title to the Baker Lake area. However, he found that the nature of Aboriginal title did not abrogate from the state’s ability to unilaterally issue permits for mineral exploration and mining in the region.

I am entirely satisfied that the entire territory in issue...[is] subject to the Canada Mining Regulations. To the extent that their Aboriginal rights are diminished by those laws, the Inuit may or may not be entitled to compensation. That is not sought in this action. There can, however, be no doubt as to the effect of competent legislation and that, to the extent it does diminish the rights comprised in an Aboriginal title, it prevails.

Exploration for uranium was therefore allowed to continue (*Baker Lake v Minister of Indian Affairs*, 1979).

Mahoney's rulings are important moments in the establishment of extractive capital's hegemony in Nunavut. Aboriginal rights, as understood by Mahoney, were a means to impose compromises between Inuit and extractive capital (including seasonal restrictions on activity and monetary compensation). Mahoney's definition of Aboriginal title also depoliticized extraction by failing to recognize that Aboriginal rights are political rights. Ultimately, for Mahoney, Aboriginal Title did not convey political rights to control what does and does not take place on an Aboriginal group's traditional territory, but merely provided a right to use these lands for hunting, fishing, and trapping.

4.1.3 Caribou Protection Measures

The seasonal restrictions on exploration activity introduced by the government eventually became Caribou Protection Measures – a series of restrictions placed on mineral exploration to limit its interaction with caribou during sensitive phases of their lifecycle. Under these measures, exploration activity in the calving grounds, post-calving grounds of the Beverly and Qamanirjuaq herds is prohibited between May 15 and July 31 of each year. Government officials may also suspend activities outside of these areas between May and July, if caribou are present. Activity is banned within 10 kilometers of caribou water crossings during migration seasons, and

the construction of permanent buildings and other disturbance to the landscape is prohibited near water crossings (Gunn, 1984:2).

The Caribou Protection Measures are an archetypal example of the state's tendency to respond to political dissent with technical and managerial solutions. Rather than addressing Inuit demands for political rights to control land and resources, it developed a management plan that would reduce the impact of uranium exploration on Inuit caribou hunting practices. These new regulations constitute important concessions to Inuit, especially Inuit hunting families, because they reduce the impact of exploration on the Inuit hunting economy.

This approach is, to be sure, imperfect, even from a technical perspective. The protection measures do not provide habitat protection in calving grounds, but simply minimize interaction between caribou and exploratory activity. They also ignore the problem of cumulative impacts. For example, while seasonal shut-downs may successfully limit the impact of three exploration projects in a herd's calving grounds, they may not be as effective if twenty projects are in operation (BQCMB, 2004). Further, they do not address the more difficult question of whether mining is an appropriate activity in these sensitive areas. This remains a highly controversial question to this day and continues to be the source of substantial conflict during land use planning in the territory (Bernauer, 2015).

This does not mean that the Caribou Protection Measures are of no value to Inuit. On the contrary, they provide important protection to caribou during sensitive phases in their lifecycle, and reflect both scientific and Inuit knowledge of caribou. It is their effectiveness at limiting disturbance to caribou that allows these measures to help persuade Inuit to consent to exploration. The fact that Baker Lake and ITC halted their campaign against uranium exploration

after Mahoney’s decision was issued suggests that the Baker Lake Study and Caribou Protection Measures were successful in defusing Inuit resistance.

4.2 URANGESELLSCHAFT’S PROPOSED KIGGAVIK URANIUM MINE

In the late 1980s, Urangesellschaft, a West German mining firm, submitted a proposal to federal regulators for a uranium mine near Baker Lake. The proposed “Kiggavik” mine would have been located eighty kilometers west of Baker Lake. The proposal included a series of open pits south of the Thelon River, milling infrastructure, and a winter road from Baker Lake to service the site.

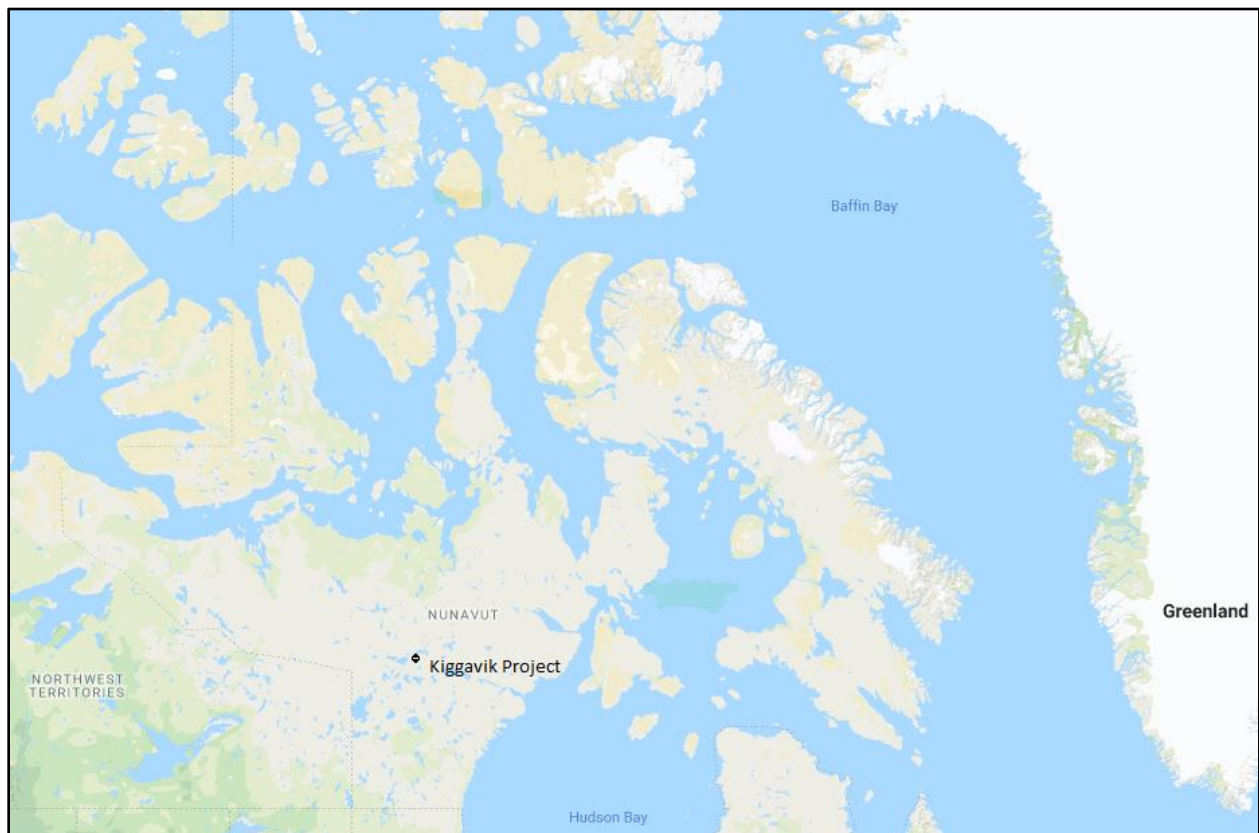


Figure 4.1 The Kiggavik Project (© Google 2018)

In 1988, the government of Canada referred the Kiggavik proposal to the Federal Environmental Assessment Office (FEARO) for an Environmental Assessment (EA). FEARO

was created by cabinet directive in 1973. It was modelled after the EA process created under the United States' *National Environmental Policy Act*, and designed to evaluate the environmental consequences of federal government actions, programs, and policies. The government could refer proposed actions to FEARO, which would assess the potential environmental impacts, and recommend to the government whether or not, and under what conditions, it should proceed (Lucas, 1981; Rees, 1981; Richardson, 1989).

FEARO assessments followed a standardized procedure, that unfolded in several discrete stages. First, an Environmental Assessment Review Panel (EARP), with two to six members, was appointed. EARP panels consisted largely of members of the civil service, and were chaired by FEARO staff. Next, the EARP panel would issue guidelines to the proponent, to direct its study of environmental impacts. These guidelines would define the scope of the assessment process, and stipulate what issues the proponent had to address in its analyses. After guidelines are issued, the proponent develops an Environmental Impact Statement (EIS) – a document studying the potential environmental impacts of the proposed project. After the proponent submits its EIS, it was circulated to government departments, registered interveners, and the public for review. Comments on the EIS were submitted in writing, and orally at public hearings. The EARP panel then considered the submissions it had received and developed its final report on the proposal. Final reports included a recommendation regarding whether the proposed project should proceed and, if so, what 'terms and conditions' should be used to reduce negative impacts (Rees, 1980; Richardson, 1989).

As I explain in more detail in Chapter Five, FEARO reviews were structured to produce extractive capital's hegemony by imposing concessions and compromises between Inuit and extractive capital, while depoliticizing extraction. As such, they share a fundamental structure

with the Baker Lake Study and Caribou Protection Measures. Environmental assessment panels examine specific proposals for extraction, to recommend whether or not the project should proceed and, if so, under what conditions. Their central mandate is to consider whether or not the proposed project will have significant and irreversible negative impacts on the environment, and to determine whether or not “mitigation measures” are likely to ensure that such impacts are minimized and kept to acceptable levels. As such, they are designed to develop managerial solutions to conflicts over extraction, rather than provide a means for Indigenous communities to exert control over their land.

Inuit opposition to the Kiggavik project grew rapidly. A group of Baker Lake residents led by Joan Scottie formed the Baker Lake Concerned Citizens Committee (BLCCC) and circulated petitions opposing the proposed mine (*News/North*, 1990). According to Scottie, Baker Lake Inuit were opposed to Kiggavik for numerous reasons – ranging from public health issues associated with uranium mining, the potential use of uranium from Baker Lake in nuclear weapons, and the disturbance the mine would cause to caribou. The concern that caribou would be disturbed was especially strong because the entire Baker Lake area is rich in uranium. Residents were concerned that allowing Urangesellschaft to construct mining infrastructure would be the beginning of a sprawling uranium agglomeration economy in the area. Other companies – including those operating in important caribou habitat and hunting grounds – could utilize Kiggavik milling and transportation infrastructure to lower their overhead costs. The fact that Urangesellschaft had an active exploration project in the Beverly caribou herd’s calving grounds helped to galvanize local concerns and political opposition to the proposed project (Scottie, 1994).

Nunavut's Inuit organizations were quick to announce their opposition to the proposed project. The Keewatin Wildlife Federation (an umbrella group representing the community Hunters and Trappers Associations of the region) adopted a position opposed to Kiggavik in 1988, almost immediately after the company had submitted its proposal (Curley, 1988). The Keewatin Inuit Association passed a motion at its annual general meeting in early 1989, resolving that it "vehemently opposes the establishment of this uranium mine." (Keewatin Inuit Association, 1989). Resolutions opposing Kiggavik were subsequently passed by the Tunngavik Federation of Nunavut, Inuit Tapirisat of Canada, and the Inuit Circumpolar Conference.²⁴

It is not surprising that these organizations took this position on the Kiggavik mine. The Tunngavik Federation of Nunavut's position on extraction (like ITC's in the 1970s) was that mining and energy resource extraction should not proceed until negotiation of the Nunavut Agreement was complete. Additionally, ITC and ICC had both adopted clear anti-nuclear and anti-uranium positions. In 1979 ITC supported the Labrador Inuit Association's opposition to the proposed Kitts-Michelin uranium mine (Proctor, 2015), and in 1980 it requested the federal, territorial and provincial governments impose a moratorium on uranium mining in Inuit lands in the NWT and Labrador (*ITC News*, 1980). In 1983, the Inuit Circumpolar Conference passed a resolution calling for the Arctic to be declared a "nuclear-free zone". It announced the organization's opposition to the use of the Arctic for testing and deployment nuclear weapons, storing nuclear waste, and mining uranium. These positions were part of a broader Inuit campaign opposing the militarization of the Arctic and cold war nuclear arms race (Simon, 1996; Lynnge, 1993).

²⁴ The resolutions opposing Kiggavik from TFN, ITC, and ICC are documented in: Northwest Territories Legislative Assembly (1990).

Several Inuit organizations and regional boards came together to form a coalition opposing Urangesellschaft's proposed Kiggavik uranium mine. The Northern Anti-Uranium Coalition (NAUC) had representatives from the Keewatin Inuit Association, Keewatin Regional Council, Keewatin Regional Health Board and the Keewatin Wildlife Federation, Tunngavik Federation of Nunavut and Baker Lake Concerned Citizens Committee. Tagak Curley, then-President of the Keewatin Wildlife Federation, served as the group's spokesperson (Curley, 1989).

NAUC and BLCCC participated in the FEARO review. They produced technical submissions, including a very detailed and extensive commentary on the draft guidelines for the preparation of an environmental impact statement (NAUC, 1989). However, neither group limited itself to participating in a technical process, and both continued to approach the proposed uranium mine as a political problem.

Notably, both groups maintained an adversarial approach to the proposed mine. The name of the regional group – the Northern Anti-Uranium Coalition – clearly indicates that the member organizations saw the uranium industry as a political enemy. What's more, the name was chosen in part because the acronym 'NAUC' is phonetically similar to the word for 'no' in the Kivalliq dialect of Inuktitut. Thus, the group's name identified the uranium industry as adversaries in both English and Inuktitut (Curley, 1989).

This adversarial approach is also apparent in the way both NAUC and the BLCCC built political alliances to stop the proposed mine. NAUC itself was an alliance between several Inuit political organizations and regional government advisory boards. Both groups also sought political support from other organizations operating in the north. As a result, by early 1990 the list of groups that had passed resolutions opposing Kiggavik had grown to include the Dene

Nation, various Dene and Cree communities in Saskatchewan and the NWT, the Beverly and Qamanirjuaq Caribou Management Board, the Northwest Territories Federation of Labour, Ecology North, and Nuclear Free North (NWT Legislative Assembly, 1990).

NAUC and BLCCC also developed political alliances with the anti-nuclear movement. Together, they brought several prominent spokespeople from the movement to speak at public event in Baker Lake and Rankin Inlet. These included Dr. Gordon Edwards (Chairman, Canadian Coalition for Nuclear Responsibility), Dr. Rosalie Bertell (President of the International Institute for the Concern of Public Health), Dr. Jim Harding (Professor at the University of Saskatchewan), Paul McKay (journalist and author of books on nuclear weapons), and Robert Del Tredici (author of books on the Three Miles Island nuclear disaster and the United States' weapons industry) (BLCCC, 1990).

The Baker Lake Hamlet Council had initially claimed to be “neutral” on the Kiggavik question. However, under pressure NAUC, the BLCCC, and growing grassroots opposition, the council held a public plebiscite on the proposed Kiggavik mine. In April 1990, slightly over 90% of voters said ‘no’ to Kiggavik. The Hamlet Council subsequently passed a motion opposing the mine. On April 3, Baker Lake Mayor Gary Smith wrote to Urangesellschaft, requesting it withdraw the Kiggavik proposal (*News/North*, 1990).

In July, Urangesellschaft requested the environmental review panel “delay indefinitely its planned environmental assessment hearing of the Kiggavik uranium mine project.” The proposal was subsequently shelved, and lay dormant through the early 1990s. It was eventually acquired by AREVA Resources Canada, which submitted a revised proposal for the Kiggavik mine in 2008 (a topic I address in Chapter Seven).

The political standoff over the Kiggavik proposal highlights important political dynamics in what is now Nunavut in the 1980s and early 1990s. Inuit political organizations opposed the nuclear industry as a whole. As such, they positioned themselves as adversaries to Uranengesellschaft, as they entered into political alliances to defeat the company. While these organizations opted to participate in the federal government's technical assessment process, they did so to help achieve their ultimate goal of stopping the proposal. The concerns they raised at technical meetings were not limited to the impacts of the specific proposal, but rather extended into moral and political concerns with the nuclear industry as a whole. Further, their participation in the assessment was one of several tactics in a broader political strategy to defeat the proposal. Other tactics, like consciousness raising by holding workshops with anti-nuclear spokespeople, were more overtly political.

4.3 CONCLUSIONS

Kivalliq Inuit struggles against uranium mining before the Nunavut Agreement illustrate three important political dynamics from this era. First, the petitions, litigation, and other interventions protesting uranium exploration and mining demonstrate the fundamentally political character of the Inuit response to energy resource extraction. Inuit did not simply demand a change in government policy, but instead demanded the government recognize their political right to control their land and the resources it contains. As such, it was a properly political movement in the sense that Ranciere (2010) uses the term: it involved new political subjects demanding their right to participate in the political community, and brought aspects of our society that had previously been depoliticized into the political sphere.

Second, the response of the federal government to Inuit resistance was structured to produce the hegemony of extractive capital. On the one hand, it was based on a fundamental denial of any right on the part of Inuit to control the land and resources. Questions about the political control of land and resources, as well as the economic future of the Arctic, were disavowed with bureaucratic processes (the Baker Lake Study and the FEARO review), which treated political resistance as a technical problem by offering managerial solutions (like the Caribou Protection Measures). In this sense, these processes performed the same functions as the development and conservation discourses examined by Fergusson (1990) and Li (2006). The technical ‘solutions’ the bureaucracy offered served as important concessions to Inuit, insofar as they minimized the impact of extraction on the Inuit hunting economy at the expense of corporate profits. As Poulantzas (1973) notes, the state often imposes concessions on dominant classes which favour the economic interests of subordinate groups but serve the long-term political interests of dominating parties. Because the concessions were structured to achieve a compromise between Inuit and extractive capital, they disavowed the antagonistic relationship between Inuit and the uranium industry – the sort of relationship which, according to Mouffe (2013), Žižek (2006), and Swyngedouw (2011), is a precondition for politics. Thus, through a combination of depoliticization and concessions, the bureaucratic response to Inuit resistance was structured to produce the hegemony of extractive capital.

Third, and finally, these struggles against uranium mining demonstrate the role of Inuit organizations in the politics of extraction in the 1980s. These organizations were explicitly opposed to uranium mining, approached uranium mining as a fundamentally political problem, and resisted the federal government’s attempts to depoliticize it. As such, despite the state’s

repeated attempts to establish an extractive economy in Nunavut, Inuit organizations challenged extractive capital's hegemony throughout the period in question.

Chapter Five

Establishing Hegemony 2: Oil and Gas Extraction in the Qikiqtani (1970-1993)

In this chapter I analyze political conflicts over hydrocarbon extraction in the Qikiqtani (Baffin Island) region in the 1970s and 1980s. The cases presented in this chapter further illustrate the political dynamics I identified in the previous chapter. As exploration for oil and gas began to threaten the Inuit harvesting economy, communities protested with letters and petitions. The federal government responded to Inuit resistance with a series of depoliticizing processes – environmental assessment and land use planning – which were structured to persuade Inuit to consent to extraction. Initially, Qikiqtani communities continued to oppose oil and gas exploration and extraction. However, a collapse in the seal skin market, combined with substantial concessions to Inuit (especially reductions in the scope of proposed extraction), compelled several Qikiqtani communities to support oil extraction in the mid-1980s. Inuit political organizations – especially the Inuit Tapirisat of Canada (ITC), Inuit Circumpolar Council (ICC), and the Baffin Regional Inuit Association (BRIA) – resisted oil and gas extraction throughout this era, even after some Qikiqtani communities had formally supported it. What's more, they rejected the federal government's depoliticized approach to extraction.

5.1 QIKIQTANI INUIT PROTEST OIL AND GAS EXPLORATION

The search for hydrocarbons in Canada's Arctic began after World War Two. Activity was initially sporadic and small in scale, with technical, logistical, and financial barriers to large-scale activity, especially in the High Arctic. However, by the early 1970s, a number of factors caused the scale of exploration to increase substantially. Anxieties over energy security caused both Canada and the United States to look north for further domestic reserves of oil and gas. The

1968 discovery of the Prudhoe Bay oilfield in Alaska further invigorated corporate interest in the North American Arctic's hydrocarbon resources. Canadian government policy was also tailored to attract investment into the region (Nassichuk, 1987). In 1966 the federal government and nineteen participating companies created Panarctic Oils Ltd., a consortium dedicated to hydrocarbon exploration in the High Arctic Islands. Their intent was to pool resources and technology, to help overcome the financial, logistical, and technical obstacles to hydrocarbon exploration and extraction in the High Arctic (Masterson, 2013). The Canadian government also offered generous subsidies and tax incentives for exploration activity in the Arctic, in some instances allowing companies to write off as much as 200% of exploration expenditures (Burnet, 1984).

By the early 1970s, exploration was occurring at a frenzied pace in the Qikiqtani (Baffin Island) region. The "Sverdrup Basin" in the High Arctic islands was the area subjected to the most activity. However, many seismic reflection surveys, as well as some exploratory drilling, took place in Lancaster Sound, Baffin Bay, and Davis Strait (INAC, 1995; Nassichuk, 1987).

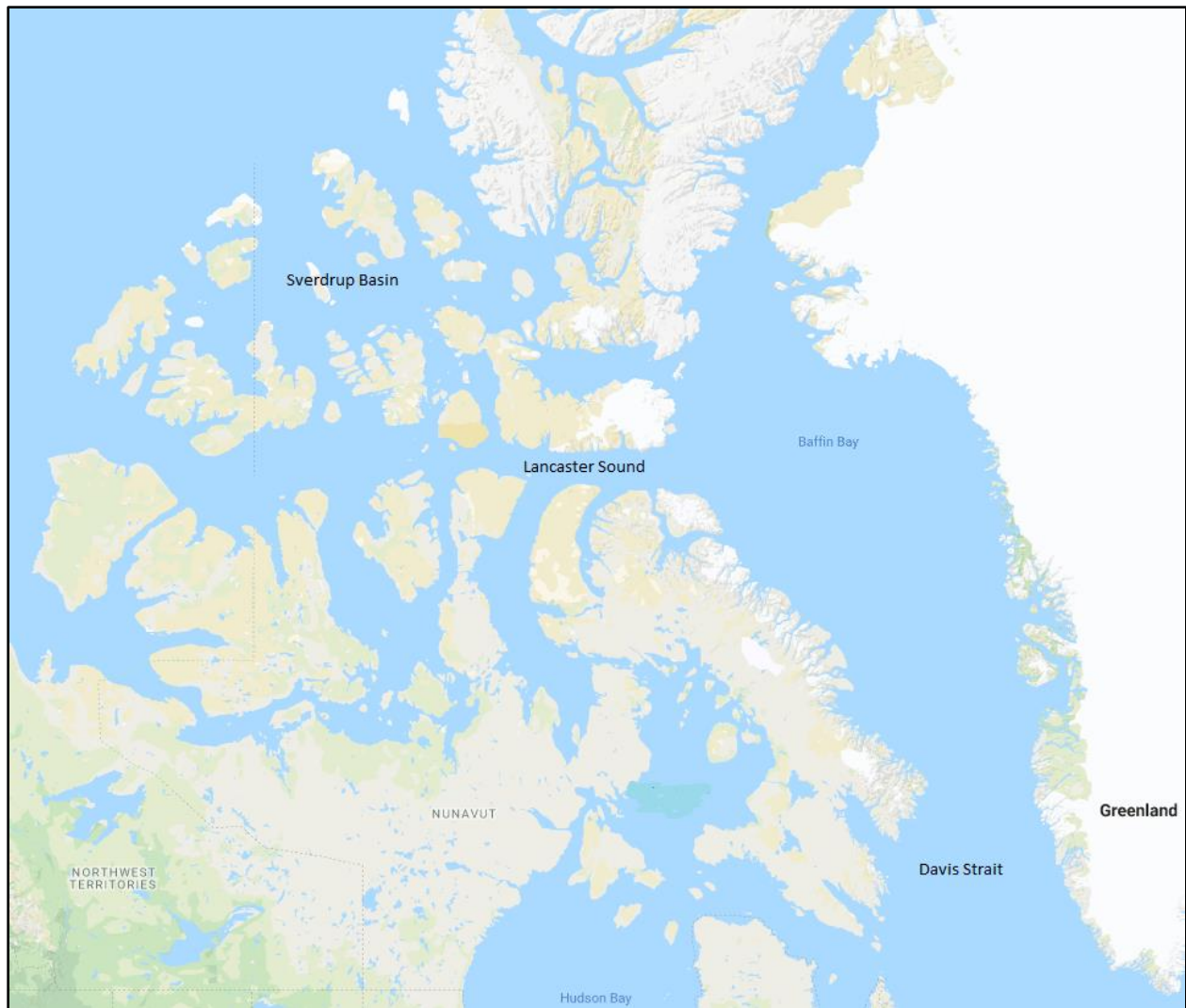


Figure 5.1 Locations of significant exploration in the Qikiqtani Region in the 1970s (© Google 2018).

