

A REFUSAL OF STATE-DRIVEN NORTHERN DESTINY:
DECONSTRUCTING THE MACKENZIE VALLEY PIPELINE INQUIRY HEARINGS

A REFUSAL OF STATE-DRIVEN NORTHERN DESTINY:
DECONSTRUCTING THE MACKENZIE VALLEY PIPELINE INQUIRY HEARINGS

By NEVCIHAN OZBILGE, B.A. (Hons.), M.A.

A Thesis Submitted to the School of Graduate Studies in Partial Fulfillment of the Requirements
for the Degree Doctor of Philosophy

McMaster University DOCTOR OF PHILOSOPHY (2022) Hamilton, Ontario (History)

TITLE: A Refusal of State-Driven Northern Destiny: Deconstructing The Mackenzie
Valley Pipeline Inquiry Hearings

AUTHOR: Nevcihan Ozbilge, B.A. (Hons.), M.A. (Hacettepe University, Political
Science), M.A. (Western University, History)

SUPERVISOR: Dr. Michael Egan

NUMBER OF PAGES: xxi, 307.

Lay Abstract

Through the close reading of the Mackenzie Valley Pipeline Inquiry hearings, I examine how the discussion around energy development shaped the 1970s' contentious Canadian politics of nation and North. Central to this debate, I focus on how Indigenous peoples asserted their land claims by challenging and refusing the settler state policies and the interests of fossil-fuel capitalism in the western Northwest Territories in the 1970s. By using the Inquiry process, northern Indigenous peoples challenged the idea that the state had a legitimate authority to decide and control the future or destiny of a territory or peoples in its defined borders.

Abstract

This dissertation considers the incommensurable interests of people, fossil capital, federal energy politics, and place in Northern Canada during the 1970s. By the late 1960s, the insatiable North American appetite for fossil fuels had turned its attention toward the Arctic region. After the discovery of rich deposits in Prudhoe Bay, Alaska, in 1968, large-scale energy projects were proposed to access and exploit these Arctic natural resources. Canada participated in this northern oil rush; an exploration of oil and gas in the Arctic regions was accelerated in the early 1970s. The next challenge involved transporting the oil and gas to southern markets. In 1974, the Canadian federal government initiated the Mackenzie Valley Pipeline Inquiry to investigate the social, environmental, and economic effects of the pipeline routes proposed by a consortium of American and Canadian oil companies through the Mackenzie River Valley in the Northwest Territories where it would connect with existing pipeline infrastructure in northern Alberta. The Inquiry's report recommended against immediate construction, encouraging instead a ten-year moratorium. Inquiry commissioner Thomas Berger's report rationalized the delay to make time for settling Indigenous land claims in the region and for taking conservation measures to protect some key areas in the Mackenzie River Valley. In this dissertation, I examine how the discussion around pipeline construction shaped the meaning of the North, self-determination, and cultural recognition. In this dissertation, I particularly focus on how Indigenous peoples asserted their claims by rejecting state-driven policies and the interests of fossil-fuel capitalism in the North.

Acknowledgements

First and foremost, I would like to thank my supervisor, Dr. Michael Egan for his guidance, patience and kindness. His endless support has made my Ph.D. journey in Canada better and his encouragement made my work possible. I could not have done this project without his believing in me. I am also grateful to my doctorate committee members Dr. Ian McKay, Dr. Allan Downey, and Dr. Ken Cruikshank. Their thoughtful suggestions and ideas helped me at many stage in this dissertation. They encouraged me to strength my arguments and develop a critical perspective that enriched my understanding of Canadian history. It has been an honour to study with this committee.

I have been privileged to have been part of the McMaster University Department of History and L.R. Wilson Institute for Canadian History. I am grateful for their financial support by a number of travel grants and scholarships, including Mildred Barret Armstrong History Fund, Richard Fuller Memorial Scholarship, and Viv Nelles Graduate Award. I am also grateful to the Ministry of National Education, Republic of Turkey for the Scholarship for Post Graduate Studies in Abroad Countries. I thank some of my fellow scholars, Mica Jorgenson, Jessica Lohner, Brandon Cordeiro, Samantha Clarke, Maxime Dagenais, Emily Rosebush, William Teal, Beth Aiken, and Ross Ryan for sharing their experience with me.