The Qikiqtani region consists of thirteen communities – eight are located on Baffin Island and five others are located on smaller islands or on the mainland. All communities in the Qikiqtani region are located on the marine coast and, unlike Baker Lake, rely significantly on marine mammals to meet their subsistence needs. While caribou are an important source of food for all communities (and were historically an irreplaceable source of skins for winter clothing) the Qikiqtani Inuit diet includes many marine animals, including ringed seal, bearded seal, bowhead whale, narwhal, beluga whale, walrus, polar bear, and various types of seabird (Riewe, 1992; Priest and Usher, 2004; Gearheard *et al.*, 2013).

Seismic surveys began to impact the wildlife Qikiqtani Inuit hunt in the 1970s, and several communities protested the practice through letters and petitions to federal government ministers. Resolute Bay called for a halt to land-based seismic surveys on Bathurst Island, because of negative effects on the community's caribou hunt (*Inuit Monthly*, 1974b; *Inuit Monthly*, 1974c). Qikiqtarjuaq (then 'Broughton Island') demanded the government stop permitting offshore seismic surveys in Baffin Bay and Davis Strait (*Inuit Today*, 1975; *Inuit Today*, 1976a), after observing negative impacts to seals (*Inuit Today*, 1976b).

In 1976 the Baffin Regional Inuit Association (BRIA) requested a halt to all offshore exploration near Baffin Island. At its annual general meeting the following year, it passed a series of resolutions which reaffirmed its opposition to oil and gas exploration. The resolutions insisted that land claims be settled before further exploration proceeds to provide Inuit with formal political control over such activity (*Inuit Today*, 1977d). Thus, like the Baker Lake petitions and litigation protesting uranium exploration, Qikiqtani Inuit opposition to oil and gas exploration was an important political moment, that involved new subjects asserting their rights to participate in politics, and the politicization of a hitherto depoliticized aspect of society (see: Ranciere, 2010).

Ultimately, the federal government refused to stop seismic testing, but agreed to withhold permits for exploratory drilling near Qikiqtani communities until technical studies were conducted. To that end, it began to refer proposals for exploratory drilling to the Federal Environmental Assessment and Review Office (FEARO) for environmental assessment.

5.1.1 Exploratory Drilling in Davis Strait: Environmental Assessment as Hegemonic Strategy

In 1978 the federal government referred a proposal to conduct drilling in Davis Strait to FEARO for a public review. Later that year, public hearings were held in Pangnirtung, Iqaluit, Kimmirut, and Cape Dorset. FEARO's report, released later the same year, documents a variety of well-reasoned arguments made by Inuit politicians and community members opposing the project. Many community members expressed serious concerns with the impacts of oil spills or other accidents, and the perceived inability of industry to respond to these malfunctions. Inuit raised several political concerns with oil and gas activity, most relating to the ownership and control of land and resources.

One of the community members felt that the Southerners had contributed to the demise of the whales in the immediate area and now a similar situation could develop with possible oil reserves. Another resident asked whether the Eastern Arctic would be guaranteed an adequate future oil supply if large quantities were taken to Southern Canada. (FEARO, 1978:37)

James Arvaluk, President of BRIA, reiterated his organization's position that a moratorium should be placed on hydrocarbon development near Baffin Island until a land claim is settled. Further, he rejected the validity of FEARO, criticizing its narrow terms of reference, the lack of funding provided for intervenors, and the poor timing and structure of public hearings. Inuit were, in effect, engaging in a moral and political discussion regarding hydrocarbon extraction, questioning whether or not it was in their best interests, and rejecting the legitimacy of the federal government to unilaterally issue permits for such activity.

The report is striking for the way in which it quickly and thoroughly dispensed with these issues. It categorized all of these political concerns under the heading 'land claims' and cast them aside with one brief sentence: "The Panel considers comments pertaining to the issue of Land Claims are not part of its mandate." (*ibid*: 36)

Limiting its analysis to the biophysical impacts of the specific proposal before it, the report turned its attention to the possibility of a blow-out and associated oil spill, which it considered “the most important factor to consider in evaluating the environmental acceptability of the proposed project.” (*ibid*: 39) The panel concluded that the probability of a blowout and spill was low. Further, it determined that if a blowout did occur, its greatest impact would be on swimming birds, and that there merely “*could* be an impact on sea mammals” with adverse implications for Inuit harvesting [emphasis added] (*ibid*: 39-40). However, it also concluded that “based on the limited scientific evidence, populations would recover from adverse effects within a relatively short period of time.” (*ibid*) The report therefore concluded that “the environmental risk of the project is acceptable” provided that the proponent and government abided by conditions recommended by the panel (*ibid*: 41). Recommendations focused on measures to minimize the potential negative impacts of the project, including the development of contingency plans by the government and proponent to respond to oil spills, and the development of an “iceberg prediction system” to reduce the likelihood of accidents. The report also recommended the proponent “employ as many of the southern Baffin residents as is feasible for positions associated with the drilling program.” (*ibid*)

Like the Baker Lake Study and Caribou Protection Measures, the FEARO review depoliticized extraction. It was based on a form of instrumental reason that considered means (‘how can we limit the impacts of exploratory drilling?’) rather than ends (‘is oil and gas extraction an acceptable use of the Arctic ocean?’) (see: Horkheimer, 1993). The review also failed to address political issues pertaining to the control of land and resources. It ‘screened out’ these and other important political grievances raised by Inuit, by ruling them outside of its mandate (see: Li, 2006). It then recommended management measures – environmental controls,

spill response plans, and local employment – which would reduce negative impacts and increase economic benefits. As such, it depoliticized oil and gas exploration by providing technical and managerial solutions to Inuit political frustrations (see: Ferguson, 1994). Insofar as these technical solutions emphasized compromise and a balancing of interests, it discouraged adversarial conflict (see: Swyngedouw, 2010).

In addition to depoliticizing the issue of oil and gas extraction, the FEARO process also helped impose an equilibrium of compromises between Inuit and the oil industry (Poulantzas, 1973). Recommendations for strict environmental controls and employment of Inuit are important concessions, which could potentially (and later did) serve as enticements for Inuit to provide political support for oil and gas extraction. As such, the FEARO assessment of exploratory drilling in Davis Strait was an important stage in the establishment of the hegemony of extractive capital in Nunavut.

5.1.2 Exploratory Drilling in Lancaster Sound: Land Use Planning as Hegemonic Strategy

In the early 1970s Norlands Petroleum Ltd. developed a proposal for exploratory drilling in Lancaster Sound. The proposal called for drilling one exploratory well in the center of Lancaster Sound, and was referred to FEARO for environmental assessment in 1978 (Davidson and Reese, 1986). The same year, the FEARO panel held community hearings in Arctic Bay, Pond Inlet, Resolute Bay, and Grise Fiord. Community members raised numerous objections to the proposal, including the potentially catastrophic impact of oil spills on Inuit wellbeing, the inability of the company to properly respond to an oil spill, and the fact that the drilling program would open the door to further hydrocarbon exploration and extraction in the area (FEARO, 1979:69). Inuit Organizations reiterated the position taken by BRIA during the review of drilling

in Davis Strait: FEARO was not a legitimate means to make decisions and that the settlement of land claims must precede oil and gas extraction. ITC president Eric Tagoona called the entire process “unilateral and arbitrary”, and concluded that “there should not be any recommendations of any sort from this body.” (ITC News, 1978: 25)

After the hearings were complete, Inuit in North Baffin continued to organize against the proposal. In February 1979, residents of Pond Inlet submitted a petition to the prime minister, calling on him to reject Norlands’ application. The petition argued that “our existence as Inuit will be wiped out when the sea mammals are destroyed, their migration routes are diverted or they become inedible due to an oil spill or blow out.” (*ITC News*, 1979a) The petitioners clearly saw oil and gas extraction not only as an enemy, but as a threat to their existence as Indigenous peoples.

In 1979, FEARO released its decision, recommending that Norlands proposal not be approved at the time. The report recommended that drilling be “deferred” until the government “addresses the best use(s) of Lancaster Sound” and the company was better prepared to respond to a blow-out. (FEARO, 1979:2) The recommendation that government address the ‘best uses’ of the sound was, in other words, a recommendation that the government first consider whether or not hydrocarbon development in general was an appropriate use of the area. This was a unique finding, thus far never repeated in the context of Nunavut, where an environmental assessment recommended a proposal be rejected because its narrow terms of reference meant it could not properly address the concerns Inuit raised with a particular project.

Notably, the recommendation against exploratory drilling contradicts the decision FEARO issued for drilling in Davis Strait the previous year. This is likely a function of the more

organized community opposition to drilling in Lancaster Sound. Threats of litigation from some NGOs may have also played a role (Davidson and Rees, 1986; Davidson, 1981).

FEARO's rejection of drilling in Lancaster Sound was also likely influenced by growing criticism of federal EA and a related surge in support for the establishment of regional planning to address these shortcomings. By the late 1970s, a plethora of Indigenous organizations and environmental groups had denounced FEARO as ineffective. Critics pointed to the significant hurdles to access information, lack of consistency in rules of procedure, and the general exclusion of socio-economic issues from most assessments. There was also considerable inconsistency with what projects were referred to FEARO and which were not, due in large part to the incredible degree of discretion given to government departments regarding project referral. The lack of participation in determining the scope and guidelines of reviews was a major point of contention for Indigenous groups (Rees, 1980; Rees, 1981; Notzke, 1994; Wismer, 1996).

Several organizations argued that regional planning could provide a context within which EA could meaningfully operate (Notzke, 1994; Richardson, 1989). Conservationists saw planning as a process which could help fill the inevitable gaps in project-specific EA (Richardson, 1989). Berger (1977) championed the concept of conservation planning in the north, to ensure adequate land was allotted for Indigenous subsistence economies and adequate protection provided for other cultural resources. Most northern Aboriginal groups subsequently supported the concept of planning to help protect the wildlife harvesting economy and (through representation of planning boards) to provide them with a degree of management control over land (Fenge, 1987; Banks, 1987). As such, most Aboriginal land claim negotiations in the early 1980s included a major focus on the design, representation on, and jurisdiction of land use planning boards (Notzke, 1994).

In response to FEARO's report, the federal government placed a *de facto* moratorium on hydrocarbon exploration and extraction in Lancaster Sound. To address the recommendation that the government consider the 'best uses' of Lancaster Sound, the federal government initiated the Lancaster Sound Regional Study in 1979, with a mandate to research potential future uses of the region. The study, which was a preliminary stage in regional planning, included meetings in the four communities of the region (Davidson and Rees, 1986).

The final report, released in 1982, was titled *The Lancaster Sound Region: 1980-2000* and known in bureaucratic circles as the 'Green Paper'. It acknowledged widespread opposition amongst Inuit towards the extraction and transportation of hydrocarbons through Lancaster Sound, based on concerns with impacts on subsistence production, the lack of long-term local benefits, and the more pressing need for political reform. More broadly, it clearly acknowledged that Inuit contested the vision for the future of the Arctic held by extractive capital.

The Inuit, fearing the boom-and-bust effects of non-renewable resource exploitation, would prefer a stable economy based on renewable resource use. Inuit are very concerned about the environmental risks of year-round shipping of liquefied natural gas and oil, and the possible effects of such shipping on the animals they hunt. Most Inuit oppose further development now, feeling time is needed for social adjustment, the settlement of land claims, and the development of safer technology. (Dirschl, 1982:6)

The report noted that industry representatives "emphasize...that drilling, mining, and shipping are not incompatible uses of the region. They maintain that existing legislative controls are adequate to ensure environmental protection" and believe "it is not in the national interest to delay development." (*ibid.* 7).

The study made no progress towards reconciling these conflicting visions. Instead, the green paper discussed six "alternatives for the future of the region" which were "based on opinions heard during the public review" (*ibid.* 7):

- “No new development”, with wildlife harvesting, extraction, and conservation initiatives remaining at present levels of activity
- “Protection of the environment”, wherein ecological concerns take precedent over both renewable and non-renewable resource economies
- “Development of the renewable resource base”, which was seen as a form of economic activity “more compatible with Inuit subsistence pursuits and environmental protection.”
- “Balanced development”, which would promote both the subsistence and extractive sectors and balance them with further government planning
- “Non-renewable resource economy”, which would give “priority” to immediate energy and mineral resource extraction, because to do so would be in the national interest.

The report anticipated that “further public discussion” would “lead to a narrowing of these options before they are considered by government.” However, it was also clear that “none of these options had been endorsed by government, industry, or the public, and they are presented solely for discussion purposes.” (*ibid.* 7)

A second round of public engagement was carried out in 1983, to gauge responses to the Green Paper and further narrow the options for the future of Lancaster Sound. This second review included the solicitation of written comments and a regional workshop in Pond Inlet. The report described the Pond Inlet workshop as a “highly polarized setting in which Inuit argued for...environmental protection at the same time as industry argued for immediate non-renewable resource development.” (Jacobs, 1983:40-41)

The Lancaster Sound Regional Study and related public debates are notable for the degree to which they made space for moral and political debate about the future of the land and people of the Qikiqtani region. Unburdened by the narrow, project-specific mandate of an environmental assessment panel, the study took an expansive approach to land use in the Lancaster Sound region, making space for issues which are generally screened out in an assessment. Rather than attempting to balance different interests, it made space to contest the legitimacy of different perspectives. Neither Inuit hunting nor industrial extraction were *a priori* assumed to be acceptable economic bases for Lancaster Sound in the future. The meetings and

related reports were therefore spaces for antagonistic debate about the future of Inuit and their lands. Inuit interactions with the mining industry assumed the form of a confrontation between adversaries. Rather than seeking to reconcile different interests and impose the compromises implicit in technical and managerial solutions, the regional study instead provided space for the polarization of views and ultimately facilitated ongoing Inuit dissent to hydrocarbon extraction in the region.

This space for politics was, however, foreclosed in the next planning exercise for the region – the development of the *Lancaster Sound Regional Land Use Plan* by the Lancaster Sound Planning Commission. While the Lancaster Sound Regional Study was unfolding, a broader policy framework for land use planning was developed in the NWT. In 1980, the federal government began to develop a planning strategy based on systems of land categorization, which would stipulate “degrees of constraint” on access to lands. Land categories would range from fully protected (no industry access), to areas with special conditions on access (e.g. seasonal restrictions) to areas devoted entirely to the extractive economy (Fenge, 1987). In 1983, the federal government, GNWT, and several Indigenous organizations agreed to a land use planning policy based on this model (Notzke, 1994).

In 1985, a Northwest Territories Land Use Planning Commission was created under this policy. The commission’s board consisted of equal numbers of nominees from Aboriginal organizations and government. Regional sub-commissions were subsequently appointed to develop land use plans on a regional basis. In 1986, the Lancaster Sound Regional Land Use Planning Commission was created, with members appointed by the Tunngavik Federation of Nunavut, the federal government, and the GNWT (Notzke, 1994; Fenge, 1987). Because these commissions included representatives nominated by government and Indigenous groups, they

can be understood as an early experiment in co-management in Canada's north (a concept I return to in Chapter Six).

Between 1986 and 1988 the commission held a series of meetings and workshops in Lancaster Sound communities to identify issues of concern and discuss successive drafts of the plan. The *Lancaster Sound Regional Land Use Plan* was finalized in 1989, and approved by Government in 1990. Unlike the Green Paper, the planning commission did not broadly discuss the acceptability of different futures for Lancaster Sound, nor did it provide space for debate between contradictory and potentially antagonistic interests. The plan did not narrow, or exclude, any of the options presented in the Lancaster Sound Regional Study, as anticipated. Instead, the plan sought to form a "balance between uses in the region" (Lancaster Sound Planning Commission, 1990:3) The commission recognized both Inuit hunting, hydrocarbon development, marine shipping, and conservation as legitimate uses of the sound, and created a land management regime designed to minimize conflicts between these competing uses of the land and the sea.

Regarding hydrocarbon development, the plan stipulated that holders of existing rights in Lancaster Sound and Baffin Bay "should be permitted to carry out an exploratory drilling program." If this program is carried out and no "significant discoveries" are made, "then no exploration licences should be issued in these areas without prior community consultation." The new land use plan therefore lifted the *de facto* moratorium on oil and gas exploration in Lancaster Sound. With regards to Inuit harvesting, the plan includes a series of maps which divide the region into three land categories: areas essential to subsistence and biological productivity, areas important to subsistence and biological productivity, and areas of marginal

importance to subsistence and biological productivity. The plan requires proponents to “refer to” the categories of land, and to adjust work plans to “conserve these values.” (*ibid.*: 28)

In short, the Lancaster Sound land use plan did not question the acceptability of oil and gas extraction in Lancaster Sound *in principle*. Instead, it stipulated concessions – consultation with communities and seasonal restrictions on activity – structured to make oil and gas activity more acceptable to Inuit. These concessions were real, not mere illusion, as they provide important protection to the harvesting economy. As such, planning had been transformed from a space for antagonistic debate (the Lancaster Sound Study) into a means to secure Inuit consent to extraction by imposing technical compromises. Thus, like EA, land use planning was ultimately structured to produce the hegemony of extractive capital.

5.2 QIKIQTANI INUIT CONFRONT HYDROCARBON EXTRACTION

Exploration in the 1970s led to the discovery of several oil and gas deposits in the Qikiqtani region. The largest proven deposits are located in the Sverdrup Basin in the High Arctic islands. Significant oil resources have also been confirmed in the Sverdrup Basin. Other areas, like Lancaster Sound, have significant *inferred* resources. However, the presence of oil and gas deposits in these areas have only been predicted from data collected by seismic surveys, and have not been proven through exploratory drilling (Smith *et al.*, 1989; INAC, 1995).

In the 1970s, industry developed two proposals to extract natural gas from the Sverdrup Basin. The first proposal, for the Polar Gas Pipeline, called for a pipeline from the High Arctic islands to the mainland, running south to Canada’s existing pipeline network. The second proposal, called the Arctic Pilot Project, intended to use icebreaking tankers to transport natural gas to market. Both proposals were ultimately abandoned in the face of poor markets and Inuit

opposition. A proposal for oil extraction – the small Bent Horn demonstration project – was considered in the early 1980s. Despite initial opposition, it was approved with the support of some Qikiqtani communities.

5.2.1 The Polar Gas Pipeline

In the early 1970s the Polar Gas Pipeline Consortium began developing a proposal to transport natural gas from the High Arctic islands to southern Canada by pipeline. It conducted feasibility studies into several potential routes for a pipeline from Melville Island, crossings several oceans channels, then travelling south to connect to southern pipeline networks. The most widely discussed option travelled along the west shore of Hudson Bay, through northern Manitoba, and terminated in Northern Ontario (*Inuit Today*, 1975b). In 1977, the company submitted an initial proposal to the federal government. It was anticipated that the Federal Environmental Review Office (FEARO) would conduct an environmental assessment of the project.

By the time the application was filed, Inuit had already consolidated their opposition to the pipeline and formed political alliances to fight it. In 1976, representatives from five Kitikmeot communities met in Bathurst Inlet, where delegates agreed to oppose the Polar Gas pipeline (*Inuit Today*, 1977e). The following year, the Baker Lake Hamlet Council, HTA, land claim committee and women's group sent a joint letter to Polar Gas president John Houlding. The letter stated the community's opposition to the proposed pipeline, and requested the company close its public relations office in the community (*Canadian Press*, 1977).

Inuit political organizations responded by reiterating their rejection federal EA. At an ITC meeting in January 1977, delegates unanimously agreed that an independent public inquiry,

similar in scope, scale, and format to the Mackenzie Valley Pipeline Inquiry, should be held for the proposed Polar Gas project (*Inuit Today*, 1977f). In September of that year, an ITC meeting passed two resolutions relating to both the Polar Gas pipeline and the Arctic Pilot Project. The first resolution called for an independent public inquiry to examine both proposals. The second rejected the use of FEARO to make decisions about oil and gas development (*ITC News*, 1977a). This position was reiterated in resolutions at ITC's annual general meeting the following year (*Inuit Today*, 1978a).

By demanding a public inquiry similar to the Mackenzie Valley Pipeline Inquiry, Inuit were demanding the government engage Inuit in broader discussions, not limited to the technical details of a specific project proposal. The inquiry for the Mackenzie Valley Pipeline, chaired by Thomas Berger, is notable for the space it made for politics in its proceedings. Berger held informal hearings in Indigenous communities and provided space for extended discussion of political topics. CBC News broadcast extensive coverage of the proceedings on television and radio, and as a result the inquiry provided an unprecedented platform for northern Indigenous peoples to express their political grievances to Canadian society (Nuttall, 2010; Abele, 2014; Kennedy Dalseg and Abele, 2015). Berger's final report was released in 1977 and supported the Inuit and Dene position that land claims must be settled before oil and gas is extracted from the north (Berger, 1977). Thus, by demanding a process similar to the Berger inquiry, ITC was demanding a forum for debate that would not screen out Inuit political concerns, but that would instead allow Inuit to discuss them with one another and present them to all Canadians.

A public inquiry was never initiated for the Polar Gas Pipeline. However, in 1977 the Keewatin Inuit Association was granted federal funding to conduct an independent assessment of the project's impacts. Frank Tester, a professor at the University of Calgary, was contracted to

carry out the study. The final report, released in 1978, consisted of two volumes. The first (Tester, 1978a) included transcripts to interviews and workshops with Inuit from several Kivalliq communities. The transcripts included in the report provided space for Inuit to articulate their position on the pipeline, and recorded a spectrum of opinions. Some Inuit expressed cautious support or indifference towards the pipeline, and spoke favourably of the promise of local employment opportunities. The vast majority of Inuit who were interviewed, however, clearly stated that they did not want the pipeline to be built. The second volume analyzed the potential environmental and socio-economic impacts of the pipeline. It concluded that the pipeline was unlikely to bring substantial and lasting economic benefits to Inuit, and would do little to address the social and economic problems in northern Inuit communities. Like Berger's report, Tester recommended the government settle Inuit land claims to provide them with "direct control" over their homeland (Tester, 1978).

In 1978, Inuit leaders became increasingly vocal in their opposition to the Polar Gas project. Michael Amarook, president of ITC, called the proposed pipeline "the final blow that would destroy us as a people for all time." (*Inuit Today*, 1978c:3) Eric Tagoona, executive director for ITC, insisted that if a pipeline were built before political change, it would "destroy us as Inuit" and compromise the ability of Inuit to be "masters in our own land" (*ITC News*, 1978b: 18). These remarks leave little doubt that the ITC leadership saw Polar Gas as a political enemy.

The Keewatin and Kitikmeot Inuit Associations likewise maintained an adversarial stance, most notably by forming political alliances to fight the project. In 1979, they entered into an alliance with potentially effected First Nations groups in the Northwest Territories, Manitoba, and Ontario to coordinate opposition to the proposed project. Participants in the coalition

included the Dene Nation, the Manitoba Indian Brotherhood, and Grand Council Treaty 9 (ITC News, 1979b).

However, the proposal was shelved before a major political confrontation occurred. By the early 1980s, government policy for northern energy development had shifted in response to Indigenous resistance, unstable markets for hydrocarbons, disappointing exploration results, and technological challenges. Rather than promoting mega-projects, regulators favoured a “phased” approach, beginning with small-scale hydrocarbon extraction projects (Reese, 1984). The Polar Gas pipeline was ultimately abandoned in this context.

The conflict over the Polar Gas pipeline is notable for the extent to which Inuit political organizations treated it as a fundamentally *political* issue. They approached Polar Gas as an adversary by clearly articulating opposition to the project and forming alliances with other Indigenous communities to defeat it. Further, they resisted the depoliticization of extraction by rejecting the federal EA process and demanding a forum with a mandate to consider their political grievances.

5.2.2 The Arctic Pilot Project

The Arctic Pilot Project was first proposed in 1976 by a consortium led by Petro-Canada. Like the Polar Gas project, it called for the export of natural gas from the Drake Point gas field on Melville Island. The pilot project would have transported liquefied natural gas in ice-breaking tankers to ports in Eastern Canada. The proposal included year-round shipping through Lancaster Sound, Baffin Bay, and Davis Strait, with two icebreakers making 16 round-trips annually. It was a ‘pilot project’ in-so-far as it was intended to by test the feasibility of delivering natural gas from the High Arctic by ship. It would have involved extraction on a small scale only, but was

intended to facilitate expanded production at a later date. In 1977, the proposal was referred to FEARO for an environmental review (FEARO, 1980).

In 1980 public hearings were held in Qikiqtani communities. Inuit expressed serious concerns with the project, especially to the prospect of icebreaking gas tankers traversing Lancaster Sound on a year-round basis. Community members frequently mentioned the Lancaster Sound Regional Study, and some insisted that the Arctic Pilot Project should not be considered until broader planning for Lancaster Sound was complete. ITC and BRIA representatives reiterated the position that land claims should be settled before further energy exploration and extraction projects commence, and called for an independent public inquiry into the question of Arctic hydrocarbon extraction (FEARO, 1980). This was not surprising, as its 1977 and 1978 resolutions regarding the Polar Gas Pipeline – rejecting federal environmental assessments and calling for a public inquiry into Arctic hydrocarbon extraction – also referenced the Arctic Pilot Project (*Inuit Today*, 1977f; *ITC News*, 1978a).

The panel's report was released in late 1980. In a decision which contradicted its findings for drilling in Lancaster Sound, FEARO determined that concerns with regional planning were outside of its mandate, and that a planning framework need not be in place to examine the proposal. It concluded that the Arctic Pilot Project was “environmentally acceptable provided certain conditions are met” (FEARO, 1980:4). These conditions were mostly limited to technical provisions to minimize the potential impacts of the project on the Arctic ecosystem. While the report recommended that the federal government should conclude land claims with Inuit, it did not suggest oil and gas extraction should be delayed until negotiations were complete. As such, FEARO again transformed Inuit political grievances with extraction into a series of technical problems with managerial solutions which were structured to produce consent to extraction.

The proposal was then sent to the National Energy Board (NEB) for licencing. The NEB is a quasi-judicial tribunal, with a mandate to regulate inter-provincial pipelines, hydrocarbon exports, and hydrocarbon extraction in some ‘frontier’ lands. It was created in 1959 through the federal government *National Energy Board Act*. The board’s creation was a response to inter-regional (Alberta-Eastern Canada) and inter-jurisdictional (federal/provincial) conflicts over pipeline development and oil export in the 1950s. It was intended to be a neutral arbiter to ensure that oil and gas extraction served Canada’s national interests (Gray, 2000). According to Savage (2016), the NEB was designed to depoliticize the oil industry by taking decisions away from elected officials. For its first decade of operations, NEB’s licencing process focused primarily on ensuring that pipelines and energy exports would serve the interest of Canada’s economy. However, by the 1970s, it expanded the scope of its procedures in response to the global environmental movement, and began to regularly incorporate Environmental Assessments into its lisencing procedures (Lucas, 1977; Gray, 2000).

Inuit political organizations quickly consolidated their opposition and formed alliances to fight the proposal through the NEB’s licencing process. At the 1981 ITC AGM, a detailed resolution opposing the Arctic Pilot Project was passed unanimously by delegates. The resolution called the project “a grave threat to our future” and claimed that it was “inimical to the rights and interests of Inuit.” The resolution concluded that ITC “affirm its total opposition to every root and branch of the Arctic Pilot Project.” (Inuit Today, 1981a:22) The text of the resolution leaves little doubt that Inuit saw the proponents of the Arctic Pilot Project as their enemy.

The newly formed Inuit Circumpolar Conference provided a venue to coordinate an international Inuit campaign opposing the project. An ICC working group was formed to

coordinate a joint Greenlandic and Canadian Inuit intervention in the National Energy Board's licencing process (Bregha, 1982; *Inuit Today*, 1981b). ITC, BRIA, and the Labrador Inuit Association subsequently filed as intervenors in the process (*Inuit Today*, 1981a).

NEB licencing hearings commenced in early 1982. The hearings included lengthy testimony by Inuit politicians, hunters, and elders from Nunavut, Labrador, and Greenland attesting to the impacts the project could have on marine mammal hunting. (ITC and BRIA, 1981; Bregha, 1982; Jull, 1986; Lewington, 1987). However, later that year, the proponents announced that the project would be revised, with European markets serving as the ultimate destination for the natural gas. The change in project design reflected falling prices for natural gas and raised serious questions about the viability of the project.

ITC responded by tabling a motion to adjourn the hearings until the proponents could provide details about its intended market. The Inuit intervenors argued that there was insufficient information about the revised project to continue with hearings. The NEB accepted the motion in August, and the hearings were suspended indefinitely (Lewington, 1987). Two years later, the National Energy Board dismissed the Arctic Pilot Project application and closed its file on the proposal, as the proponent failed to provide further information on the project (CARC, 1984). As such, the project was defeated *on a technicality*.

Inuit celebrated the suspension of the hearings as a victory. A joint press release from ITC and BRIA quoted John Amagoalik, "We have just proven that Inuit can take on a giant corporation on their own terms and beat them." (*Arctic Policy Review*, 1982:22; *Inuit Today*, 1983:15). Hans-Pavia Rosing, then President of the ICC, wrote that Inuit reaction to the decision was "satisfaction and some pride" and that Inuit had been "successful in fighting this disastrous

project.” Later, Rosing called the ICC’s intervention against the proposal the organization’s “most notable achievement to date” (*Arctic Policy Review*, 1984b:14).

While it was a technical argument that halted the NEB licencing process, Inuit organizations were still approaching hydrocarbon extraction as a political issue. The motion to have the hearings suspended was one of several tactics Inuit organizations were using to achieve the clearly stated political goal of defeating the Arctic Pilot Project. While they were engaging with the state’s technical assessment and licencing process, they were employing legal counsel to produce ‘expert’ rationalizations to halt the project. This was one tactic in a broader political movement, based on an international alliance of Inuit, working together to defeat what they clearly saw as their enemy.

5.2.3 The Beaufort Sea Environmental Assessment and Review Panel

In 1980, the federal government initiated a FEARO review of hydrocarbon production and transportation from the Beaufort Sea to markets in southern Canada. Unlike most environmental assessments, the Beaufort assessment was not conducted to assess the impacts of a specific project. The panel was instead given a broad mandate to examine both onshore and offshore production of oil and natural gas, as well as its export by both pipeline and tanker, from the Beaufort Sea and Mackenzie Delta. Three companies – Dome Petroleum, Esso Canada, and Gulf Canada – presented the panel with preliminary plans for the production and export of natural gas (FEARO, 1984).

The Beaufort Sea lies outside of Nunavut, and is located in the territory of the Western Arctic Inuvialuit. However, the review panel examined plans for the transportation of oil and natural gas by icebreaking tanker through Lancaster Sound, Baffin Bay, and Davis Strait (Dome

Petroleum *et al*, 1982). As such, it was contemplating an activity which Qikiqtani Inuit had clearly opposed during discussion of the Arctic Pilot Project.

At preliminary hearings in 1983, Thomas Suluk presented ITC's position. Suluk indicated that ITC did not plan to substantially participate in the assessment, as it had already explained its position on Arctic oil and gas issues to FEARO during the review of the Arctic Pilot Project. That is, ITC opposed all mineral and energy extraction until land claims are settled, opposed icebreaking tanker traffic through Lancaster Sound, and did not recognize FEARO as a legitimate body to make decisions about these issues (*Arctic Policy Review*, 1984a).

The following year, hearings were held in potentially affected Dene, Inuvialuit, and Inuit communities. In the Qikiqtani, hearings were held in Resolute Bay, Arctic Bay, Pond Inlet, Pangnirtung, and Iqaluit. Qikiqtani Inuit expressed substantial concerns with the transportation of oil and natural gas near their communities, especially on a year-round basis. Residents shared grave concerns with spills, the disturbance of marine mammals by shipping noise, and the impact of icebreaking on wildlife and Inuit travel. Members of several communities indicated that hydrocarbon development should be halted or slowed until better technology is developed to address oil spills, Inuit are better prepared to qualify for high-paying technical jobs, and land claims are settled and provide Inuit with political control over energy extraction (FEARO, 1984).

The final report, released in 1984, concluded that oil and gas production and transportation from the Beaufort Sea was "environmentally and socio-economically acceptable" subject to a number of technical and managerial conditions. One of the report's central recommendations was that if hydrocarbon extraction was to proceed, it should be "carried out in a small-scale and phased manner." The report championed this "phased" approach for two primary reasons. First, it was intended to provide an opportunity to test the effectiveness of

mitigation measures and other environmental controls. If monitoring of small-scale oil/gas extraction demonstrated that the mitigation measures were effective, then extraction could proceed on a larger scale. Second, a phased approach to development would, the panel contended, provide Indigenous communities with the time to obtain the educational and technical qualifications necessary for employment in oil and gas production (FEARO, 1984).

The panel refused to consider submissions or arguments related to land claims, and neglected to consider the implications of hydrocarbon development on Indigenous rights and self-determination (MacLachlan, 1984; Reese, 1984). As such, like previous EAs the Beaufort review panel screened out political questions about the control of land and resources and instead focused on identifying technical measures to reduce the negative impacts and increase local benefits. These technical measures – especially the ‘phased’ approach to oil and gas extraction – were important concessions to Inuit and were structured to persuade Inuit to consent to extraction. Notably, the recommendation of a ‘phased approach’ would become an important factor in the decision by several Inuit communities to support the Bent Horn oil project.

5.2.4 The Bent Horn Oil Project

The same year the Beaufort report was released, a proposal was submitted for oil extraction from the High Arctic islands which fit the panel’s recommendation for a small scale and phased approach. Panarctic – the consortium organized by the federal government to promote hydrocarbon exploration in the High Arctic – proposed the Bent Horn project to demonstrate the feasibility of producing oil from the High Arctic. This “demonstration” project would produce small amounts of oil year-round from Cameron Island. The oil would be stored in tanks, and transported south by tanker during the short open water shipping season in August and

September. The Bent Horn project had a shipping route almost identical to the Arctic Pilot Project, and called for ships to traverse Lancaster Sound, Baffin Bay, and Davis Strait. However, it involved significantly fewer shipments than the already small-scale Arctic Pilot Project. Notably, the Bent Horn proposal only called for shipping during the open-water season (CARC, 1984b; Jull, 1986; AMAP, 2007). As such, it was consistent with the ‘phased approach’ recommended by the Beaufort review panel.

Inuit organizations were quick to publicly oppose the Bent Horn proposal. BRIA passed a resolution calling for the proposal to be postponed until land claims were settled in Nunavut (BRIA, 1984). John Amagoalik and Lucien Ukalianuk (presidents of ITC and BRIA) wrote to John Munro, Minister of INAC, protesting the proposal. ICC president Hans-Pavia Rosing also issued a statement opposing Bent Horn. “I find the Bent Horn Project every bit as dangerous as the [Arctic Pilot Project] in terms of its effects on the environment and, consequently, on the Inuit subsistence culture,” wrote Rosing (*Arctic Policy Review*, 1986:12).

The communities of Lancaster Sound initially adopted a similar position. Paniloo Sangoya, Mayor of Pond Inlet, wrote to Panarctic, indicating that the community would not support the Bent Horn project “at this time”. Support would be withheld, he wrote, until the proposal was further developed, land use planning was completed for the Lancaster Sound region, and a land claim was settled for Nunavut. Sangoya suggested that Bent Horn was no different from the proposed Arctic Pilot Project or Beaufort Sea proposals, which Inuit had opposed (Sangoya, 1984). Gabriel Akeegok, Chair of the Grise Fiord Settlement Council, also wrote to Panarctic. He claimed that support for the Bent Horn proposal would be “premature”. Akeegok criticized Panarctic for circumventing ITC and BRIA in its attempts to gain support

for the proposal, and indicated that the community was not provided with sufficient information to arrive at a decision (Akeeagok, 1984).

However, following meetings with Panarctic representatives and government officials, Phillip Qamanirq, Mayor of Arctic Bay and chair of the new group, wrote to BRIA to clarify the position of High Arctic communities. Qamanirq claimed that media coverage of Inuit perspectives had been “confusing and misleading” because the communities had not resolved to oppose the project. Rather, they had decided to “postpone their decision” on the matter until more information became available. Qamanirq indicated that the potential loss of local employment, threatened by Panarctic, was of substantial concern to High Arctic communities.

Panarctic also claimed that without the success of this small project it is possible that their entire exploration program may cease due to lack of investor confidence. Various members of the group were concerned about the impact this may have on the economies of the communities concerned and on the individual Panarctic employees (Qamanirq, 1984).

Both Pond Inlet and Arctic Bay had long been points of hire for Panarctic High Arctic operations (AMAP, 2007).

The federal government decided to conduct an internal review of the proposed project, with the participation of the GNWT. This was because the Beaufort Sea FEARO panel had already examined shipping through Lancaster Sound and the Bent Horn project conformed to the “phased” approach recommended by FEARO. As a result, no formal public review – with a public registry, public hearings, and publicly available report – was conducted for the project by either FEARO or the National Energy Board (CARC, 1984; Donihee and Myers, 1990).

Qikiqtani communities eventually consented to the Bent Horn project. The small-scale of the project, together with the seasonal nature of its shipping plans, reduced concerns with impacts on Arctic ecology and Inuit harvesting. Further, communities wished to sustain local employment at Panarctic’s operations, and were concerned that a source of employment they had

come to depend upon would disappear if the Bent Horn project did not move forward (Donihee and Myers, 1990; AMAP, 2007).

The Bent Horn project received formal approval from government in early 1985 (CARC, 1985). In response, ITC President John Amagoalik told the press, “From our perspective its still bad news because we still don’t have an agreement in principle from our land claims negotiations and we would have preferred to have an agreement in principle before any of this sort of thing happened.” (*CBC Focus North*, 1985) Amagoalik’s statement to the media indicates that, despite community support for the project, ITC had not abandoned its political approach to oil and gas extraction and continued to see extraction as a problem of control over land and resources.

In the late summer of 1985, the *MV Arctic* transported the first shipment of oil from Bent Horn to a refinery in Montreal. The Bent Horn project shipped two tanker loads a year from Cameron Island to the south annually, until it ceased operations in 1996 (Masterson, 2013). The project had negligible socio-economic effects (either positive or negative) for the Lancaster Sound region. No more than ten Inuit from Pond Inlet and Arctic Bay worked at the Bent Horn site at any given time during the project’s lifespan, and only one contractor from Resolute Bay obtained business arrangements to provide catering services to the Bent Horn camp. Panarctic attempted to develop local markets for Bent Horn oil, with smaller shipments being sent to the community of Resolute and the Polaris mine, to be burned raw in diesel electricity generators. However, this was discontinued, due to the environmental impacts of burning crude and the high transportation costs involved. The project’s small size, combined with generous government subsidies, meant that Panarctic paid only small amounts of royalties and taxes for Bent Horn, which were primarily collected by the federal government (AMAP, 2007: 3-47).

Panarctic's success in obtaining the consent of local communities represents a significant development in the establishment of extractive capital's hegemony in Nunavut. It demonstrates the importance of concessions in securing the consent of Inuit hunting communities. The small-scale and seasonal nature of the project represented a compromise of sorts with Inuit hunters' interests. The fact that Bent Horn did not involve icebreaking shipping that could damage the winter and spring sea ice (an aspect of the Arctic Pilot Project that particularly bothered Inuit) was a central factor in community decisions to support the project. Insofar as these compromises were introduced because of the Beaufort EA, and given the important role they played in Inuit communities actively consenting to the oil and gas industry, the debate over Bent Horn clearly illustrates the effectiveness of EA in establishing extractive capital's hegemony.

The debate over the Bent Horn project contains one of the greatest ironies in northern politics. The Qikiqtani region's growing dependence on mineral and energy resource extraction for employment was a central factor in Panarctic's ability to obtain consent from Lancaster Sound communities (AMAP, 2007). This dependence must be understood in historical context. By the 1980s, the market for sealskins (one of the few linkages Lancaster Sound Inuit had to the market economy) had collapsed, after environmentalist and animal rights groups had successfully pressured both the United States and European Economic Community to ban the importation of Canadian seal products. As a result of this crisis in the simple commodity sector, Inuit in the Qikiqtani region rapidly became more dependent on wage labour than they previously had been (Wenzel, 1991). It is therefore not surprising that Inuit communities would begin looking to the extractive sector for employment in the wake of the collapse of the sealing economy. Ultimately, a campaign led by environmental groups including Greenpeace (the environmental group which is most strongly associated with the fight against Arctic oil and gas

extraction today) was in large part responsible for creating the conditions necessary for Inuit to consent to Arctic oil extraction in the 1980s.

5.3 CONCLUSIONS

The cases examined in this chapter further illustrate the dynamics I identified in Chapter Four. They demonstrate federal government's tendency to respond to Inuit resistance with bureaucratic processes structured to secure Inuit consent to extraction. In particular, it shows how environmental assessment and land use planning were – like the Baker Lake study and caribou protection measures examined in Chapter Four – structured to produce extractive capital's hegemony. EA and planning transformed Inuit opposition to oil and gas extraction into technical problems with technical solutions, thereby screening out political questions that are inconsistent with the instrumental reason which forms the basis of EA and planning. These technical solutions served as enticements for Inuit to support oil and gas extraction, and therefore formed part of the system of compromises hegemony depends upon. In the case of the Bent Horn oil project, Inuit consent was obtained in large part because of a technical compromise (an extremely small project size) recommended by an EA panel.

The conflicts examined in this chapter also further illustrate the role of Inuit organizations in the politics of extraction during this era. The Inuit Tapirisat of Canada, regional Inuit associations, and the Inuit Circumpolar Conference resisted oil and gas extraction in the 1970s and 1980s. They treated energy extraction as a fundamentally political problem. Initially, these organizations rejected the federal government's EA process, demanding instead that a public inquiry on the matter be initiated, with a mandate to examine political questions like control/ownership of land and resources. Later, when these organizations opted to participate in

technical assessments, they continued to approach oil and gas extraction as a political problem. Their participation in these technical assessments was clearly a political tactic, as the stated intent was to defeat their opponent. To that end, they put forward technical rationalizations supporting their political positions. Inuit organizations treated oil and gas companies as political adversaries, most notably by forming political alliances with other Indigenous groups with the explicit purpose of defeating proposed extraction projects.

Chapter Six

Entrenching Hegemony: the Nunavut Agreement and the Politics of Extraction

This chapter examines the Nunavut Agreement's provisions for the ownership and co-operative management of land and resources. It argues that the Nunavut Agreement provided a legal and political framework upon which extractive capital could build a hegemonic project. This framework provides for concessions to Inuit and a depoliticized process for making decisions about land and resources. A new system of land ownership and resource royalty sharing provided some sectors of Inuit society with the means to capture economic benefits from mineral and energy extraction. These economic incentives are especially strong in the case of the territory's Inuit organizations and business-owning class. At the same time, the system of co-management advisory boards is premised upon the same structure as the federal government's environment assessment (EA) and land use planning (discussed in Chapters Four and Five). Like federal EA and technical planning, Nunavut's co-management boards are structured to depoliticize extraction and impose compromises between Inuit and extractive capital. Because the Nunavut Agreement is a modern treaty, protected under the *Constitution Act* (1982), it had the effect of entrenching extractive capital's hegemony.

6.1 LAND OWNERSHIP AND HEGEMONY

Like most other modern treaties, the Nunavut Agreement is premised on the extinguishment of Aboriginal title to land. The so-called 'extinguishment clauses' in these agreements have long been a source of controversy (see: RCAP, 1996b). Several scholars and politicians have dismissed modern treaties as tools of legal dispossession or 'termination' (Gordon, 2010; Diabo, 2012; Manuel and Derrickson, 2014; Kulchyski, 2015; Pasternak, 2017).

While this is true, my argument here is different. Rather than examining the ways in which the Nunavut Agreement's land ownership provisions dispossessed Inuit, I focus on the ways in which they are structured to persuade Inuit to support the extractive economy.

The land ownership system created by the Nunavut Agreement is the primary means through which some sectors of Inuit society are able to capture a share of the wealth produced by extraction. There are three categories of land in Nunavut: Crown Land, Inuit Owned Land (IOL) and Municipal Land. Crown Land and IOL are most relevant to extraction.

The majority (over 80%) of land in the territory is "Crown Land". These lands are owned and administered by the federal government, which collects resource royalties when mineral and energy resources are extracted. Article 25 of the Nunavut Agreement provides Inuit with a right to a (relatively small) share of these royalties: 50% of the first \$2 million, and 5% any further royalties, each year. As such, while NTI receives a significant share of royalties when mining activity is low, during boom periods it will receive a comparatively measly portion.

The GN aspires to gain jurisdiction over Crown Land through a "devolution" agreement with the federal government. While agreements devolving authority over Crown Lands have been implemented in the Yukon and Northwest Territories, Nunavut has yet to make substantial progress in negotiations (Ilbacher-Fox, 2009). However, if and when an agreement is reached, it will likely allow the GN to collect significant revenues from extraction.

Most of the remaining land in Nunavut is "Inuit Owned Land" (IOL). The purpose of IOL is described in Article 17 of the agreement.

The primary purpose of Inuit Owned Lands shall be to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time, in a manner consistent with Inuit social and culture needs and aspirations. (17.1.1)

The Nunavut Agreement stipulates that IOL shall “provide for a mix” of lands valued for renewable resources, mineral deposits, commercial value, and cultural/heritage value (17.1.2).

The Nunavut Agreement created two categories of IOL – “Subsurface IOL” (where Inuit own mineral rights) and “Surface IOL” (where Inuit own surface rights only, and government retains mineral rights). Subsurface IOL constitute a very small fraction (roughly 2%) of the land in Nunavut. Subsurface IOL parcels were selected by TFN, with the assistance of geologists. Their primary goal was to select lands with high resource potential. Cultural and environmental questions were generally not taken into consideration in the selection process. Notably, the federal government refused to allow TFN to select subsurface rights to the High Arctic Islands or offshore areas, preventing Inuit from gaining ownership over the territory’s confirmed oil and gas reserves. However, TFN succeeded in gaining ownership over many of the most promising ore bodies in Nunavut, including the Kiggavik uranium project (McPherson, 2003).