I want to thank my mentor, Dr. Metin Yuksel. I could not have begun my academic journey without his encouragement and guidance. Finally, I owe so much to my family. Thanks to my parents, Ismail and Pembegul, and my sister, Nurhayat for their endless love and support. A special thanks to Alya and Demir for bringing happiness into

my life. I am also thankful to my grandmothers, Resmiye and Hacer and my uncle, Nejdet. This dissertation is dedicated to my dear partner, Armagan. I can't imagine going through this journey without his unconditional love and support. His love enrich my life.

Abbreviations

AFN – Inupiat Paitot and Alaska Federation of Natives

ANCSA – The Alaska Native Claims Settlement Act

ASNA – Arctic Slope Native Association

CARC – Canadian Arctic Resource Committee

CBC – Canadian Broadcasting Corporation

CCF – Co-operative Commonwealth Federation

COPE – Committee for Original People's Entitlement

GNWT – Government of the Northwest Territories

IB-NWT – Indian Brotherhood of Northwest Territories

ILOUP – Inuit Land Use and Occupancy Project

ITC – Inuit Tapirisat of Canada

KIA – Kivalliq Inuit Association

NDP – New Democratic Party

NEB – National Energy Board

NEPA – National Environmental Policy Act

NWT – Northwest Territories

OAPEC – Organization of Arab Petroleum Exporting Countries

OPEC – Organization of the Petroleum Exporting Countries

SPEC – Society for Pollution and Environmental Control

TFN – Tunngavik Federation of Nunavut

UBCIC – Union of British Columbia Indian Chiefs

USDI – U.S. Department of Interior

Y.W.C.A. – Young Women's Christian Association

Statement of Academic Achievement

Nevcihan Ozbilge is the sole author of this dissertation.

List of Figures

Figure 1.1: The followed route of the SS Manhattan to transit the Northwest Passage.....	36
Figure 1.2: Proposed Pacific tanker routes to transport oil from Valdez, Alaska, along the west coast of Canada to the southern U.S. market.....	47
Figure 1.3: The Waffle slogan on northern oil development.....	57
Figure 1.4: Proposed Mackenzie Valley Gas Pipeline Routes (1974).....	61
Figure 1.5: Proposed Natural Gas Transportation Systems and Alternative Pipeline Routes (1977).....	66
Figure 2.1: The Report of Berger on the Mackenzie Valley Pipeline Inquiry, 1977.....	80
Figure 3.2: The Dene Declaration was adopted in 1975.....	121
Figure 3.3: A Public Notice at Fort Good Hope airstrip.....	143
Figure 4.1: A northern community hearing, Fort Norman, August 9, 1975: “Our Land, Our Life.”.....	163
Figure 4.2: The Map of the locations of formal and community hearings.....	167
Figure 4.3: A map of Inuit traditional land use and occupancy in Aklavik—Inuit Land Use and Occupancy Project (ILOUP) by ITC, 1973-1975.....	191
Figure 4.4: Mapping of the Dene land-use.....	193
Figure 5.1: Thomas Berger: “Emotional hearth-land of Canadians”.....	196
Figure 5.2: An image of Caribou herd in the Report of the Mackenzie Valley Pipeline Inquiry.....	202
Figure 5.3: “The continent’s last big untouched wilderness region;” “The Arctic is environmentally harsh and ecologically fragile.”.....	215
Figure 6.1: A hearing of the Mackenzie Valley Pipeline Inquiry.....	227

List of Tables

Table 1.1: Timeline of Canadian and U.S. Policies on the Arctic Oil Development.....	34
Table 3.1: The Dene Declaration and the Indigenous Land Claims in the NWT, 1975-1981.....	117
Table 5.1: Southern Hearings of the Mackenzie Valley Pipeline Inquiry.....	200
Table 6.1: Division of the Formal Hearings of the Mackenzie Valley Pipeline Inquiry.....	229