Subsurface IOLs are owned and managed by NTI. Mining companies must negotiate exploration and production agreements with NTI to access Subsurface IOL. These agreements generally provide royalties and other financial benefits to NTI.

Surface IOL constitutes a slightly larger (16%) amount of the land in Nunavut. Each community in Nunavut was provided with the opportunity to selected Surface IOL parcels, and as such Surface IOLs are associated with specific communities. Communities often selected lands for their cultural and heritage value, and many Surface IOL parcels correspond to important hunting grounds and traditional homelands. Some Surface IOL parcels were also chosen because they corresponded to areas with potential for mining (McPherson, 2003). However, it is often unclear if communities selected these lands because they wanted to benefit

from extraction in these areas, or if instead they wanted to be able to control (and potentially stop) extraction in areas they valued for cultural reasons (Hughson, 2011).

Surface IOLs are managed by the Regional Inuit Associations: KIA, QIA, and KitIA. Article 26 of the Nunavut Agreement requires Inuit associations and industry to negotiate an Inuit Impact and Benefit Agreement (IIBA) before any “Major Development Project” on IOL. The matters that may be addressed in an IIBA are broad, and “may include any matter connected with the Major Development Project that could have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit.” (26.3.1) IIBAs between Inuit and the mining industry have been negotiated for mines in all three regions of Nunavut. IIBAs are long and dense legal documents. All have included financial benefits paid to the regional Inuit associations, arrangements for preferential hiring of Inuit employees, and frameworks for preference to Inuit-owned businesses when service contracts are open for bidding.

Ultimately, the Nunavut Agreement’s land and resource ownership provisions have created a framework for *some* sectors of Inuit society to capture *some* of the wealth produced by extraction. Inuit political organizations are positioned to benefit financially, through exploration/production agreements on Subsurface IOL and IIBAs on surface IOL. The GN hopes to negotiate a devolution agreement with the federal government, to allow it a share of royalties from Crown Lands. Due in part to IIBAs, some Inuit workers and business owners benefit from employment and service contracts.

Not all Inuit share in these benefits. Recent economic development reports for Nunavut identify rising rates of inequality as an outcome of the economic growth Nunavut experienced following the opening of the Meadowbank gold mine (Nunavut Economic Forum, 2013). Further, as I explained in Chapter Two, most of the wealth produced by extraction in Nunavut –

including corporate profits, rents, employment, and economic linkages – still accrues to other regions. Because of structural issues related to economic crises and dependency on multinational corporations, it is not clear that extraction drive stable and sustained development over the long term. However, even though the proposed employment targets are rarely reached and the most lucrative contracting opportunities accrue to southern firms, the jobs and contracts which Inuit secure are incredibly valuable for the people who hold them (Peterson, 2012). As such, they provide strong incentives for Inuit to consent to the extractive economy.

The incentive to consent to an economy based on extraction is perhaps strongest for Inuit political organizations (NTI and the three Regional Inuit Associations), as exploration agreements, production agreements, and IIBAs can provide them with substantial sums of money. Scholars have noted that this creates contradictory interests in these organizations – they are mandated to protect Inuit rights (including hunting rights), but are dependent upon an industry that, by its very nature, infringes on these rights (Kulchyski, 2015; Kulchyski and Bernauer, 2014; Bowman, 2011).

A similar conflict is present in the GN, in-so-far as it was created with the contradictory intention to represent Inuit interests but fund its operations through extraction. The idea of Nunavut, from its beginnings in the 1970s, has always assumed that the new territory's government would fund itself through taxes, royalties, and other rents from extraction (Merritt *et al*, 1989; Dacks, 1991).

These institutional interests in extraction are reflected in the policies and strategies issued by these organizations. NTI's mining policy, issued in 1997, indicates support in principle for a mining-based economy in Nunavut. The GN's mineral exploration and mining strategy, issued in 2006, likewise indicates support for extraction and an intent to use revenue from extraction to

fund government services and stimulate development in other sectors of Nunavut's economy. The 2003 *Nunavut Economic Development Strategy* was created by a coalition of Nunavut-based organizations, led by NTI and the GN. The strategy acknowledges the importance of several sectors of Nunavut's economy for the well-being of Nunavummiut. However, it implies that extraction will be the underlying driver of Nunavut's economy as a whole. It predicted that "at least four new mines" and a "revival of the oil and gas industry" in the ten years following the strategy's release (20-21). Further, it predicated that, "no less than 50% of all expenditures" associated with mineral, oil, and gas development would "accrue to Nunavut's labour force and businesses." (21-22) The levels of activity and local benefits predicted suggest that mineral and energy resource extraction is intended to be the fundamental basis of the economy, providing the investment needed to drive the other sectors.

However, the organizations created by the Nunavut Agreement do not simply have an interest in extraction *in general*. NTI and the Regional Inuit Associations have a very specific interest in extraction on IOL. These organizations have a very strong financial interest in keeping all IOLs available for extraction because of the relatively small amount of land Inuit own, poor royalty sharing provisions for Crown lands, and no requirement for IIBAs on Crown lands. Many IOL parcels are located in important hunting areas or critical caribou habitat. Some contain known uranium deposits, including deposits associated with the controversial Kiggavik project. As such, Inuit organizations have a unique interest in uranium mining and mining in important caribou habitat and hunting grounds. Chapter Seven shows how this interest led NTI to reverse its long-standing opposition to uranium mining and consent to uranium exploration on IOLs. Elsewhere, I have shown how it led NTI and Regional Inuit Associations to repeatedly frustrate

attempts by Inuit, First Nations, and Metis communities to protect caribou calving grounds from extractive industries (Bernauer, 2015).

Ultimately, this unique institutional interest in extraction on IOLs is a result of the extinguishment of Inuit Aboriginal title. If Inuit had maintained possession of Aboriginal title to the entirety of their historic territory, they would have the right to exclusively benefit from extraction throughout Nunavut (see: *R v Guerin*, 1984; *R v Tsilhqot'in*, 2014). As such, they would be under significantly less economic pressure to consent to uranium mining and mining in caribou calving grounds.

To summarize, the land ownership system created by the Nunavut Agreement provides economic incentives for Inuit to consent to extraction. These economic benefits are unlikely to be sufficient to drive substantial lasting development for Nunavut, but are substantial enough to secure political support for extraction. Such incentives are strongest for the political institutions created by the Nunavut Agreement, including GN, NTI and the three Regional Inuit Associations. These organizations all hope to capture significant rents from extraction in the territory. As a result, these organizations have all actively, and enthusiastically, consented to the extractive economy. The Nunavut Agreement has also created very specific incentives for NTI and Regional Inuit Associations to support extraction on IOLs, a fact which encourages these organizations to support controversial forms of extraction, including uranium mining.

6.2 CO-MANAGEMENT AND HEGEMONY

The co-management advisory boards created by the Nunavut Agreement are called 'Institutions of Public Government' in the agreement's text. Two of these boards have mandates that pertain directly to mineral and energy extraction.

The Nunavut Planning Commission (NPC) develops and implements land use plans. As I explained in Chapter Five, land use planning was initiated under federal and territorial government policy in the 1980s. It was conceived to resolve land use conflicts and minimize the negative impacts of extraction, including with restrictions or prohibitions on extraction in sensitive areas. If a company wishes to explore for minerals or open a mine in Nunavut, it must first submit its proposal to the NPC. The NPC then issues a ‘conformity determination’ – a ruling declaring whether the proposed activity conforms to the relevant land use plan. If the activity conforms, the proposal proceeds to environmental assessment (EA).

The NPC is primarily an advisory body and lacks final decision-making powers. While NPC develops land use plans, the Federal Government, GN, and NTI must approve the plans that the NPC drafts. The federal government also has the authority to override the NPC’s determinations by issuing ‘exemptions’ to conformity determinations. If and when devolution negotiations are completed, the GN may acquire the authority to issue these ‘exemptions’.

The Nunavut Impact Review Board (NIRB) is responsible for conducting most EAs in Nunavut. Its functions are similar to the (now defunct) Federal Environmental Assessment and Review Office (discussed in Chapters Four and Five). When NIRB receives a proposal for ‘development’ it first conducts a ‘screening’ – a brief examination of the proposal to determine whether it may have significant negative impacts. If it has the potential for significant impacts, the NIRB can recommend the project undergo a full environmental review. NIRB reviews are nearly identical to federal EAs. Following detailed examination of a company’s environmental impact statement, including public hearings, NIRB recommends whether the project should proceed and, if so, under what conditions. Recommended conditions generally focus on reducing negative impacts and increasing local benefits of a proposal.

Like the NPC, NIRB is an advisory, not decision-making, body. Decision-making authority generally remains in the hands of the federal government, because of its jurisdiction over Crown Land in Nunavut. In some rare cases (such as an assessment of proposed seismic surveys in Lancaster Sound I examine in Chapter Eight) the GN has been the final decision-maker on proposed mineral exploration that is categorized as ‘research’. A devolution agreement may result in the delegation of further authority to the GN.

In summary, the NPC and NIRB were conceived to form an integrated system to protect the land and environment in Nunavut with the participation of Inuit organizations and communities. If a company wishes to initiate an exploration program or open a mine, its proposal is first referred to the NPC, to determine whether or not it conforms to land use plans. If the NPC issues a positive conformity determination, the proposal is forwarded to the NIRB for screening and possible environment review. Federal government ministers currently make final decisions but some of these powers may one day be transferred to the GN through a devolution agreement.

Co-management in general, and the advisory boards created by northern land claim agreements in particular, have been the topic of significant scholarly analysis and debate. Some have championed co-management as a way for northern Indigenous peoples to better influence decisions about land and resources (Berkes, 1989; RCAP, 1996a; Kendrick, 2000; White 2002). Others have criticized co-management for not providing formal political control to northern Indigenous groups and failing to significantly alter colonial relationships (Kulchyski, 2015; Nadasdy, 2003).

There has also been some debate over the ability of co-management to accommodate Indigenous cultures and worldviews. For Nadasdy (2003), co-management mostly reproduces the state’s bureaucratic approach to managing resources. Rather than making space for Indigenous

understanding of wildlife and land, co-management actually compels Indigenous peoples to adopt “western” worldviews. By contrast, White (2006) argues that co-management is a compromise that makes some (albeit limited) space for northern culture.

Nadasdy (2005) considers the extent to which wildlife co-management depoliticizes conflicts over resources. Drawing from the concept of ‘anti-politics’ (see: Chapter Three) he argues that co-management “specifically excludes political and ethical considerations.” As such, “the discourse of co-management serves to obscure – and so reinforce – existing power relations”.

Rather than empowering local Aboriginal communities, then, co-management may actually be *preventing* the kind of change proponents desire. Indeed, co-management may actually be serving to extend state power into the very communities that it is supposedly empowering. (*ibid.*, 19-20)

Nadasdy’s analysis is based on wildlife management in the Yukon – resource governance which must address the interests of Indigenous hunters, sport hunting outfitters, and government officials with a mandate for conservation. As such, he focuses primarily on the reproduction of the state’s control over wildlife resources, and does not address the relationship between Indigenous peoples and extractive industries.

In general, I agree with Nadasdy’s argument that co-management tends to reproduce existing power relations. However, this dissertation centers a different set of relationships (Indigenous-capital, rather than Indigenous-state, relations). As a result, my approach to co-management is different. Instead of considering how co-management reproduces the state’s control over land and resources, I examine how co-management helps to reproduce extractive capital’s hegemony. As I explained in Chapter Five, the EA and land use planning processes introduced by the federal government in the 1970s helped establish extractive capital’s hegemony by depoliticizing extraction and imposing compromises between Inuit and extractive

capital. In Chapter Seven and Chapter Eight, I show how the NPC and NIRB have performed the same functions in the reproduction of extractive capital's hegemony. Because NPC and NIRB were created by the Nunavut Agreement, they have considerably more legitimacy than their federal counterparts. As such, one of the most important outcomes of the Nunavut Agreement was the legitimization of EA and technical planning as the preferred forums to make decisions about extraction.

6.3 CONCLUSIONS

The Nunavut Agreement provides a legal framework for compromise, collaboration, and a balancing of interests between extractive capital and some sectors of Inuit society. The land ownership regime provides a means for some Inuit to capture financial benefits from extraction, while the co-management regulatory system provides a means of minimizing the negative impacts of extraction on the wildlife Inuit harvest. These concessions act as incentives for Inuit to consent to the extractive economy, without fundamentally altering the colonial relationship inherent in capitalist resource extraction. At the same time, the Nunavut Agreement provides a process for making decisions about land and resources which is structured to contain and defuse Inuit resistance, in-so-far as it depoliticizes extraction. As such, the Nunavut Agreement provides a legal framework for extractive capital to establish its hegemony over Inuit society.

Chapter Seven

Reproducing Hegemony 1: Uranium in the Kivalliq (1993-2017)

This chapter examines political conflicts over uranium mining in the Kivalliq region, from the signing of the Nunavut Agreement until the time of writing in 2017. It begins with a discussion of the development of uranium policy by Nunavut Tunngavik Incorporated (NTI) and the Government of Nunavut (GN). This is followed by an analysis of the environmental assessment of the Kiggavik uranium mine as proposed by AREVA Resources.

I use the example of uranium mining – an especially controversial type of extraction – to demonstrate the ways in which the institutions created by the Nunavut Agreement now work to reproduce the hegemony of extractive capital. Both NTI and the GN have publicly supported and promoted uranium mining in Nunavut. Both institutions have ensured that environmental assessments and other technical processes are used to make decisions about proposed uranium mines. Further, like federal regulators in the 1970s and 1980s, the environmental assessment (EA) of the proposed uranium mine by Nunavut Impact Review Board (NIRB) was structured to persuade Inuit to consent to the extractive economy.

7.1 URANIUM POLICY IN NUNAVUT

After the Nunavut Agreement was signed in 1993, Nunavut Tunngavik Incorporated (NTI) and the Kivalliq Inuit Association (KIA) initially opposed uranium mining. They inherited this position from their forerunners – the Tunngavik Federation of Nunavut and the Keewatin Inuit Association – which had been members of the Northern Anti-Uranium Coalition (NAUC).

NAUC was a driving force behind Inuit opposition to the Kiggavik mine in 1990. As a result, NTI prohibited the exploration/mining of uranium on subsurface Inuit Owned Lands.

This position only had legal application to the small tracts of land Inuit held mineral title to. Further, while Inuit obtained subsurface rights to the most advanced uranium project in the territory – Urangesellschaft’s Kiggavik project – the parcels associated with this project were ‘grandfathered’ (administered by the federal government, with royalties paid to NTI) and as such were not affected by NTI’s policy. However, it was symbolic of the Inuit leadership’s position.

The Government of Nunavut (GN) did not immediately develop policy or legislation specific to uranium mining after it was created in 1999. However, the GN is a signatory to the Keewatin Regional Land Use Plan. The plan was developed in consultation with Inuit in the 1990s and approved by both the GN and Government of Canada in 2000. It stipulated that “any future proposal to mine uranium must be approved by the people of the region.” (NPC, 2000) The plan applies to all lands in the Kivalliq, and thus has wider applicability than NTI’s position on uranium. As such, it appeared to provide a means for Kivalliq Inuit to withhold their consent to uranium mining.

Initially, there was little pressure to reconsider this position. Because the market price for uranium remained low through the 1990s, there was little interest in Nunavut’s uranium reserves. This changed in 2005, when the price of uranium began to rise. Exploration camps that had long been shuttered were reactivated. AREVA Resources – a subsidiary of the French multi-national nuclear company that had acquired the Kiggavik project in the 1990s – began initial steps to resume work on the Kiggavik uranium project (INAC Mining Reports).

Before long, NTI and the GN began to contemplate changing their positions. By the end of 2007, both organizations had adopted new positions supporting uranium mining. As I explain

below, this change in position was a substantial development in the consolidation of extractive capital's hegemony over Nunavut.

7.1.1 Nunavut Tunngavik Incorporated Supports Uranium Mining

NTI commissioned a consultant to prepare a discussion paper outlining policy options for uranium mining in 2005. The paper was very supportive of uranium mining, and argued that uranium can be mined safely, that nuclear energy can help solve the problem of anthropogenic climate change, and that uranium mining would bring significant economic benefits to Inuit. It included a draft policy supporting uranium mining (Wayne Johnson and Associates, 2005).

In Chapter Six, I argued that the system of land ownership created by the Nunavut Agreement has given NTI a very strong financial interest in uranium mining. Notably, the discussion paper used Inuit Owned Lands to rationalize uranium mining in Nunavut. The discussion paper argued that Inuit have already “invested heavily” in the uranium industry by selecting Inuit Owned Lands in areas with high mineral potential.

[S]ome IOL parcels in the Baker Lake area were selected for their uranium potential, in part so that Inuit would have a say in any mining development that took place on these lands, but also so that they could participate in the economic opportunities that mining on these lands would offer. We do not know whether Inuit – having invested heavily in time and resources to acquire them – want to see these lands subjected to the restrictions on uranium mining (*ibid.*: 131)

The paper further argues that it would be extremely difficult, if not impossible for NTI to impose an outright ban on uranium mining in Nunavut. This is because “neither NTI nor the RIAs have any direct rights to prohibit uranium mining” on Crown lands and surface IOLs (*ibid.*:97). As I explained in Chapter Six, it is not clear what Inuit negotiators intended when they selected lands associated with uranium projects – while some Inuit may have agreed to Inuit ownership of uranium deposits for financial reasons, it is equally possible that they intended to use their

ownership to stop future uranium mining in the area. Regardless, the idea that uranium mining would be especially lucrative to NTI because of IOLs seems to have been effective in persuading NTI to support uranium mining.

NTI released a draft policy supporting uranium mining in 2006. Both NTI and KIA subsequently hosted consultation meetings in Kivalliq communities. The structure and content of these meetings differed substantially from those held by NAUC in 1990. While NAUC's public events featured prominent spokespeople from the anti-nuclear movement, NTI and KIA's public consultations provided a platform for mining companies and industry consultants to speak to communities. For example, KIA held a consultation meeting in Baker Lake in 2006, which consisted of a presentation and question/answer session with SENES Consulting. SENES regularly works for the mining industry, and helped prepare environmental assessment documents for both Urangesellschaft and AREVA. In 2007, NTI held meetings in Baker Lake and Kugluktuk, featuring presentations by AREVA, SENES, and the Canadian Nuclear Safety Commission. Notably, no one critical of the nuclear industry was invited to present at either meeting (Nunavummiut Makitagunarningit, 2013).

In September 2007, the NTI board of directors approved a Policy Concerning Uranium Mining in Nunavut. The 2007 policy differs little from the draft policy included in the 2005 discussion paper. It provided support for uranium mining on the condition that Inuit receive significant economic benefits and environmental impacts are mitigated (NTI, 2007). Through this policy, NTI actively consented to one of the most controversial and risky forms of extraction contemplated in Nunavut. It was therefore a landmark moment in the establishment of extractive capital's hegemony.

The way the policy proposed to deal with future conflicts over uranium mining was just as important as NTI's consent to uranium mining. It argued that project-specific environmental assessment is the most appropriate regulatory mechanism to address concerns with uranium mining.

NTI recognizes that uranium mining is highly regulated and NTI supports a regulatory approach in which each proposal to establish and operate a uranium mine is judged on its own merits through the environmental assessment process, with the full participation of Inuit in the affected communities (*ibid.*:12)

As I explain below, the EA process created by the Nunavut Agreement reproduced the same basic structures of the federal assessments examined in Chapters Four and Five. NTI was therefore ensuring that future discussions about uranium mining would focus on identifying potential compromises between Inuit communities and the uranium industry, rather than encouraging adversarial debate about the future of the land and the morality of the nuclear industry. As such, the policy also suggests that NTI had internalized a depoliticized understanding of uranium mining.

NTI and KIA proceeded to enter into several agreements with uranium companies. In the summer of 2007, KIA granted permission to AREVA Resources to resume exploration on the surface IOLs associated with the Kiggavik project. In 2008, NTI entered into agreements with two companies, granting them permission to explore for uranium on subsurface IOLs. One of these agreements resulted in the creation of the Kivalliq Energy, a new uranium exploration company with NTI as a shareholder (Kulchyski and Bernauer, 2014).

These agreements created a deeper legal conflict of interest between NTI and the uranium industry. The issue is no longer a simple question of financial interests, but of legal liability. If NTI later changed its position on uranium mining, it is possible that the companies it had signed agreements with may attempt to sue it for compensation.

This potential liability was an important factor preventing NTI from reconsidering its position on uranium mining several years later. In response to grassroots criticism of NTI's support for uranium mining, NTI president Cathy Towtongie told the press that her organization would review its uranium policy in February 2011. This review was to include a "territory-wide consultation process" (*CBC News/North*, 2011). However, three weeks later, an NTI news release announced that it would review its uranium policy, but would also "take into account existing legal obligations." (NTI, 2011) Eight months later, it announced that it had no intentions to change its position on uranium mining (*Nunatsiaq News*, 2011).

7.1.2 Government of Nunavut Supports Uranium Mining

The GN's mineral exploration and mining strategy, release in 2006, briefly addressed issues related to uranium mining. The strategy committed to developing a policy specific to uranium mining, because of the renewed corporate interest in Nunavut's uranium reserves. Notably, it suggested that Nunavut residents are likely be more open to the prospect of uranium mining than they were in 1990.

Uranium related issues were last discussed in the 1980s, when the people of Baker Lake opted to oppose the development of the nearby Kiggavik uranium project. Technology relating to the peaceful uses of uranium, environmental stewardship, and mining health and safety has advanced significantly in the past 20 years. It is timely, therefore, that the GN reopen the discussion of uranium issues and establish a policy that reflects the up-to-date and informed views of Nunavummiut.

It also committed the GN to "conduct consultations, to hear the views of Nunavummiut and other stakeholders on this issue" and to "develop a uranium policy, which will take into consideration the views of all stakeholders." (GN, 2006:35)

However, the GN would go on to announce its support-in-principle for uranium mining prior to any public consultation. In June 2007 (four months before NTI had officially adopted a

position supporting uranium mining), David Simailak, then-Minister of Economic Development, unveiled six “principles” the GN would use when considering prospective uranium mining (Legislative Assembly of Nunavut, 2007).

1. The Government of Nunavut regards mining, including uranium mining, as an important source of jobs for Nunavummiut and for revenues to meet the needs of our growing population.
2. The Government of Nunavut recognizes that uranium development places special responsibilities on government because of the nature of uranium and its byproducts, the history of its use for both peaceful and non-peaceful purposes, and its potential risks to human health and the environment.
3. Uranium development must have the support of Nunavummiut, especially in communities close to development.
4. The Government of Nunavut will support uranium development in Nunavut provided that the following conditions are satisfied:
 - a. Health and safety standards are issued for workers.
 - b. Environmental standards are assured.
 - c. Nunavummiut must be the major beneficiaries of uranium development.
5. The Government of Nunavut believes that nuclear power will be an important part of meeting global energy needs while limiting greenhouse gas emissions.
6. The Government of Nunavut believes that Canadian Law and international agreements provide assurance that uranium mined in Nunavut will be used for peaceful purposes.

Thus, by the end of 2007, the two organizations with the strongest claim to represent the general will of Nunavut Inuit had actively consented to uranium mining.

7.1.3 Nunavummiut Makitagunarningit

In response to these events, residents of Iqaluit and Baker Lake formed a grassroots environmental organization called Nunavummiut Makitagunarningit (‘the people of Nunavut can rise up’), referred to as ‘Makita’ in short-form. The group’s stated aim was to facilitate critical public debate regarding uranium mining in Nunavut. It was sharply critical of NTI and the GN’s

embrace of the uranium industry, and claimed that they had “shown themselves incapable of protecting the public interest” by supporting uranium mining without balanced discussions and meaningful public consultations (Nunavummiut Makitagunarningit, 2010).

Makita’s first campaign was to petition the GN to initiate a public inquiry into uranium mining in Nunavut. In June 2010 MLAs from Baker Lake and Grise Fiord tabled Makita’s petitions (Legislative Assembly of Nunavut, 2010a), which requested Nunavut’s MLAs “conduct a thorough public inquiry into the full range of issues that would result from allowing uranium mining in the territory” (Legislative Assembly of Nunavut, 2010b). Shortly after the petitions were tabled, Makita published an opinion piece in *Nunatsiaq News* explaining its call for a public inquiry. It argued that a public inquiry would be “more transparent, flexible and democratic” than an EA, because:

- The members of the Nunavut Impact Review Board (NIRB) are not elected, and so are not directly accountable to the public.
- The impact review process is highly technical and difficult for the public to understand, so it cannot properly gauge public acceptability.
- The scope of NIRB’s process is defined by the Nunavut Land Claims Agreement – which requires the Board to focus on the environmental and socio-economic effects of a single project rather than the impacts of an entire industry.
- A public inquiry would force Nunavut’s experts to come out and say what they think about uranium mining. (...)
- In a public inquiry, Nunavut’s elected representatives would be responsible for framing the issues, setting the scope of inquiry and calling evidence.
(Nunavummiut Makitagunarningit, 2010)

This op-ed explains several important political implications of using EA to make decisions about controversial forms of extraction. The technical discourse EA is premised upon limits the ability of the public to influence decisions, while the ‘arms length’ nature of EA boards provides for limited accountability to the public. Makita’s call for a public inquiry was therefore – like the

Inuit Tapirisat of Canada's call for an inquiry into oil and gas issues in the 1970s – a demand to treat uranium mining as a political, rather than a technical, issue.

7.1.5 Government of Nunavut Public Forums on Uranium Mining

Premier Eva Ariak issued a written response to Makita's petition in August 2010. She explained that the GN would not conduct a public inquiry. Instead, it would hold a 'public forum' to allow Nunavut residents to "express their views, receive information, and share their concerns specifically about uranium development." She also committed to hiring an independent consultant to provide "accurate and objective information" on uranium mining (Legislative Assembly of Nunavut, 2010c).

While the announcement suggests the GN was reconsidering its support for uranium mining, Ariak also defended the use of existing EA processes to make decisions about uranium mining.

The Government of Nunavut believes that the existing Nunavut Impact Review Board (NIRB) regulatory process...is a comprehensive, inclusive and effective means of evaluating mining projects in Nunavut on a case by case basis. The review process is ideally suited to identifying and assessing areas of concern raised by people and communities nearest to the intended development project. (...) Furthermore, the uranium mining industry is unique in that there is an existing federal regulatory body - the Canadian Nuclear Safety Commission - that scrutinizes these types of operations to ensure that the highest possible standards for human health and environmental protection are met (*ibid*).

This suggests that the GN was unlikely to fundamentally change its position, regardless of the outcome of the public forums. Indeed, referring to existing EA processes would become a recurring theme in responses to questions about the GN's position on proposed uranium mining.

Makita was immediately critical of Ariak's decision to hold a public forum rather than a public inquiry. The group issued a public statement which claimed the forums would be mere "window dressing" because "public meetings without a mandate for research and reporting, and

without clear standards for transparency or process, will be a waste of time and money.” The statement went on to claim that Ariak’s decision was a “clear indication that the GN is on a path to allow uranium mining to happen, and will not be dissuaded.” (Nunavummiut Makitagunarningit, 2012).

The consulting firm Golder and Associates was commissioned to write a background paper on uranium mining. Released prior to public meetings, the background paper was strongly supportive of uranium mining. It argued that recent advances in technology and government regulations ensure that modern uranium mining and nuclear power generation is safe and environmentally benign (Golder and Associates, 2011).

Ariak had previously reassured MLAs that the GN would “use an outside agency that has no connections to anyone in Nunavut” to produce background information about uranium “because it would be a more objective finding.” (Legislative Assembly of Nunavut, 2010d) Golder Associates regularly takes contracts from the mining industry in Nunavut. Notably, it had been hired by AREVA to conduct feasibility studies and impact assessments for the Kiggavik uranium mine. Thus, like the consultation meetings sponsored by NTI and KIA, the GN public forums provided an important opportunity for industry consultants to address Nunavummiut. Again, this is a stark contrast to NAUC’s approach to uranium mining in 1989 and 1990, which privileged the perspective of the anti-nuclear movement.

Meetings were held in early 2011 in Iqaluit, Baker Lake, and Cambridge Bay. Each meeting included presentation by invited panelists, including representatives from Golder and Associates, NTI, the Northwest Territories and Nunavut Chamber of Mines, the Canadian Nuclear Safety Commission, and Makita. Following presentations, there was an opportunity for members of the public to ask questions to the panelists or make statements to the forum.

A report by Brubacher Development Strategies summarizes the comments and questions shared during the forum. It documented comments supporting proposed uranium mining, because of a need for employment opportunities in the territory, and others advocating for a moratorium on uranium mining. It also documents several concerns Nunavummiut had with uranium mining, including: concerns with nuclear weapons and waste; the possibility of a catastrophic accident; and the inadequacy of government regulations and project-specific assessment to protect human health and the environment. The report also shows that that representatives from Golder and Associates, NTI, the CNSC, and the Chamber of Mines all responded to criticism of uranium mining by referring to environmental assessment processes and suggesting technical solutions to concerns with uranium mining (Brubacher Development Strategies, 2011).

On June 6, 2012, GN Minister of Economic Development Peter Taptuna announced an updated policy statement on uranium mining (Legislative Assembly of Nunavut, 2012a). The new statement differs little from the original guiding principles issued in 2007, and indicates support for uranium mining subject to five conditions. These include Nunavummiut must be “major beneficiaries” of uranium mining, environmental and human health must be “assured”, and uranium mining and exploration “must have the support of Nunavummiut, with particular emphasis on communities close to uranium development.” Notably, the preamble to the guiding principles was expanded, to include statements recognizing the jurisdiction of environmental assessment and planning boards.

The Government of Nunavut recognizes the jurisdiction of the Nunavut Impact Review Board and the Nunavut Water Board as established by the Nunavut Land Claims Agreement in the regulation of uranium exploration and mining.

The Government of Nunavut recognizes that uranium is subject to international agreements and national laws. The Government of Nunavut supports the mandate and responsibilities of the Canadian Nuclear Safety Commission.

The new policy therefore reaffirmed both the GN's support for uranium mining and the notion that EA should be used to make decisions about uranium mining in Nunavut.

The GN forums further illustrate the political dynamics around uranium mining that had developed after 2005. On the one hand, Inuit organizations, the GN, federal regulators, and industry had reached a consensus that EA is the most appropriate way to make decisions about uranium mining. As such, there was broad support for a process which was designed to develop compromises between Inuit and the uranium industry. On the other hand, however, grassroots groups had begun to form with a much more critical – and explicitly political – understanding of uranium mining and the shortcomings of EA.

GN representatives would later refer to the NIRB's environmental assessment process to deflect questions regarding the GN's position on uranium mining. For example, in October 2012 MLA Ronald Elliot, asked Minister Taptuna how the GN intended to determine whether communities close to proposed uranium mines supported these activities. Taptuna responded,

The process is set out quite clearly in the Nunavut Land Claims Agreement through the regulatory process. If there's any indication that the project is not going to be beneficial to Nunavummiut, whether people are going to be affected, the environment, wildlife, and if the project is not sustainable, of course, we do have a process that goes through the Nunavut Land Claims Agreement, that being NIRB that goes through the environmental regulations and processes, and have close consultations with the communities. (Legislative Assembly of Nunavut, 2012b)

On Nov 2, Baker Lake MLA Moses Aupaluktuq asked Taptuna a similar question about public support for uranium mining. Again, Taptuna referred to the fact that “the Nunavut Impact Review Board reviews all the information that comes in and makes that determination based on facts.” (Legislative Assembly of Nunavut, 2012c). Several years later, Baker Lake's new MLA

Simeone Mikkungwak asked the new Minister of Economic Development Monica Ell whether the GN had determined the level of public support for uranium mining in Baker Lake. Ell replied that the GN “continues to rely on the review process required for the project to proceed, to confirm if the principles contained in the uranium policy have been met.” (Legislative Assembly of Nunavut, 2015a)

7.2 AREVA’S PROPOSED KIGGAVIK URANIUM MINE

AREVA submitted a revised and expanded proposal for the Kiggavik mine to government regulators in 2008. It included plans for four open pits and one underground mine, milling infrastructure, and the storage of radioactive tailings in perpetuity. The site would be serviced by an airstrip and an access road to Baker Lake. Personnel would be transported to the site by aircraft, while materials would be shipped to Baker Lake by ship and barge through Chesterfield Inlet, and then trucked to the mine site. The milled uranium concentrate (or “yellowcake”) would be transported by air to Northern Saskatchewan, for further processing and enrichment. AREVA projected a mine life of 17 years and noted that further uranium exploration in the area could yield additional discoveries and extend project operations. It anticipated that construction would commence by 2012 and actual mining by 2015 (AREVA, 2008).

7.2.1 Land Use Plan Conformity

Before EAs commence in Nunavut, proposals are first examined by the Nunavut Planning Commission (NPC), to determine whether they conform with relevant land use plans. This was a substantial hurdle for AREVA, because the land use plan for the Kivalliq region forbade uranium mining without the support of “the people of the region.” (NPC, 2000:61)

Appended to AREVA's application were motions from KIA and several Hamlet Councils from the Kivalliq region, supporting an environmental assessment of the Kiggavik mine. In December 2006, the municipal council of Baker Lake passed a motion indicating conditional support for AREVA to "advance" the Kiggavik project to an environmental assessment. Motions supporting the environmental assessment of AREVA's project were passed by the Kivalliq Inuit Association in early 2007, followed by additional motions from hamlet councils in 2007 and 2008.

However, the motions do not clearly indicate support for the Kiggavik project. Many simply indicate support for the project to undergo an EA. The hamlet councillors who voted in favour of the motions may well have done so because EA appeared to offer ample opportunity for community participation in decision-making. However, as I explain below, that participation would ultimately be very constricted, as many controversial issues would be screened out during the EA.

Further, it is not clear that it was understood that these motions would be used as evidence of support from the "people of the region" to overturn section 3.6 of the land use plan. For example, the motions from Baker Lake, Coral Harbour, and Repulse Bay all state that they, "support [the NPC's] efforts to *clarify* the conditions in the Keewatin Regional Land Use Plan respecting uranium development." The motions from Coral Harbour and Repulse Bay also indicate that they "support the regulatory principle which states 'any future proposal to mine uranium must be approved by the people of the region'." These statements suggest that hamlet councillors may have assumed that public support would be determined later, once further details of the project were available. It is also interesting to note that the first of these resolutions, passed by the Baker Lake hamlet council, was moved by Councillor Glen McLean. McLean is a

non-Inuit businessman living in Baker Lake, who has personal financial interests in the Kiggavik project.²⁵

The motions therefore make a poor indicator of the level of support for uranium mining by the “people of the region”. However, they demonstrate the success of efforts by industry, the federal government, NTI, and the GN to convince the public that EA – a process structured to persuade Inuit to consent to extraction – is the most responsible means to make decisions about uranium mining. The motions therefore represent an important moment in the production of extractive capital’s hegemony in Nunavut.

In January 2009, the NPC released its conformity determination, which found that AREVA’s proposal complied with the land use plan for the Kivalliq region. The determination stated that the requirement for support by the people of the region had been satisfied by the motions discussed above (Aglukark, 2009). NPC’s decision was immediately criticized by Baker Lake Concerned Citizens Committee founder Joan Scottie. Scottie insisted that a public vote, like the one held for Urangesellschaft’s proposal in 1990, was the correct way to determine support by the ‘people of the region’ (*CBC News North*, 2009a). NPC’s determination would continue to be the source of criticism and controversy as AREVA’s proposal proceeded through an EA.

7.2.2 Screening

AREVA’s proposal was subsequently forwarded to the Nunavut Impact Review Board (NIRB). During an initial screening to determine whether a full environmental review was

²⁵ Several years later in 2014, McLean was a board member of the Nunavut Impact Review Board during the final hearings for the Kiggavik project. Mclean was not party to the proceedings, due to a conflict of interest (NIRB, 2015a).

necessary, NIRB received comments from government departments, Indigenous organizations, environmental NGOs, and members of the public.

In a joint submission, NTI and KIA reiterated their conditional support for uranium mining. The letter noted that the project has “significant impact potential” and therefore recommended a full environmental review. A submission from the GN likewise reiterated its support for uranium mining and recommended a “full environmental assessment review” because of the “scale and character of the proposed project.” Most comments received from Baker Lake residents did not support AREVA’s proposal. Thirty-one residents supported the proposal, forty-four residents did not support the proposal, and nine were undecided (NIRB, 2009).

The NIRB released its screening report in March 2009. It recommended AREVA’s proposal “be the subject of a public review” because of the project’s potential for “significant adverse effects” and high levels of “public concern.” (*ibid*)

7.2.3 Scoping

Public meetings were held in all Kivalliq communities in April and May 2010 to consult the public on the scope of the review. At the meetings, residents voiced many concerns about the potential impacts of the project, especially on the environment and human health. Additionally, many political and moral issues were raised, including significant debate about the end uses of uranium mined in Nunavut. Some objected to the production of nuclear weapons, accident-prone nuclear power generation, and the legacy of nuclear waste. Others wanted the uranium to be used primarily for cancer treatment (a use of uranium touted by AREVA). Some wanted the uranium

to be used to produce cheaper electricity in Nunavut, so the useful qualities of the resource could accrue to Inuit (NIRB, 2010).

There was also significant debate about how decisions about uranium should be made. Some residents questioned whether consent from the public would be necessary for Kiggavik to be approved, and whether the NIRB would abide by results of a community plebiscite. Others complained that the statements of support for the proposed project, frequently touted by industry, mostly come from the local business class, and that hunters' perspectives were being ignored in public discussions about uranium mining (*ibid*).

These issues were, however, all left out of the final scope for the project review. There is no mention of the end uses of uranium. While the proponent was required to conduct 'public engagement' during the assessment, the question of public support for the proposal is not included in the scope (NIRB, 2011). Scoping was therefore an important means through which NIRB 'screened out' political questions related to the Kiggavik project.

7.2.4 Environmental Impact Statement

AREVA submitted a draft Environmental Impact Statement (EIS) for the Kiggavik project in December 2011. It included 11 separate volumes, some with as many as 21 appendices, and was over 10,000 pages in length. It concluded that Kiggavik would not result in "significant adverse Project, cumulative or transboundary effects on the biophysical environment" and that "socio-economic effects are positive overall". Because of a longer than anticipated environmental assessment process, the EIS provided revised timelines for the project, with construction projected to begin in 2017 (AREVA, 2012b:ii).

Following the release of the draft EIS, there were several opportunities for registered intervenors to ask questions, express concerns, and recommend revisions to AREVA's proposal. These included formal information requests, written comments, and a pre-hearing conference. Throughout, the process focused intervenors' efforts towards assisting AREVA in devising improved mitigation measures and more accurate impact predictions. Based on the questions and concerns raised by various parties, AREVA committed to a series of revisions to its EIS and monitoring/management plans (NIRB, 2013). As such, the written correspondence and in-person meetings related to the development of AREVA's EIS were depoliticizing insofar as they encouraged cooperation and compromise rather than adversarial conflict. However, as I explain below, several community organizations and many Inuit from Baker Lake continued to treat AREVA as an adversary, despite these compromises and concessions.

AREVA submitted its final EIS in September 2014. Its overall conclusions were identical to those of the draft, as it found there would be no significant negative impacts to the biophysical environment and net socioeconomic benefits for the Kivalliq region (AREVA, 2014a). However, unlike the draft EIS, the final version did not contain an anticipated start date for the project. Instead, it indicated that project commencement would be influenced by "favourable market conditions, completion of detailed engineering, and successful completion of licencing and other Project approvals." (AREVA, 2014b:4-45) Elsewhere, it indicated that the price for uranium was "below the threshold needed for project advancement" when the final EIS was written (*ibid.*:18-14). The lack of a project start date and concrete timelines became a very contentious issue during the final stages of the review.

7.2.5 Public Hearings

Public hearings were held in Baker Lake over two weeks in March of 2015. The first week consisted of technical hearings, which featured presentations by AREVA, government departments, and registered interveners.

The Baker Lake Hunters and Trappers Organizations (HTO) and Kivalliq Wildlife Board (Aksawnee, 2015; KWB, 2015) argued that the proposal should be rejected because of unacceptable levels of uncertainty in project timelines and impact predictions. They insisted that the project should not undergo environmental assessment until AREVA clarified when the project would commence. Both organizations were also concerned that approval of Kiggavik would allow a sprawling uranium agglomeration economy to develop around AREVA's milling and road infrastructure. They insisted government provide stronger protection for caribou calving grounds before approving Kiggavik, to ensure that a sprawling uranium industry does not destroy critical caribou habitat.

Several other registered parties opposed the proposal, for reasons which varied considerably. Makita raised concerns with the health impacts of uranium mining, the use of uranium in nuclear weapons, and the lack of clear project timelines (Nunavummiut Makitagunarningit, 2015). Dene communities from Saskatchewan and the NWT opposed the project, due to concerns with the potential contamination of the land, water, and wildlife resources which they share with Nunavut Inuit (Athabasca Denesuline, 2015; LKDFN, 2015). The prospect of transporting uranium concentrate by air over remote tundra was particularly concerning to Dene in Saskatchewan.

Paula Kigjuqalik Hughson, a resident of Baker Lake whose mother grew up near the proposed mine, was registered as an intervenor with no institutional affiliation. Hughson's

intervention focused on advocating for a public vote over the Kiggavik proposal in Baker Lake. She argued that “the people of the region” had not been given an opportunity to decide whether they support uranium mining, even though the region’s land use plan and GN policy both require local support for proposed uranium mining. She explained that she was working with hamlet counsellors to petition the GN to hold a plebiscite on the Kiggavik proposal. Hughson also encouraged all parties to consider rejecting the Kiggavik proposal until Baker Lake Inuit were better prepared to meaningfully participate in technical discussions and be employed in technical and management positions in the mining industry (Hughson, 2015).

The second week of hearings featured a community round-table, where representatives from each community in the Kivalliq region questioned the proponent, regulators, and registered intervenors. At the end of the roundtable session, community representatives provided closing comments. Five of the seven communities recommended the project, as currently proposed, not be approved. Arviat was split: one representative opposed the project, the other supported it. Baker Lake was also split, although in a different manner: one representative opposed the project, while the other requested that the review board delay its decision to allow the community of Baker Lake to hold a plebiscite on the matter. The latter request was denied (NIRB, 2015a:2242-2262).

In the final days of the hearing, members of the general public were provided with an opportunity to present their views to the review board. As with the GN public forums and NIRB screening, the final hearing transcripts document a variety of positions and perspectives on the proposed mine. While some Kivalliq residents spoke in favour of the project, most comments were critical. This critical stance transcended generations. Several influential Elders – including some who had previously expressed cautious support for Kiggavik – gave passionate speeches

opposing AREVA's plans (*ibid.*:2242-2262; 2209-2211). A grade 11 social studies class from the Baker Lake high school gave a presentation arguing that the project should not be approved (*ibid.*:2165-2169). Residents gave several reasons for their opposition, including potential impacts on wildlife and human health, as well as moral concerns with the nuclear power, nuclear waste, and nuclear weapons.

Interventions by NTI, KIA, and the GN did not reflect this opposition. NTI representatives did not express an explicit position on the Kiggavik project, but reiterated NTI's support-in-principle for uranium mining and encouraged other parties to "address outstanding issues" with the proposal (NTI, 2015). KIA's presentation provided many recommendations to help reduce the impacts of the proposed project, but did not indicate that there were any reasons why the project should not proceed (KIA, 2015). The GN likewise reiterated its conditional support for uranium mining and provided recommendations to help increase local benefits, mitigate negative effects, and improve impact predictions (GN, 2015).

Closing comments from intervening groups demonstrated the same dynamic. KIA vice-president Raymond Ningeocheak indicated that neither NTI nor KIA had significant outstanding issues with the Kiggavik project, and the few remaining outstanding issues were so minor that they would submit them as recommended terms and conditions for the review board to consider (NIRB, 2015b:2230-2331). Bernie Macissac, Deputy Minister of Economic Development and Transportation encouraged the review board to consider the recommendations made by the GN throughout the final hearing, and did not indicate that there were any outstanding concerns that might impede approval of the project (*ibid.*:2232-2235).

By contrast, the Baker Lake HTO's closing comments were clearly adversarial. Chairperson Richard Aksawnee reiterated the HTO's position that the project should not be

assessed, let alone approved, until AREVA provides reasonably concrete project timelines and government protects caribou calving grounds. Aksawnee also read a “declaration of cooperation” signed by HTO board members and representatives from Lutsel K’e Dene First Nation. Signatories committed to “work together to stop this proposal” and to “standing together to protect the caribou herds that both of our communities depend upon for our traditional culture and economic well-being.” (*ibid.*: 2348-2354) Thus, like the Tunngavik Federation of Nunavut and Keewatin Inuit Association in 1990, the Baker lake HTO had adopted a clearly political approach to the proposed mine by forming a network of allies to defeat the Kiggavik project.

7.2.6 Final Report

The NIRB report was released in May 2015 and recommended the Kiggavik project “should not proceed at this time.” (NIRB, 2015c:i) This recommendation was based on the argument – made by the Baker Lake HTO and others – that there was an unacceptable level of uncertainty in AREVA’s impact predictions. The review board had determined that the “burden of proof” on AREVA to demonstrate that the project would not have significant negative impacts had not been met (10). This was because of inadequate baseline data for Arctic wildlife, compounded by the lack of a clear project timelines.

The NIRB found that the absence of a definite project start date for the Project has compounded the uncertainties in the assessment of project effects... arising from the absence of baseline information. These uncertainties are such that, in the view of the Board, the onus of proof has not been met, and the Project should not proceed at this time. (*ibid.*:289)

The decision was immediately celebrated as a victory by Makita. Spokesperson Hilu Tagoona said that the group was “overjoyed” with the decision, and that “future generations of Inuit will view this decision as responsible and just.” (Nunavummiut Makitagunarningit, 2015b)

While the report recommended AREVA's proposal be rejected, it was nonetheless structured to persuade Inuit to consent to uranium mining. Like the scoping process, the NIRB report screened out political and moral questions that were raised during the final hearing. The report claimed that some of these political and moral questions were outside of the NIRB's jurisdiction and mandate. For example, the question of a public plebiscite and community consent to uranium mining were raised by several registered intervenors and community members. However, NIRB found that a public plebiscite "is not a prerequisite to the Board's exercise of its jurisdiction, and that the results of a plebiscite...would not assist the Board in its consideration of this proposal." It likewise found that "public support" was "not a precondition to the exercise of jurisdiction by the NIRB, but is a matter which should guide decision makers at later stages of the planning and development process." It noted that public support may be relevant to other NIRB recommendations in the future, depending on the "factual context" of these hypothetical future reviews, but effectively ruled public support outside of the scope of the Kiggavik review at present (NIRB, 2015c:16).

Other political issues were simply not addressed. For example, issues with the end uses of uranium had been raised by both supporters and opponents of the project throughout the review process. Aside from a passing reference that uranium from Kiggavik would be exported rather than used in Canada, the report did not examine the end uses of uranium from Kiggavik. Notably, there is no discussion of nuclear weapons, waste, and accidents (a key moral concern for opponents of the project), nor was there analysis of AREVA's claims that uranium from Kiggavik would help reduce global greenhouse gas emissions.

The report left the door open for AREVA to resubmit the proposal later. It was clear that, while the NIRB recommend the project not proceed at the time, it did not "intend that this project

not proceed at any time.” It recommended “the Kiggavik Project may be resubmitted for consideration at such future time when increased certainty regarding the project start date can be provided.” (*ibid.*:1) As such, while the NIRB recommendation was certainly an immediate victory for groups opposing the proposal, it clearly does not close the door to uranium mining in Nunavut.

Further, the report provided recommendations to help work towards the future approval of Kiggavik. These included the development of Inuit-language terminology for concepts related to the nuclear industry, the collection of more robust baseline data for Arctic wildlife, and the development of additional government monitoring programs for Arctic wildlife (*ibid.*:288). As such, even by recommending against the Kiggavik mine at the time, the NIRB was still encouraging and facilitating compromises between Inuit and the uranium industry. As such, the report was structured to facilitate Inuit consent to the Kiggavik project at a later date.

7.2.7 Federal Government Decision

AREVA responded to the final hearing report with a letter to Bernard Valcourt, then federal Minister of Aboriginal Affairs and Northern Development, requesting he not accept the review board’s recommendation. In response, a series of groups wrote to Valcourt urging him to accept the NIRB recommendation and reject AREVA’s proposal, including the Baker Lake HTO (Aksawnee, 2015b), Chesterfield Inlet HTO (Aggark, 2015), the Kivalliq Wildlife Board (Adjuk, 2015), Makita (Ukpatiku, 2016), Mining Watch Canada (Lapointe, 2015), and the Beverly and Qamanirjuaq Caribou Management Board (Evans, 2015). Notably, neither KIA nor NTI publicly engaged in these discussions, despite an open letter from Makita urging them to do so (Tagoona, 2015).

Valcourt did not respond to the NIRB recommendation before the 2015 federal election. Carolyn Bennet, the new Liberal minister of Indigenous affairs, issued a decision in the summer of 2016, upholding the NIRB report and rejecting AREVA's proposal (Bennett, 2016). AREVA responded with a letter to Minister Bennett, indicating that the company was "immensely disappointed" with the decision, as AREVA and its partners had spent over 60 million dollars on the review process (Martin, 2017). That summer, AREVA ceased exploration work at the Kiggavik site, and began transitioning the project to care and maintenance (AREVA, 2016).

7.3 CONCLUSIONS

The conflicts over uranium mining examined in this chapter help illustrate important continuities and changes in the political dynamics of energy resource extraction after the Nunavut Agreement was signed. Prior to the agreement, Tunngavik Federation of Nunavut, Keewatin Inuit Association, and Inuit Tapirisat of Canada were openly antagonistic towards the nuclear industry. They formed networks and alliances to defeat uranium and oil companies, which they saw as their enemies. This included forming alliances and working relationships with the global anti-nuclear movement. By contrast, NTI, KIA, and the GN have been collaborative, focused on identifying compromises and winning concessions, and saw the uranium industry as a legitimate interest in the Arctic. They actively consented to the presence of the nuclear industry in the Arctic. Further, they helped ensure that environmental assessment – a process which is structured to identify technical compromises – would be used to determine whether or not uranium mining should proceed in the territory.

As I explained in Chapter Six, this change in position was driven, in part, by the economic interests created by the system of land ownership created by the Nunavut Agreement,

especially the extinguishment of Aboriginal title. Because NTI and KIA are only able to collect significant revenues from extraction on Inuit Owned Lands, and because many of these lands contain uranium, they are under considerable financial pressure to consent to uranium mining. However, this economic interest was deepened after 2007, when NTI and KIA entered into agreements with industry. These agreements were an important factor in NTI failing to reconsider its position on uranium mining in 2011, as the organization was concerned it might be held legally (and financially) liable if it withdrew its support for projects it had previously agreed to. This potential legal liability may well have also influenced KIA's decision to avoid publicly taking a position on the Kiggavik proposal after the environmental assessment was complete.

However, both the consent to, and depoliticization of uranium mining were challenged by other actors. Several groups and many residents of Nunavut expressed their on-going opposition to uranium mining and the nuclear industry. While the Baker Lake HTO was not formally opposed to uranium mining, it treated AREVA as an adversary, especially by forming alliances with other HTOs and Indigenous communities to defeat the proposed mine. Makita's call for a public inquiry into uranium mining was – like Inuit Tapirisat of Canada's calls for a public inquiry into Arctic oil and gas development in the 1970s – a call to re-politicize uranium mining. Calls for a public plebiscite over the Kiggavik mine from Hughson and other Baker Lake residents were, like NAUC's call for a plebiscite in 1990, likewise a call to re-politicize uranium.

These debates also illustrate the ways NIRB reproduced the fundamental structures of federal EA in the 1970s and 1980s. Like federal EA, the NIRB review of the Kiggavik project depoliticized extraction. The NIRB review did not make space for broader moral and political debates about the nuclear industry. These moral and political questions about 'ends' were omitted, as were political issues concerning the democratic consent for uranium mining.

Assessment scoping and the final hearing report were notable instances where political issues raised by Inuit were ‘screened out’. Instead, the review emphasized questions of ‘means’, especially identifying and evaluating technical and managerial measures to limit the negative impacts. Because of this emphasis on technical and managerial compromises, the NIRB assessment discouraged adversarial and antagonistic conflict, in favour of cooperation and collaboration. The development of AREVA’s EIS was structured as a collaborative process, where intervenors and industry could work together to resolve conflicts in the interests of improving impact predictions and management plans. The final hearing decision – despite recommending the proposal not be approved at the time – none-the-less provided recommendations to assist in the project’s approval and public acceptability in the future. As such, the entire process was structured to persuade Inuit to consent to uranium mining by depoliticizing extraction and imposing compromises between Inuit and the uranium industry.

More broadly, by recommending Kiggavik be rejected, NIRB was helping to legitimize the extractive economy *as a whole*. This recommendation should be understood as part of the system of compromises between Inuit and extractive capital in general. It was a concession to Inuit, and a significant (over \$60 million) economic sacrifice on the part of extractive capital. As such, the message it sent to the public was that regulators are vigilantly protecting the Arctic from irresponsible and risky forms of extraction. Ultimately, hegemony is not strictly about Inuit consent to this or that specific proposal for extraction, but rather to the extractive economy as a whole.

Chapter Eight

Reproducing Hegemony 2 – Hydrocarbons in the Qikiqtani (1993-2017)

This chapter examines conflicts over oil and gas extraction in the Qikiqtani region after the Nunavut Agreement was signed in 1993. After a brief discussion of oil and gas policy in Nunavut, it examines conflicts over two proposals for offshore oil and gas exploration in the Qikiqtani region. The first was over a 2010 proposal to conduct seismic surveys in Lancaster Sound, an area which Inuit had long sought to have designated a protected area. This conflict included an Environmental Assessment (EA) by the Nunavut Impact Review Board (NIRB) and related litigation in the Nunavut Court of Justice. The second conflict was over 2011 proposal to conduct seismic surveys in Baffin Bay and Davis Strait. I focus my analysis on an EA by the National Energy Board (NEB) and related litigation in the Federal Court of Appeal and Supreme Court of Canada.

My analysis of these cases builds upon arguments I introduced in previous chapters. Assessments conducted by both the NIRB and NEB were structured to persuade Inuit to support extraction by imposing compromises and depoliticizing the oil and gas industry. As such, EA remains structured to produce extractive capital's hegemony. The representative political institutions created by the Nunavut Agreement – the Government of Nunavut (GN) and Nunavut Tunngavik Incorporated (NTI) – now play important roles in the production of this hegemony. As with uranium mining, both organizations have given their active consent to oil and gas extraction in principle and insist that EAs are the best way to make decisions about oil and gas. However, unlike uranium mining, conflicts over oil and gas more clearly reveal the ongoing and integral role of the Canadian judiciary in structuring this hegemony. The concept of the duty to consult – as understood by the federal government, the GN, NTI, and the Supreme Court of

Canada – is a requirement for the federal government to attempt to use its powers of persuasion, by imposing compromises and concessions, to manage Inuit dissent to extraction.

8.1 OIL AND GAS POLICY IN NUNAVUT

Neither NTI nor the GN have issued policies specific to the oil and gas industry. Both organizations have supported the resumption of oil and gas extraction in Nunavut. However, the GN has generally been more explicitly enthusiastic than NTI about petroleum extraction.

In 2000, the federal government consulted with the GN and NTI regarding oil and gas extraction in the High Arctic Islands. By year's end, a call for nominations was issued, allowing companies to bid for oil and gas rights in the region. According to the federal government, this was done with the consent of all three parties (INAC, 2000). There does not appear to have been any public discussion or consultations in the lead-up to this decision. Thus, less than a decade after the Nunavut Agreement was signed, and less than a year after the Nunavut Territory was created, Nunavut's primary political organizations had actively consented to the oil and gas industry.

The 2003 Nunavut Economic Development Strategy – developed by a coalition of Nunavut-based organizations, led by NTI and the GN – recognized oil and gas development as an important sector of Nunavut's economy. The strategy predicted that oil and gas exploration and extraction would soon resume and a minimum of 50% of all expenditures would accrue to Nunavut's labour force and businesses (SEDS, 2003).

Politicians from both NTI and the GN have expressed enthusiastic support for the oil and gas industry. In 2000, NTI vice president James Eetoolook told the Nunavut Mining Symposium that NTI has a “vision in which the development of our mineral resources - as well as oil and gas

- will bring greater prosperity to Inuit, with Inuit as full participants.” (Eetoolook, 2000). In 2006 GN Premier Paul Okalik wrote the he “looks forward to renewed exploration and development” of the territory’s oil and gas resources (Government of Nunavut, 2006:2). In 2008, he told the legislative assembly that he considered extraction – including of oil and gas – integral to the future self-determination of Inuit, as it would allow Inuit to fund governance without “outside help” (Legislative Assembly of Nunavut, 2008:66).

Both the GN and NTI have staff dedicated to promoting Nunavut’s oil and gas economy. The GN Department of Economic Development and Transportation has been particularly active on this front. For example, it has developed brochures promoting the potential economic benefits of the petroleum industry and seismic surveys (GN, 2017a; GN, 2017b). It was also a lead organizer of the 2015 Arctic Oil and Gas Summit – a conference designed to identify, and presumably overcome, barriers to Arctic oil and gas extraction (Croal, 2015).

However, despite this enthusiasm, industry has shown very little interest in Nunavut’s oil and gas resources. Despite significant historic discoveries of oil and natural gas in the Sverdrup Basin and regular calls for bids for oil and gas rights in the High Arctic between 2000-2013, corporate interest in Nunavut’s oil and gas resources has been almost non-existent since the middle of the 1980s (INAC, 1995; AANDC, 2014). The only recent proposals for hydrocarbon exploration in Nunavut were two proposed seismic surveys near Baffin Island. The first was developed by the Geological Survey of Canada, and included surveys in Lancaster Sound (an area Inuit had long sought to protect). The second proposal was developed by a consortium of geophysical companies, and focused on Baffin Bay and Davis Strait. As I explain below, Qikiqtani Inuit successfully resisted both proposals with litigation.

8.2 SEISMIC SURVEYS IN LANCASTER SOUND

A feasibility study for a marine park in Lancaster Sound was initiated in the late 1980s (Smith, Gowan, McComb, 1989). However, the proposal was shelved and lay dormant for almost two decades. There was little political will, as Inuit were focused on negotiating and (after 1993) implementing the Nunavut Agreement. Because of a dearth of industry interest in Arctic oil and gas, there was little pressure to move the file forward.

Momentum towards designating Lancaster Sound a protected area was renewed in 2007. The federal budget speech announced the government's intention to create a National Marine Conservation Area (NMCA) in Lancaster Sound (Flaherty, 2007). NMCAs are conservation areas established under the *National Marine Conservation Area Act* (2002). They are managed by Parks Canada, often through a co-management framework with Indigenous rights holders. NMCAs allow both subsistence and commercial hunting and fishing, as are transportation and recreation. However, oil and gas extraction, seabed mining, and ocean dumping are banned (Parks Canada, 2013).

In December 2009 Parks Canada, the GN, and QIA signed a memorandum of understanding to conduct a feasibility study on the proposed protected area. In addition to more general recommendations about the desirability of the NMCA, the feasibility study was also intended to recommend a boundary (Government of Canada *et al.*, 2009). However, at the same time as the MOU was signed with Parks Canada, another branch of the federal government was planning to conduct oil and gas exploration in the sound.

8.2.1 Nunavut Impact Review Board Screening

In late 2009 the Geological Survey of Canada submitted a proposal to conduct seismic surveys in Lancaster Sound and Baffin Bay. The proposal was part of Natural Resources Canada's 'Geo-mapping for Energy and Minerals' program, which produces geological data to "increase economic prosperity of northern Canada through private sector investment in resource development." Work was scheduled to commence in August 2010 (Geological Survey of Canada, 2009).

Because the project was described as 'research', it was referred to the GN's Nunavut Research Institute. This created a unique situation where a GN minister – in this case Daniel Shewchuk, Minister for Nunavut Arctic College – had decision-making authority on proposed resource exploration or extraction. The GN referred the proposal to the Nunavut Impact Review Board (NIRB), which began screening the proposal in March 2010 (NIRB, 2010b).

Several community groups from the Northern Qikiqtani region submitted written comments opposing the proposal (Hamlet of Arctic Bay, 2010; Arctic Bay HTO, 2010; Hamlet of Grise Fiord *et al.*, 2010). A submission from the Qikiqtani Inuit Association (QIA) argued that community consultation had been insufficient. It noted that QIA had hosted its own meetings in effected communities, and that "each and every consultation session highlighted clear opposition." The submission was also strongly critical of government plans to conduct hydrocarbon exploration in an area that it intends to protect, which it claimed was evidence of a lack of "collective vision." It concluded that the proposal should be returned to the proponent for further development, including further consultation (Qikiqtani Inuit Association, 2010).

Neither the GN nor the federal government indicated that the project should not proceed. The GN Department of Environment recommended mitigation measures for spill contingency

and waste disposal, but deferred to federal government for mitigation measures for seismic surveys. The submission indicated that the proponent should be aware of the proposed NMCA, but did not suggest that the surveys were inconsistent with the creation of a protected area (Department of Environment, 2010). The GN Department of Culture, Elders, Language, and Youth noted that the proposal did not pose a threat to archeological resources, and therefore “recommended approval.” (Department of CLEY, 2010)

The federal Department of Fisheries and Oceans and Environment Canada also recommended measures to mitigate impacts to the marine environment (DFO, 2010; Environment Canada, 2010). Parks Canada indicated that the surveys were not part of the feasibility study for the proposed NMCA. However, it noted that the surveys “may provide valuable information” for the study (Parks Canada, 2010).

The NIRB submitted its screening report to Shewchuk on May 21. It recommended the project be allowed to proceed without a review, and suggested several terms and conditions to reduce environmental impacts and public opposition. This included the proponent “conduct meaningful public consultation in potentially affected communities...prior to commencement of the project.” (NIRB, 2010b) By deferring consultation to a later date, NIRB effectively ‘screened out’ the political question of Indigenous and community consent to extraction.

The NIRB report also screened out political questions about the future of Lancaster Sound. It acknowledged that the proposed surveys would be conducted, in part, inside of the proposed NMCA. However, unlike QIA and Qikiqtani communities, NIRB did not see a contradiction between the seismic surveys and the proposed conservation area. Instead, the report repeated Parks Canada’s argument that the surveys could potentially provide data for the feasibility study and encouraged Natural Resources Canada to “share the results of its research

with Parks Canada to further the development of a mineral and energy resource assessment for Lancaster Sound.” (*ibid.*:15) As such, the NIRB report also screened out important political questions about the future of Lancaster Sound – questions which, as I explained in Chapter Five, led a federal EA panel to recommend the government dismiss a proposal for exploratory drilling in Lancaster Sound. Therefore, in this particular case, NIRB not only reproduced the depoliticizing structure of federal EAs, it arguably took an even more narrow view than the panel which reviewed exploratory drilling in 1979. Thus, like the assessment of the Kiggavik mine, the screening of seismic surveys in Lancaster Sound was structured to persuade Inuit to consent to activities intended to facilitate extraction.

8.2.2 *Government of Nunavut Decision*

Between May 31 and June 23, Natural Resources Canada held additional consultation meetings in North Qikiqtani communities. According to regional media, the meetings were highly adversarial. *Nunatsiaq News* (2010a) reported a June 8 meeting in Pond Inlet was “hostile” as “the crowd of 50 people, mainly older Inuit men...repeatedly applauded as they took turns voicing their opposition.” News media also reported consistent opposition at a meeting in Arctic Bay (*Nunatsiaq News*, 2010b).

As community meetings unfolded, the Legislative Assembly of Nunavut began its spring session. The ECASE project became a topic of significant discussion. James Arvaluk (MLA representing Pond Inlet) and Ron Elliott (MLA for the High Arctic) gave members statements recognizing community opposition to the surveys and asked government ministers about their impending decision during question period. Both Shewchuck (Minister for Nunavut Arctic College) and Peter Taptuna (Minister of Economic Development) deflected criticism of the

proposal by claiming that the proposed surveys were directly connected to the creation of an NMCA, and that seismic surveys were a legal requirement for creating new conservation areas (Legislative Assembly of Nunavut, 2010e; Legislative Assembly of Nunavut, 2010f). This argument was used repeatedly, despite the fact that it was clearly untrue. The other two parties involved in the NMCA creation (QIA and Parks Canada) clearly indicated that the surveys were not directly connected to, nor necessarily required for, the feasibility study.

QIA wrote to Shewchuck on June 29, expressing ongoing concerns with the project, especially a consultation process which was, it argued, inadequate and ineffective. Shewchuck responded to QIA on July 21. His letter acknowledged ongoing opposition to the proposal which, he claimed, was because “the proponent did an inadequate job of informing and engaging with local communities.” However, he also claimed that “the impacts of this proposal have been blown out of proportion” and bemoaned that the proposal had “become a rallying point for opposition to oil and gas development throughout the Eastern Arctic.” The letter concluded that Shewchuck was “in the process of considering how to best address the concerns expressed during the recent community consultations.” (Shewchuck, 2010)

The following day the GN issued permits for the surveys (Nunavut Research Institute, 2010). Thus, in the single case in which the GN had the jurisdiction to permit oil and gas activities it gave its active consent to exploration over the objections of Qikiqtani communities and the QIA. Further, Shewchuck’s letters and final decision illustrate the degree to which the GN had accepted a depoliticized understanding of extraction, insofar as the decisions appears to be based solely on a technical argument (the impacts have been ‘blown out of proportion’) rather than political issues (like democratic consent). As such, the decision represents an important moment in consolidating extractive capital’s hegemony over Nunavut.

8.2.3 *Qikiqtani Inuit Association v Canada (Minister of Natural Resources)*

On August 3 QIA filed an application with the Nunavut Court of Justice challenging the legality of the research licence. The governments of Canada (Minister of Natural Resources and Attorney General of Canada) and Nunavut (Minister responsible for the Arctic College and Commissioner of Nunavut) were listed as respondents. The application requested the court issue an injunction preventing the federal government from conducting the surveys and quash the research licence the GN has issued. It alleged that both orders of government had failed to fulfill their duty to consult Inuit about the seismic surveys (*Nunatsiaq News*, 2010c).

As I explained in Chapter Two, the ‘duty to consult’ is a legal restraint on government actions that infringe on Aboriginal and treaty rights. The concept was developed in a series of Supreme Court of Canada decisions (*R v Sparrow*, 1990; *R v Delgamuukw*, 1997; *Haida Nation v British Columbia*, 2004; *Taku River Tlingit First Nation v British Columbia*, 2004; *Mikisew Cree First Nation v Canada*, 2005). According to these precedent-setting rulings, federal and provincial governments (‘the Crown’) have an obligation to consult and accommodate Indigenous rights-holders. The extent of required consultation varies and depends on the circumstances. If the Indigenous groups’ claims to rights are weak and the potential negative impacts of the proposed infringement are minor, only a limited exchange of information is required. If rights are clearly established and there is potential for significant and non-compensable damage, “deep consultation” is required. This can involve Indigenous groups formally participating in decision-making and substantial accommodation to minimize infringement (*Haida Nation v British Columbia*, 2004). It is important to note that, in most cases, the duty to consult does not provide Indigenous people any sort of formal control over land and resources. While the court has acknowledged that in some cases the full consent of Indigenous

peoples may be required before infringing on their rights, it has also emphasized that in most cases consent is not required to satisfy the duty to consult (*ibid.*).

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

Notably, both orders of government argued that compliance with the processes provided for under the Nunavut Agreement (in this case, a NIRB screening) satisfies the duty to consult in all cases, because Inuit had agreed to the process through the Nunavut Agreement. One of the central legal questions in this case there pertained to whether an EA alone can satisfy the duty to consult.

Justice Sue Cooper issued an interlocutory injunction on August 8, one day before the surveys were schedule to commence. Cooper took no position on the “nature or value” of consultations that took place, other than noting that there were “serious issues” to be considered by the trial judge. She also did not take a clear position on the legal question of whether a NIRB EA necessarily satisfies the duty to consult. In response to the government position that compliance with NIRB process necessarily satisfies the duty to consult in all circumstances, Cooper wrote “is not clear to what extent a consultation process that is set out in a treaty will be seen to encompass the duty to consult” and noted that it was possible that consultation beyond that provided for in treaty may be required (*Qikiqtani Inuit Association v Canada*, 2012: 12). However, she ultimately left these and other questions to the trial judge.

Because of the injunction, the federal government abandoned the proposed surveys. That December it announced that no oil and gas exploration, including seismic surveys, would take place in Lancaster Sound until the feasibility study was complete. As a result, the case did not proceed to trial, and questions about the relationship between EA and the duty to consult were not addressed by the Nunavut Court of Justice. This question would, however, be an important issue in subsequent litigation concerning seismic surveys in Baffin Bay and Davis Strait.

The conflict over seismic surveys in Lancaster Sound is different from other conflicts examined in this dissertation for several reasons. First, it is the only case where the GN had final decision-making authority. Second, the federal government, rather than a private corporation, was the proponent. However, the case raised an important question of relevance to the hegemony of extractive capital: whether or not an EA – a process which is structured to persuade Indigenous peoples to consent to an economy based on extraction – can satisfy the Crown’s duty to consult. The fact that the GN argued that an EA alone can satisfy the duty to consult demonstrates the degree to which it has internalized a depoliticized understanding of extraction.

8.3 SEISMIC SURVEYS IN BAFFIN BAY AND DAVIS STRAIT

In early 2011, less than a year after conflict erupted over government-sponsored seismic surveys in Lancaster Sound, a consortium of geophysical companies applied to conduct seismic surveys in Baffin Bay and Davis Strait. Unlike Natural Resources Canada’s proposed seismic surveys, this project did not include Lancaster Sound. The consortium proposed to conduct surveys for five years during the open water season. The resulting data was intended to support future exploratory drilling in the area (NEB, 2013).

8.3.1 National Energy Board Assessment

Because the proposed surveys were outside of the Nunavut Settlement Area, they were not screened or reviewed by NIRB. Instead, the National Energy Board (NEB) conducted an EA of the proposal. The company submitted an environmental impact report for the project in April 2011, which outlined a series of mitigation measures the company could use to minimize project impacts on marine life (RSP Energy, 2011). In September, the NEB requested further information from the consortium, some of which required it to conduct further research and community engagements (NEB, 2011). The NEB hosted public meetings in Baffin communities in Spring 2013, and it accepted written comments from interested parties until October 2013.

Throughout the process, Qikiqtani communities repeatedly expressed clear opposition to the project. Residents of Pond Inlet and Clyde River submitted petitions to the NEB opposing the proposal (Gearhead, 2011; Pond Inlet Residents, 2013). The transcripts from the NEB's public meetings, as well as the reports from industry engagement, document significant public opposition to the surveys in Pond Inlet, Clyde River, Qikiqtarjuaq, Pangnirtung, and Iqaluit (Bernauer, 2014b).

Shortly after the NEB's community meetings, the Hamlet Council and HTO in Clyde River passed resolutions opposing the surveys. In a joint letter to the NEB, Mayor Apiusie Apak and HTO Chair Jaycopie Iqalukjuaq stated that both the HTO and Hamlet Council were "firmly opposed" to the proposed surveys and "strongly urge all authorities to deny the proponent's proposal." (Hamlet of Clyde River *et al.*, 2013)

QIA was critical of the proposal throughout the NEB assessment. In written comments in 2011, QIA noted significant community opposition to the proposed surveys. The comments included a list of concerns identified in community meetings hosted by QIA, and requested the

company clearly explain how it would mitigate the potential impacts raised by communities. The submission recommended the NEB “**not** grant authorization of the proposed seismic work until a process is developed to address community concerns to the satisfaction of the affected communities.” (QIA, 2011) Follow-up comments in 2012 were critical of the seismic companies’ approach to community engagement and Inuit knowledge about the environment (QIA, 2012).

QIA’s final comments, submitted in October 2013, requested that the NEB not issue authorizations for the project. It claimed that there had been inadequate consultation with communities and engagement with Inuit knowledge in designing mitigation measures. It also insisted that a strategic environmental assessment (SEA) would be “the best vehicle to address community concerns and gather IQ to inform oil and gas development.” As such, QIA recommended an SEA “be allowed to run its course before any decision is made to allow any oil and gas related activities.” (QIA, 2013) At NTI’s general assembly in 2013, a motion supporting QIA’s position was passed unanimously. It requested, “no permits related to oil and gas development, which includes seismic testing, be issued...until such time as a Strategic Environmental Assessment is completed and Inuit concerns are addressed to the satisfaction of Inuit.” (NTI, 2013)

QIA and NTI therefore opposed the project for primarily technical reasons. They demanded a more thorough technical assessment, not a political forum, to address community opposition to the proposal. Neither organization suggested that oil and gas development might not be a part of the region’s economic future, nor did they form alliances with other groups to defeat the proposed surveys. As such, despite formally opposing the proposed surveys, both NTI and QIA maintained a mostly depoliticized approach throughout the NEB assessment.

By contrast, the GN explicitly indicated support-in-principle for seismic surveys early in the NEB's assessment. A 2011 submission noted that the GN "recognizes...the potential economic benefit that offshore petroleum activity could provide to both Nunavut and Canada." It recommended the consortium engage in extensive consultations with Qikiqtani communities and Nunavut fisheries, and that the project "provide maximum social and economic benefits to the people in nearby communities." (GN, 2011) According to the NEB registry, the GN did not submit any further comments during the assessment.

The GN position on the proposed surveys was a prominent topic in the Legislative Assembly's Spring 2013 sitting. In the face of mounting public opposition to seismic surveys, GN leaders toned down their enthusiastic support for oil and gas extraction and instead referred to the NEB's EA to deflect criticism. On March 14, Ron Elliott (MLA for the High Arctic) asked Peter Taptuna (Minister of Economic Development) if the GN had a position on oil and gas extraction, including the proposed seismic surveys. Taptuna repeatedly dodged the question by referring to the fact that oil and gas issues are under the jurisdiction of the NEB.

As a department, we do not necessarily have a position. As a government, we abide by the regulatory processes and the legislated mandate. As a government, we do not necessarily tell the proponents that we're either pro or con for certain types of development. We abide by the legislation that we're under (Legislative Assembly of Nunavut, 2013a).

On May 14 Joe Enook (MLA for Pond Inlet) asked James Arreak (Minister of Environment) whether the GN has a position on the proposed seismic surveys. Arreak similarly dodged the question by claiming that the GN was "trying to work with the NEB." (Legislative Assembly of Nunavut, 2013b) The following day, Enook asked Arreak if the GN position was the same as it was in 2011, when it wrote to the NEB recognizing the potential benefits of oil and gas development. Arreak replied that "the foundation is still the same" but reiterated that the GN has no jurisdiction over offshore issues and that it was committed to the NEB process

(Legislative Assembly of Nunavut, 2013c). Thus, as with uranium mining, the GN deflected criticism of its support for offshore oil and gas by referring to technical EA.

In April 2014 Cathy Towtongie (President of NTI) and Okalik Egeesiak (President of QIA) wrote a joint letter to the NEB and Minister of Aboriginal Affairs and Northern Development. The letter complained that QIA's recommendations had been ignored. It stated that Inuit communities would continue to oppose the proposal "until their questions are answered, their concerns addressed, and they are assured that adequate measures are in place to protect wildlife and the environment." The letter reiterated the position that a strategic environmental assessment should be completed before issuing permits for seismic surveys in the Baffin region (NTI and QIA, 2014).

Bernard Valcourt (Minister of Aboriginal Affairs) responded on June 16. Valcourt wrote that he "respectfully disagree[d] with the view that seismic exploration of the region should be put on hold until the completion of a strategic environmental assessment." His letter reiterated that a project specific EA was the most appropriate means of making a decision on the proposal.

I see from your letter...that you have appropriately put your concerns and evidence before the National Energy Board. I have confidence that the National Energy Board will carefully weigh all the evidence and views in its decision-making process and that the scope of the NEB's mandate is sufficiently broad to deal with all of the matters before it (AANDC, 2014b).

Thus, like the GN, the federal government deflected Inuit dissent by referring to the NEB EA.

On June 26 the NEB issued authorizations for the surveys (NEB, 2014a). Like NIRB, the NEB report was structured to persuade Inuit to consent to the surveys. It screened out political questions, including the issue of Inuit consent, which was simply not addressed in the report. It noted that QIA and Qikitani communities participated in the assessment through numerous

written submission and in-person meetings. However, there is no recognition that these letters and meetings mostly expressed firm opposition to the proposed surveys (NEB, 2014b).

The NEB also imposed technical compromises between Inuit and the geophysical companies. For example, it required the seismic companies to monitor for marine mammals and suspend operations if wildlife are spotted near the survey ship. Like recommendations in other EAs, these conditions are not meaningless but (if properly implemented) constitute economic sacrifices, in-so-far as shutdowns to minimize impacts on wildlife resources could potentially harm the productivity and profit margins of the project. However, as I explain below, in this particular case the concessions were grossly inadequate in persuading Inuit to support the proposed surveys.

8.3.2 Hamlet of Clyde River v TGS-NOPEC Geophysical Company [Federal Court of Appeal]

QIA's initial response to the decision was oppositional. President Ookallik Egeesiak told media that QIA was considering legal action over the planned surveys (*CBC News/North*, 2014b). However, three days later her tone became conciliatory. Northern media reported that she was "disappointed" in the outcome of the surveys, but that QIA would focus its energies on negotiating benefits and improved mitigation measures (*Nunatsiaq News*, 2014a).

The community of Clyde River, by contrast, remained adversarial. Mayor Jerry Natanine told the press that he was determined to continue fighting the surveys. On July 23, residents held a rally to protest the NEB decision. According to the press, over 100 people attended (from a community of roughly 1000 residents).

In the absence of litigation from QIA, the Clyde River Hamlet Council and HTO decided they would pursue legal action independently. In late July, they applied to the Federal Court of

Appeal for a judicial review of the NEB's decision to grant authorizations for seismic surveys. The application was filed by the Hamlet of Clyde River, the Clyde River HTO, and mayor Jerry Natanine. It named the seismic survey companies and Attorney General of Canada as respondents and argued that the Crown had not satisfied its duty to consult Inuit.

In the fall of 2014, as Clyde River's legal counsel prepared for the case to be heard, QIA announced that it would hold workshops "in affected communities to collect IQ and integrate it into the design of the seismic survey." The announcement reiterated QIA's disappointment with the approval of the surveys, as well as QIA's position that Inuit had not been adequately consulted. However, it made no mention of Clyde River's legal challenge and committed to "work with the proponent" (QIA, 2014). The workshops were explicitly designed to mitigate impacts, to help ensure that the negative impacts of seismic surveys (which QIA had accepted as inevitable) would be minimized, through prohibitions and restrictions on activity in important areas. They were thus focused on devising technical solutions to community opposition rather than organizing resistance, and are therefore structured help facilitate community consent.

The GN, for its part, continued to refrain from engaging directly with the issue. On November 5, Pat Angakak (MLA for Iqaluit) asked George Kuksuk (Minister of Economic Development) what the government position was on seismic surveys. Like his predecessor, Kuksuk dodged the question, in this case with vague references to community consultation: "this government's position on this issue is if we are going to be involved in this issue, we would first consult the communities or Nunavummiut in general prior to the government moving ahead." (Legislative Assembly of Nunavut, 2014a)

As QIA looked for a technical compromise and the GN remained silent, Clyde River developed a broader network of political allies to fight the proposed surveys. Several NGOs,

including Greenpeace, the Mining Injustice Solidarity Network, Council of Canadians, and Idle No More came together to form the Clyde River Solidarity Network, an *ad hoc* coalition to coordinate southern activist support for Clyde River's campaign. The network's activities included organizing a solidarity statement endorsed by over 40 organizations and celebrities, organizing public speaking events for Natanine in Toronto, and organizing a solidarity rally outside the courthouse on the day of the trial (Clyde River Solidarity Network, 2015; Bernauer and Lightbody, 2015). Thus, while the GN and QIA maintained a thoroughly depoliticized to the project, the community of Clyde River was becoming increasingly politicized.

The case was heard on April 20, 2015 in Toronto. Nader Hassan, legal counsel for Clyde River, argued Inuit were owed 'deep consultation' – a legal term for very extensive consultation and accommodation, which is required when there is a potential for significant harm to the exercise of clearly established Indigenous rights. However, the consultation Inuit received fell well below this standard. Hassan pointed to several procedural shortcomings in the EA, including the lack of formal public hearings and the proponent's inability to answer basic questions during the NEB's informal public meetings. Notably, Hassan argued that the NEB's assessment alone could not satisfy the duty to consult, because the Crown, not the NEB and seismic companies, should have engaged directly with Inuit. Lawyers for the federal government and seismic companies argued Inuit were owed mid-range consultations but had received deep consultation. They pointed to the many meetings held by both the proponent and NEB as evidence of this. Both argued that the NEB EA had satisfied the duty to consult. Clyde River's legal challenge therefore raised the same fundamental question as the Lancaster Sound case regarding the relationship between EA and consultation.

The court delivered its decision in August. In a unanimous decision the three judges found that the Crown had adequately consulted Inuit and that the NEB's decision to grant authorizations was therefore legal. The court agreed with Clyde River's assertion that Inuit are owed deep consultation on issues related to the offshore. However, the court accepted the Crown and seismic companies' claim that the NEB's EA had provided deep consultation.

The Federal Court's decision defines consultation in a way which is consistent with extractive capital's hegemony. Citing the Supreme Court of Canada's decision in *Taku River Tlingit First Nation v British Columbia (Project Assessment Director)* (2004), the judges argued that "the duty to consult may be integrated into robust environmental assessment and regulatory review processes." (*Hamlet of Clyde River v TGS-NOPEC Geophysical Company*, 2015, para 60). As this dissertation has demonstrated, EA is structured to persuade Indigenous peoples to consent to the extractive economy by imposing compromises and depoliticizing extraction.

The Federal Court of Appeal's definition of consultation also places serious limits on the ability of Indigenous peoples to behave in an adversarial or antagonistic manner towards extractive capital. Citing *Haida Nation v British Columbia (Minister of Forests)* (2004), the judges wrote that Indigenous peoples must negotiate in "good faith" and cannot take "unreasonable positions" (*Hamlet of Clyde River v TGS-NOPEC Geophysical Company*, 2015, para 66). They found that Clyde River had not negotiated in good faith, because they had unreasonably refused to participate in a traditional knowledge study conducted on behalf of the proponents. Consultation, as understood by the federal court, therefore precludes a properly political framing.

8.3.3 *Clyde River (Hamlet) v Petroleum Geoservices Inc [Supreme Court of Canada]*

Clyde River was undeterred and appealed the decision to the Supreme Court of Canada (Hamlet of Clyde River *et al.*, 2015). The case was heard in conjunction with a similar appeal brought forward by the Chippewa of the Thames First Nation (CTFN). CTFN was appealing a NEB decision to allow Enbridge Inc. to reverse the direction of flow and increase the volume in an existing oil pipeline in Southern Ontario. Like Clyde River, CTFN alleged that the duty to consult had not been satisfied by an EA conducted by the NEB, and that direct Crown engagement is required in all cases when the duty is triggered. CTFN's appeal had, like Clyde River's, been dismissed by the Federal Court of Appeal in 2015 (*Chippewa of the Thames First Nation v. Enbridge Pipelines Ltd.*, 2015).

Written arguments were submitted in fall 2016 and oral arguments were heard that November. Clyde River's legal counsel reiterated arguments that had been made at the Federal Court of Appeal. Hassan argued that the meetings held by the NEB and seismic companies were ineffective, and that NEB and other EA processes alone cannot discharge the duty to consult. Direct Crown engagement is required, especially when 'deep' consultation is owed. The nature and extent of Crown involvement may vary from case to case, but it "must do *something*." (Hamlet of Clyde River *et al.*, 2016).

Legal counsel for CTFN likewise reiterated its position that a NEB EA alone is not consultation and that direct Crown engagement is required (Chippewa of the Thames First Nation, 2016). This position was supported by interventions from Mississaugas of the New Credit First Nation, the Mohawk Council of Kanawa:ke, and the Chiefs of Ontario. Together, they argued that consultation should be based on the nation-to-nation relationship enshrined in historic treaties, and therefore requires the Crown to be involved. Regulatory tribunals like the

NEB have limited jurisdictions, and thus lack the powers necessary to implement important accommodation measures and are therefore no substitute for direct Crown engagement. These parties were therefore demanding political negotiations with government officials, not technical hearings by a regulatory tribunal.

NTI also intervened in the case. Interestingly, NTI's understanding of the nature of the duty to consult differed little from the Crown's or the oil industry's, a fact which the seismic companies emphasised in their written response (PGS *et al*, 2016). NTI's submissions argued that EAs – by the NEB and other regulators – can in fact satisfy the duty to consult and that direct Crown engagement is not always required. In issues where there are issues outside of the mandate of the regulator, the Crown must engage directly, and promptly, to address any “gaps” (NTI, 2016). NTI's submission therefore undermined one of Clyde River's fundamental legal arguments, as well as the entire grounds for CTFN's appeal. The fact that NTI had come to accept that EA can satisfy the duty to consult is further evidence that it, like the GN, has internalized extractive capital's hegemony.

The SCC issued decisions for both cases on July 26, 2017. In Clyde River's case, the court found that the Crown had breached its duty to consult Inuit and quashed the NEB's authorization of seismic surveys. In a unanimous decision, the judges ruled that Inuit were owed deep consultation and that the NEB assessment fell far short of this (*Clyde River (Hamlet) v Petroleum Geoservices Inc.*, 2017). However, in the CTFN case, the court found that the Crown had fulfilled its duty to consult and dismissed the appeal. The decision noted that CTFN was not owed the same extent of consultation as Inuit, and that the NEB process CTFN had participated in was more robust and participatory than the EA for seismic surveys in Nunavut (*Chippewa of the Thames First Nation v Enbridge Pipelines Ltd.*, 2017).

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

However, the decisions also contributed to a narrowing of the duty to consult, in-so-far as they suggest that even 'deep consultation' can be satisfied through an EA. All of the major deficiencies the judges identified with the NEB's approval of seismic surveys – a lack of oral hearings and participant funding, as well as the inability of the proponent to answer basic questions about project impacts in an accessible manner – could be resolved within the framework of an EA process. While the Supreme Court of Canada court had previously ruled that EA could satisfy the duty to consult in some circumstances, the Clyde River decision appears to be the first case where the court suggests that even 'deep consultation' could be satisfied by an EA alone. Further, like the Federal Court of Appeal, the Supreme Court framed consultation as a "cooperative" process, based on "balance and compromise" with the ultimate goal of "reconciliation" (*Chippewa*, para 60). The rulings therefore continued the trajectory of rendering the duty to consult into a hegemonic strategy that imposes compromises and discourages adversarial behaviour on the part of Indigenous communities.

8.4 CONCLUSIONS

The cases examined in this chapter help further illustrate the political dynamics I identified in Chapters Six and Seven. They clearly demonstrate that EA remains structured to produce extractive capital's hegemony. Both NIRB and NEB assessments depoliticized extraction by screening out political issues and imposed compromises between Inuit and extractive capital with terms and conditions. While these concessions were clearly insufficient to produce Inuit consent to seismic surveys, they were structured to do so.

Conflicts over oil and gas also show how Inuit organizations and the GN have helped produce extractive capital's hegemony. Unlike the case of uranium mining, there were no extensive policy statements rationalizing support for the oil and gas industry. However, both NTI and the GN have issued policies which imply support for oil and gas development, and prominent politicians have made statements explicitly supporting that industry. More importantly, both organizations supported the use of EA to make decisions about oil and gas development.

While QIA worked assiduously to stop oil and gas extraction in Lancaster Sound, and was very critical of proposed seismic surveys in Baffin Bay, it did not question oil and gas development in principle. While NTI and QIA both opposed proposed surveys in Baffin Bay, they did so for purely technical reasons. They were demanding a better EA, not opposing the oil industry. When the NEB approved the proposed seismic surveys QIA and NTI abandoned their opposition and committed to working with industry to identify compromise solutions. NTI's intervention into the Supreme Court litigation – which supported the use of EA to fulfill the duty to consult and directly contradicted Clyde River and CTFN's legal arguments – further illustrates NTI's new role in producing extractive capital's hegemony.

The GN's interventions were even more overtly directed at legitimizing extraction. In the case of seismic surveys in Lancaster Sound, it was the GN that issued authorizations despite vocal opposition by Qikiqtani communities. In the conflict over seismic surveys in Baffin Bay, GN ministers refused to engage directly in the issue. In both cases, GN officials referred to EAs to deflect criticism of the territorial government's support for the oil and gas industry.

Recent conflicts over oil and gas in Nunavut also illustrate the role of the Canadian judiciary in producing extractive capital's hegemony. The 'duty to consult' is a requirement for the state to impose compromises between extractive capital and Indigenous peoples. The fact that the duty can be satisfied through an EA process, and that Indigenous groups are required to negotiate in 'good faith', further illustrates that the duty to consult is structured to produce extractive capital's hegemony.

Chapter Nine

Conclusions

This dissertation set out to explain how extractive capital has become hegemonic in Nunavut. To that end, it examined conflicts over energy resource extraction from 1970 until 2017. It identified a series of bureaucratic processes, negotiated agreements, and legal principles that have been fundamental in establishing and reproducing this hegemony, including environmental assessment (EA), land use planning, the Nunavut Agreement, and the duty to consult. Following Poulantzas (1973) I emphasized how these processes imposed material compromises between Inuit and extractive capital, as well as how they created depoliticized forums that encouraged collaboration and discouraged adversarial conflict.

9.1 ASSESSMENT AND PLANNING AS HEGEMONIC STRATEGY

Environmental Assessment (EA) and land use planning were fundamental in establishing, entrenching, and reproducing extractive capital's hegemony in Nunavut. Chapter Four and Chapter Five demonstrate that the EA and planning processes introduced by the federal government in the 1970s were structured to establish extractive capital's hegemony over Inuit. Chapters Six, Seven, and Eight argue that the co-management boards created by the Nunavut Agreement reproduced these structures.

EA and planning, as they have been constituted in Nunavut, are premised on four depoliticizing logics. First, EA and planning limit the ability of Inuit to make political and moral arguments about justice and injustice (Ranciere, 1999), and instead interpret Inuit dissent to extraction as a series of technical concerns for experts to consider. Second, EA and planning are premised on instrumental reason, as they ignore questions about 'ends' (for example, 'what sort

of economy should Nunavut have?') in favour of questions about 'means' ('how can we minimize the negative impacts of extraction on Arctic ecosystems?') (Horkheimer, 1993). Third, EA and planning are premised on anti-politics, because they respond to political challenges with technical solutions (Ferguson, 1991) and 'screen out' political and moral questions in successive stages of planning (Li, 2006). Fourth, EA and planning are premised on post-politics, because they encourage collaboration and discourage adversarial conflict (Swyngedouw, 2010).

EA and planning thus facilitate the negotiation of the 'unstable equilibrium of compromises' upon which hegemonic power is based (Poulantzas, 1973). Insofar as EA and planning are intended to reduce the impact of extractive industries on Arctic ecosystems, they provide economic concessions to Inuit hunters by minimizing disturbances to the resources they depend upon. This system of compromises between Inuit and extractive capital also involves economic sacrifices on the part of capital. The 'mitigation measures', 'terms and conditions', and other recommendations from EA and planning can involve costly technologies that increase overhead costs. In some cases, these measures involve restrictions on activity that can significantly reduce productivity and therefore profit margins. In cases where proposed mines are denied permits after long and costly EA processes, firms can lose millions of dollars. Extractive capital is sometimes able to pass these costs on to the Canadian state and, in some cases, Indigenous peoples. Because companies can usually write down operating expenses against taxes and royalty payments to government and Inuit organizations, the latter ultimately foot the bill for the costly technologies used to mitigate environmental impacts. Further, in many cases companies attempt to sue for compensation if their proposals are rejected at the end of a costly EA process or if resources they hold rights to are incorporated into a protected area. However, in many cases, the costs associated with EA and planning are borne by industry. In such cases, the

state can be seen making decisions that run contrary to the short-term interests of some mining companies in order to secure the long-term hegemony of extractive capital as a whole.

The events that led Qikiqtani communities to consent to the Bent Horn oil project in the 1980s shows how Canada's EA framework can work to persuade Indigenous peoples to consent to extraction. When tanker traffic through Lancaster Sound was first proposed for the Arctic Pilot Project, Inuit were unified in their opposition to it. The proposal was defeated by a coalition of Inuit from the United States, Canada, and Greenland. When tanker traffic through Lancaster Sound was considered by the Beaufort Environmental Assessment and Review Panel in 1983, Inuit were steadfast in their opposition.

The EAs for both the Arctic Pilot Project and Beaufort Sea 'screened out' political questions about ownership and control of the land and resources by refusing to consider the question of Inuit land claims and Aboriginal title. Both EAs also screened out questions about ends (what sort of economy should Lancaster Sound be based upon?) and instead focused on questions pertaining to means (how can we best minimize the negative effects of tanker traffic on Lancaster Sound?). Both EA reports also recommended technical solutions to address local opposition to tanker traffic. Notably, the Beaufort EA report recommended a 'phased approach' beginning with very small-scale projects which could gradually increase in scope.

This recommendation was adopted by Panarctic when it proposed the tiny Bent Horn 'demonstration' oil project in 1984. The small scale of the project was an economic concession to Inuit insofar as it resolved Inuit concerns about the potential impacts of icebreaking tanker traffic on the Inuit hunting economy. This was a decisive factor in the decision of Lancaster Sound communities to support the Bent Horn proposal. The small scale of the project was also

an economic sacrifice on the part of Panarctic, because it prevented the project from generating the more substantial profits that are enabled by economies of scale.

However, EA and planning do not simply encourage Inuit to consent to specific projects. They also help persuade Inuit to consent to an economy based on extraction by imposing compromises between Inuit and extractive capital in general. This system of compromises often includes prohibiting extraction in certain important areas and denying permits and authorizations to projects that may pose significant risks to Inuit society and Arctic ecosystems. The creation of protected areas and the denial of permits and authorizations for risky projects serve as an economic concession to Inuit hunters because they minimize disruptions in Inuit access to wildlife resources. Protected area creation and ‘no-go’ decisions from EAs also entail economic sacrifices from capital, which can be quite significant given the massive costs associated with developing a proposal and navigating the regulatory system in Northern Canada. These concessions and sacrifices are fundamental in maintaining Inuit *consent to the extractive economy as a whole*. As such, even recent victories like the defeat of AREVA’s Kiggavik uranium project near Baker Lake and the creation of a National Marine Conservation Area in Lancaster Sound have helped reinforce the hegemony of extractive capital.

I am not suggesting that Indigenous communities should refuse to participate in EA and planning processes entirely. The concessions these processes impose can be very important for the well-being of Indigenous peoples and the hunting way of life they continue to rely upon. If these concessions were merely symbolic gestures or ‘window dressing’, they would do little to persuade Inuit to accept the extractive economy. For example, as I explain in Chapter Eight, the failure of the National Energy Board to impose real concessions on proposed seismic surveys likely played a role in the high degree of Inuit opposition to the project. Further, as this

dissertation has demonstrated, significant victories can be won by movements that strategically engage with EA. However, all of the major victories examined in this dissertation – the defeat of exploratory drilling in Lancaster Sound (1979), the Arctic Pilot Project (1982), Urangesellschaft’s Kiggavik proposal (1990), seismic surveys in Lancaster Sound (2010), AREVA’s Kiggavik proposal (2016), and seismic surveys in Baffin Bay and Davis Strait (2017) – involved campaigns that combined participation in EAs with other more overtly political tactics. As such, it is important to avoid limiting interventions and campaigns to participating in EA and planning.

In my view, the fundamental issue is that it is important for Indigenous communities to consider what issues should be resolved through EA and planning and what issues should be confronted in other forums that provide greater space for politics – for example, public inquiries, legislative debates, community plebiscites, and blockades. In the case of oil, gas, and uranium, there is ample reason for Indigenous communities to be suspicious of attempts to deal with these industries through an EA process. These reasons have been clearly articulated by Indigenous politicians and community organizations through the period examined in this dissertation.

9.2 HEGEMONY AND REGULATORY CAPTURE

The argument in this dissertation – that EA and planning are structured to establish extractive capital’s hegemony – is relevant to recent debates in the Canadian environmental movement regarding the National Energy Board (NEB) and the Canadian Nuclear Safety Commission (CNSC). At present, most criticism of Canada’s energy regulators are based on the concept of ‘regulatory capture’. Environmental journalist Andrew Nikiforuk (2011) describes regulatory capture as a situation in which an ostensibly neutral and independent regulatory body

is controlled by private interests: “whenever industry captures the power of the state to foster private goals...regulators get captured and corruption surely follows.”

According to Nikiforuk, the NEB has become a captured regulator because it is primarily funded through industry levies and personnel frequently move between industry and the NEB. Former Chair of British Columbia Hydro Max Eliensen (2016) argued that the NEB’s review of the TransMountain pipeline expansion “exposed the Board as a captured regulator”. He claimed that the review’s outcome was “predetermined” by the NEB “narrowly scoping its list of issues, removing cross-examination, and refusing to compel answers to information requests.” Critics who charge that the NEB is a captured regulator often cite the appointment of a Kinder Morgan consultant to the board during its review of Kinder Morgan’s proposed Trans Mountain expansion project, as well as the private meetings NEB panel members held with TransCanada consultants during its review of TransCanada’s Energy East pipeline (Nikiforuk, 2017).

Kevin Taft, former leader of the Alberta Liberal Party, takes this argument further, and contends that the oil industry has not only captured important regulators like the NEB, but has created a ‘deep state’ in Alberta and Canada. He defines a deep state as a “state-within-a-state” which forms “when several key public institutions are captured and held for a long period of time by the same private interest.” Taft documents the capture of various state institutions, including political parties, government agencies, regulators, and universities. According to Taft, “the oil industry has captured and held enough different public institutions for a long enough time that a deep state has formed in Alberta and to a lesser degree across Canada, which by its nature resists meaningful action on global warming.” (Taft, 2017:10; see also: Livesey, 2018)

Canada’s nuclear energy regulator, the Canadian Nuclear Safety Commission (CNSC) has likewise repeatedly been accused of being a captured regulator. Greenpeace Canada

campaigner Shawn-Patrick Stensil (2015) has called the CNSC the “lapdog” of industry, while Sierra Club of Canada Executive Director John Bennett (2013) has referred to it as a “cheerleader” of the nuclear industry. Anne Lindsey (2018), a research associate with the Canadian Centre for Policy Alternatives, warns that the CNSC has a “cozy relationship with nuclear proponents.” In 2016, representatives of 14 Canadian non-governmental organizations – including Greenpeace Canada, Ecojustice, Mining Watch Canada, and the Canadian Environmental Law Association – wrote to Prime Minister Justin Trudeau, requesting he initiate a review of Canadian nuclear legislation because the independence of the CNSC had allegedly been compromised (Bernier *et al.*, 2016).

These public figures all argue that the CNSC was captured by the nuclear industry as a result of the actions of Stephen Harper’s Conservative government. Specifically, they cite Harper’s firing of former CNSC chair Linda Keen – allegedly because of her insistence on stronger regulatory oversight for nuclear reactors – and her replacement with Michael Binder. Since his 2008 appointment, Binder has released numerous statements promoting the nuclear industry as a source of low-carbon energy, as well as statements dismissing people and organizations who question the safety of nuclear energy and uranium mining. The critics cited above also note that Binder has allowed himself to be quoted in industry news releases, has publicly expressed support for projects that were under the review of the CNSC, and has censored reports from CNSC scientists detailing the potential impacts of major nuclear accidents on Canadian cities.

The question of the NEB’s and CNSC’s independence was an important theme in the 2016-2017 expert panel review of the federal government’s EA framework. According to the panel’s report, several submissions it received argued that Canada’s energy regulators had been

‘captured’ by industry. The report recommended that the CNSC and NEB should no longer be responsible for conducting EAs, due to a strong public perception of bias in favour of industry in both organizations.

The panel’s rationale for removing EA from the authority of the NEB and CNSC illustrates the ways in which regulatory capture can actually threaten, rather than reinforce, hegemony.

Public trust and confidence is crucial to all parties. Without it, an assessment approval will lack the social acceptance necessary to facilitate project development. While some would likely favour the NEB and CNSC for the assessment of projects in their particular industries, the erosion of public trust in the current assessment process has created a belief among many interests that the outcomes are illegitimate. This, in turn, has led some to believe that outcomes are pre-ordained and that there is no use in participating in the review process because views will not be taken into account. The consequence of this is a higher likelihood of protests and court challenges, longer timeframes to get to decisions and less certainty that the decision will actually be realized – in short, the absence of social license (Expert Panel for the Review of Environmental Assessment Process, 2017:50).

As such, regulatory capture does not necessarily contribute to the consolidation of hegemony. On the contrary, it is likely to lead to a failure of hegemony.

Critical analyses of the state which treat it as an ‘instrument’ in the hands of private interests can play a powerful demystifying role (Poulantzas, 1969; Das, 1996). Literature that documents how regulatory processes have been ‘captured’ is particularly useful in demonstrating the powerful and deeply embedded interests we must confront if we are to substantially reduce carbon dioxide emissions and halt the production of nuclear weapons and wastes (Zalik, 2016; Peyton and Franks, 2015; Scott, 2013). However, the concept of regulatory capture is limited in its ability to help us confront the powerful forces it brings to light. Subjecting oil, gas, and uranium projects to more ‘independent’ EAs is unlikely to provide a forum for this type of confrontation to occur. Instead, it is more likely to defuse and demobilize resistance to the oil, gas, and uranium industries by imposing compromises between Indigenous peoples and

extractive capital. Institutions are better able to serve this function of imposing compromises when they are ‘relatively autonomous’ from capital, rather than under its direct control (Poulantzas, 1969). Thus, while the critique of regulatory capture can and does serve an important strategic role by demystifying the power relationships at play, a deeper critique of hegemony is necessary to identify strategies to challenge the dominance of extractive capital.

9.3 LAND CLAIMS AS HEGEMONIC STRATEGY

The Nunavut Agreement entrenched extractive capital’s hegemony in three important ways. First, the agreement’s co-management provisions legitimized EA and technical planning as the preferred forums for making decisions about extraction. Rather than substantially altering the structure of federal EA and planning, Nunavut’s co-management boards reproduce these hegemonic structures. My analysis of the Nunavut Impact Review Board’s (NIRB) assessments of uranium mining near Baker Lake and seismic surveys in Lancaster Sound demonstrates that NIRB depoliticizes extraction and imposes compromises between Inuit and extractive capital. As such, like the EAs conducted by the federal government in the 1970s and 1980s, NIRB assessments are structured to produce extractive capital’s hegemony over Inuit society.

Second, the Nunavut Agreement imposed additional concessions upon extractive industries which serve as economic enticements for Inuit to consent to extraction. These include the provisions for royalty sharing, impact and benefits agreements, and Inuit ownership of mineral deposits. As I explained in Chapter Two, these benefits are unevenly distributed, with Inuit business-owners and political organizations benefitting most substantially. Further, it is not clear that these economic benefits will translate into stable and sustained regional development

over the long-term. Regardless, these benefits nonetheless provide strong enticements for significant sectors of Inuit society to consent to extraction.

Third, the agreement established representative political organizations for Nunavut with strong institutional interests in the extractive economy. The GN, NTI, and regional Inuit associations were established with the assumption that they would use rents from extraction to fund social and cultural services for Inuit. As I explain in Chapter Six, NTI and the three regional Inuit associations have specific interests in extraction on Inuit Owned Lands, because these projects provide them with a substantially larger share of rents than projects on Crown Lands. As a result, these organizations have institutional interests in high-risk and politically contentious projects, including uranium mining and mining in caribou calving grounds, because several uranium-rich ore bodies and caribou calving areas contain parcels of Inuit Owned Lands.

The Nunavut Agreement therefore marks a significant rupture in the political dynamics of extraction. Prior to 1993, Inuit organizations like the Inuit Tapirisat of Canada, Tunngavik Federation of Nunavut, the Baffin Regional Inuit Association, and Keewatin Inuit Association challenged extractive capital's hegemony. They opposed all extraction until land claim negotiations were complete, encouraged community resistance, and were especially critical of uranium mining and offshore oil and gas extraction. They also rejected federal EA as a legitimate way to make decisions about extraction, and demanded a forum with the means to consider Inuit political concerns, like a public inquiry, be used to make decisions about oil and gas. Throughout, they treated extractive capital as an adversary, especially by forming alliances with other Indigenous peoples and Inuit groups to defeat proposals for natural gas and uranium extraction.

After 1993, the GN, NTI, Qikiqtani Inuit Association (QIA), and the Kivalliq Inuit Association (KIA) have helped reproduce extractive capital's hegemony in Nunavut. These organizations have issued policies which actively consent to the extractive economy, including very controversial and risky forms of extraction like uranium mining and offshore oil and gas. They have also internalized the notion that EA and technical planning are the most appropriate ways to make decisions about extraction. Representatives from both GN and NTI repeatedly referred to EA processes to dismiss public concerns with uranium mining, and GN officials used references to EA to dismiss opposition to seismic surveys. While NTI and QIA formally opposed seismic surveys in Lancaster Sound and Baffin Bay, they did not oppose oil and gas extraction in principle, nor did they reject EA as the most appropriate means to make decisions about oil and gas in Nunavut. In the case of seismic surveys in Baffin Bay, they demanded an EA with a broader scope (a 'strategic environmental assessment') to devise more effective mitigation measures, not an end to oil and gas exploration in the region. In both cases, neither NTI nor QIA entered into formal alliances with other organizations or Indigenous groups to fight proposed seismic surveys. As such, they appear to have ceased treating extractive capital as a political adversary.

9.4 ABORIGINAL RIGHTS AND HEGEMONY

The Canadian judiciary has also played an important role in establishing extractive capital's hegemony in Nunavut by depoliticizing extraction and imposing compromises. In Chapter Four, I examined litigation initiated by Baker Lake Inuit against uranium exploration. The 1978 interlocutory injunction recognized a responsibility to minimize disturbance to Inuit hunting practices with environmental controls, while the 1979 decision recognized that financial

compensation might be warranted if extractive activities substantially interfered with Inuit hunting practices. These both represent economic concessions to Inuit, and material sacrifices on the part of extractive capital. At the same time, the decision depoliticized extraction by denying the political character of the Aboriginal rights Inuit possess. The judge ruled that Aboriginal title conveyed the right to *use* title lands, but did not provide Inuit with the right to control the land and resources it contains.

The Baker Lake decision was an early decision in modern Aboriginal rights jurisprudence. As such, there were significant developments in the intervening period between the Baker Lake decision (1979) and the litigation regarding seismic surveys (2010-2017) I examined in Chapter Eight. Important developments include the entrenching of Aboriginal rights in the constitution, the negotiation of the Nunavut Agreement, and the judiciary's development of a framework through which the government can infringe upon Aboriginal rights. However, regardless of these changes, the courts continue to define Aboriginal rights in a way that compels the state to facilitate alliances between Indigenous peoples and extractive capital.

The legal discourse of the 'duty to consult' shows how the courts continue to understand Aboriginal rights in a way that is consistent with extractive capital's hegemony. In-so-far as this legal obligation requires governments to 'accommodate' indigenous rights-holders when issuing permits for extraction, it compels the state to impose compromises between indigenous peoples and extractive capital.

The duty to consult also depoliticizes extraction in several ways. First, the duty is an example of instrumental reason that focuses on questions of means ('did the government follow proper procedures when issuing permits for oil extraction?') rather than ends ('should the government continue to issue permits for oil extraction, given the relationship between

greenhouse gas emissions and climate change?’). Notably, earlier jurisprudence regarding the infringement of Aboriginal rights required the government to justify infringement with valid and compelling underlying goals (see: *R v Sparrow*, 1990). However, recent cases related to the duty to consult have focused solely on indigenous peoples’ procedural rights, and have therefore set aside ‘big picture’ questions about the goals and motivations behind government actions. Second, the duty to consult contributes to the depoliticization of extraction by maintaining a focus on compromise and discouraging conflict. The duty requires Indigenous peoples to negotiate in good faith, which limits the ability of Indigenous communities to treat extractive capital as an adversary. Third, the duty to consult encourages the use of technical processes to make decisions about extraction. Indeed, the fact that courts have repeatedly ruled that the duty can be fully satisfied by an EA is perhaps the clearest evidence that it is structured to help consolidate extractive capital’s hegemony by imposing compromises and depoliticizing extraction.

9.5 THE GEOGRAPHY OF HEGEMONY

Peet (2007) proposes a framework for ‘mapping’ hegemony – analyzing how hegemonic power concentrates in institutions and operates across space – that is useful here. He calls metropolitan areas with clusters of institutions ‘power centres’. According to Peet, there are three types of power centres, differentiated by their role in the production of hegemony.

[P]ower centres formed by institutional complexes can be classified as hegemonic, meaning that they produce ideas and policies with sufficient theoretical depth and financial backing that they dominate thought over wide fields of power; sub-hegemonic, referring to peripheral centres of power that translate received discourses, modify and add to ideas, and provide evidence of their validity through regional practice; and counter-hegemonic, meaning centres, institutions, and movements founded on opposing political beliefs that contend against the conventional, and advocate power alternatives (*ibid.*:22).

For Peet, hegemonic centres exist in a small number of so-called ‘global’ cities where multinational corporate headquarters, global governance institutions, corporate think-tanks, and ivy-league universities share ideas and expertise. These are, for the most part, located within the borders of First World states. Sub-hegemonic centres and institutions in the global periphery support the production of hegemony. While they play important roles in modifying and translating hegemonic ideals to better suit local contexts, these ideals generally originate in hegemonic institutions based in hegemonic centres. Counter-hegemonic centres and institutions challenge hegemony by criticizing hegemonic ideals and proposing alternatives. While counter-hegemonic institutions are not uncommon, counter-hegemonic power centres – where multiple counter-hegemonic institutions are able to implement alternatives on significant scales – are quite rare.

Peet’s primary object of study is the reproduction of the imperialist relationship between the Third World and the First. However, the categories he has developed are useful to examine the internal colonial relationship between the Canadian state, extractive capital, and Indigenous peoples.

Prior to 1993, Nunavut’s representative Inuit organizations were what we might call moderately counter-hegemonic. They challenged extractive capital’s hegemony with their resistance to energy resource extraction. What’s more, they were rooted in a hunting way of life that challenges the values that are fundamental to capitalist society (Coulthard, 2014; Alfred, 2009b; Kulchyski, 2005). However, I have two reservations about using the term ‘counter-hegemonic’ to describe these organizations. First, they did not articulate a transformative political vision, but instead went to great lengths to distance themselves from the apparently more ‘radical’ First Nations and Quebecois nationalisms. Second, the struggles Inuit

organizations waged in the 1970s remained particular struggles. While Inuit organizations formed alliances with other Indigenous groups, they did not present their struggle as a movement in the interest of the ‘common good’, and thus did not exhibit the universalizing tendencies that characterize counter-hegemonic movements (Ranciere, 1999; Zizek, 2006; Swyngedouw, 2010).

After 1993, NTI, RIAs, and the GN were installed as sub-hegemonic institutions which reproduce the practices and ideologies developed by institutions based in Southern Canada. The co-management boards created by the agreement also play important roles in producing extractive capital’s hegemony. Therefore, one of the most significant impacts of the Nunavut Agreement was to alter the spatial dynamics of hegemony in Nunavut, by creating sub-hegemonic institutions and power-centres in places like Iqaluit, Rankin Inlet, and Cambridge Bay.

However, as sub-hegemonic institutions, they generally do not create hegemonic strategies, but rather apply them to the specific context of Nunavut. The concepts and bureaucratic procedures that reinforce extractive capital’s hegemony in Nunavut – including environmental assessment, land use planning, and the ‘duty to consult’ – were developed by hegemonic institutions (the federal government and Supreme Court) based in a hegemonic centre (Ottawa). Nunavut’s institutions, however, play a vital role in legitimizing these ideas and processes by applying them to the context of Nunavut.

There are, however, other Nunavut-based organizations that maintain a critical and explicitly political approach to extraction. Community organizations created by the land claim (the Baker Lake Hunters and Trappers Organizations), municipal governments (the Clyde River Hamlet Council), grassroots organizations (Nunavummiut Makitagunarningit) and countless critically minded individual Nunavummiut continue to challenge their representative

organizations' embrace of controversial forms of extraction and, more broadly, extractive capital's hegemony. As with the Inuit organizations before the land claim, groups like Makita are moderately-counter-hegemonic. While they do not articulate radical political visions, they have gone a long way in challenging the legitimacy of extractive capital, especially with regards to energy resource extraction.

9.5 CONCLUSIONS

The arguments in this dissertation are not intended to be moral judgement against the Inuit organizations, the Government of Nunavut, or co-management boards in Nunavut. I have no doubt that most people who work for these organizations genuinely want to work for a better future for Nunavut Inuit. Moreover, the concessions flowing from the Nunavut Agreement and co-management institutions are significant and should not be dismissed as symbolic gestures. They represent real material gains for Inuit, including Inuit hunters. Further, they are generally not simply cynical concessions granted by state agents with the conscious goal of co-opting Inuit resistance. While that may well have played a role at times, these concessions are equally the result of political struggle on the part of Inuit and other indigenous peoples in Canada.

However, while these concessions and compromises constitute material gains for Inuit, it is not clear that they will lead to stable and sustained regional development. Further, they have led indigenous rights-holding institutions into alliances with the oil, gas, and uranium industries. These industries pose significant threats, not only to Inuit, but to human beings more broadly. While different people experience ecological changes differently, there are very few people whose interests would truly be served by unmitigated climate change or the production of

nuclear weapons and wastes. As such, the political consequences of these alliances between Inuit organizations and extractive capital are serious.

In recent years, environmental and social justice campaigners have begun to look to indigenous communities as allies in the fight against the extraction of oil, gas, and uranium. Scholars and community organizers argue that indigenous cultures and worldviews provide a framework for a sustainable relationship to land and resources, while indigenous peoples' constitutional and treaty rights provide a legal mechanism to confront these industries.²⁶

By and large, I agree with this analysis and strategy. There are many cases where alliances between indigenous peoples and environmental and social justice organizers have led to important victories against the oil, gas and uranium industry, several of which are documented in this dissertation. Clyde River's campaign against seismic surveys is an especially promising example of Inuit organizers working with southern First Nations, environmental groups, and social justice campaigns to confront the oil industry.

However, the political dynamics identified in this dissertation show how challenging it will be to find ways to take these short-lived partnerships and transform them into stable and sustained alliances in a movement for more fundamental change. With many rights-holding institutions in close alliances with extractive capital, indigenous rights can be used to advance, rather than challenge, the interests of extractive capital.

²⁶ These arguments were common in the discussions and debates during the Idle No More movement of 2012-2013. For a collection of writings from indigenous and allied organizers involved with this movement, see: Kino-nda-niimi Collective, 2014.

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Appendix

List of Acronyms and Abbreviations

BRIA	Baffin Regional Inuit Association (renamed Qikiqtani Inuit Association)
EARP	Environmental Assessment and Review Panel
FEARO	Federal Environmental Assessment and Review Office
GN	Government of Nunavut
GNWT	Government of the Northwest Territories
HTA	Hunters and Trappers Association (renamed Hunters and Trappers Organization)
HTO	Hunters and Trappers Organization (formerly Hunters and Trappers Association)
IIBA	Inuit Impact and Benefit Agreement
IOL	Inuit Owned Lands
ITC	Inuit Tapirisat of Canada (renamed Inuit Tapiriit Kanatami)
ITK	Inuit Tapiriit Kanatami (formerly Inuit Tapirisat of Canada)
KIA	Kivalliq Inuit Association (formerly Keewatin Inuit Association)
Makita	Nunavummiut Makitagunarningit
NAUC	Northern Anti-Uranium Coalition
NEB	National Energy Board
NIRB	Nunavut Impact Review Board
NPC	Nunavut Planning Commission
NTI	Nunavut Tunngavik Incorporated
NWT	Northwest Territories
QIA	Qikiqtani Inuit Association
QTC	Qikiqtani Truth Commission
RCAP	Royal Commission on Aboriginal Peoples
TFN	Tunngavik Federation of Nunavut
TRC	Truth and Reconciliation Commission of Canada