TABLE OF CONTENTS

Lay Abstract		iiii
Abstract		iv
Acknowledgments		v
Abbreviations		vii
List of Figures		x
List of Tables		xi
Introduction		1
Chapter One	A Synopsis of the Oil and Gas Development of the North, the 1970s	27
Chapter Two	Revisiting the Report of the Mackenzie Valley Pipeline Inquiry	76
Chapter Three	Using the Inquiry Process to Raise the Land Claims: A Refusal of Settler State Policies	116
Chapter Four	Rethinking the Inquiry Hearings as Forms of Indigenous Refusal	163
Chapter Five	Reimagining the North: The Discourse of Culture, Nature, and Violence	195
Chapter Six	Restructuring the North: Development, Identities, and Policies	227
Conclusion		278
Bibliography		288

Introduction

When I told my friends in Turkey that I was planning to move to Canada to continue my graduate studies, the first thing they asked me was: Was I ready to live in the North? They sent me a lot of photos showing ice-covered cars, houses, trees and lakes—ironically, most of the photos weren't even from Canada—and news stories reporting how difficult it is to manage daily life in the harsh weather conditions of the North. Friends and colleagues gave me winter gloves and a hot-water bottle as going-away gifts. My family packed my bags with the warmest clothes they could find. People gave me advice on what I would need to do if I caught a cold. In the near East, images of the North are the quintessential lens through which Canada is imagined. I had my own perspective too. It was not too far from the idea of “a country of ‘the real’ North.” Then I thought: what is the North really about? What does “the North” mean for “Canadians”? What are the images of the North in “the North”? Is Hamilton really North if it, along with the majority of major Canadian cities, hugs the Canadian border with the United States? How and why is Canada being identified with “the North”?

After I started my Ph.D., all these unanswered questions in my mind evolved into a direction or focus for my dissertation. The only difference is that I started to feel uncomfortable whenever I asked these questions because I noticed that they were not independent from my identity as a non-Indigenous person coming from somewhere else to work and live on Indigenous land and do research about the history of a settler state on their unceded land. This awareness provoked me to ask a series of different and more important questions. Is it legitimate to ask these questions about the North without

thinking about my status as a non-Indigenous person educated in institutions established with the Eurocentric perspectives? If my “access to certain forms of historical information as well as the types of histories” is hitched to my positionality as a non-Indigenous researcher, is it still possible for me to challenge the ongoing colonial discourses and their historiographies?¹ Is my position different from the researchers who produce scientific knowledge representing a colonial legacy? And finally, critically: is the simple acknowledgment of my status sufficient for me to tell these stories or ask these questions in my work as a part of the project that requires the decolonization of the mainstream historical narratives and research methodologies and a central focus on Indigenous perspectives?²

If I am unable to separate the history I write from the vantage point of my background and status, how can I develop a historical narrative underlining Indigenous resistances, refusals, revitalization and resurgence rather than adding to the historiography structured on the traumas? The other question is, then, how can I, as a non-Indigenous researcher working and living on Indigenous land, conduct archival research as a part of decolonization struggles while the institutional archives still decide what can be told?³ After asking these structural questions about the practice of history in the 2020s, I have become aware that it is important to remind myself of the necessity of continuing to feel uncomfortable, and to continue to question the legitimacy of my work as long as I continue to do research about the history of Indigenous lands.

¹ Smith, 2012, p. 69.

² Miller, 2009, pp. 37, 38.

³ Falzetti, 2014, p. 140.

1. *Re-imagining the North*

In this dissertation, I focus on the re-constructed mythology of the Canadian North by examining the hearings of the Mackenzie Valley Pipeline Inquiry. I highlight the 1970s' contentious politics of northern development and resurgence of Indigenous self-determination through the lens of energy sovereignty and preserving the national unity. In the 1970s, the idea of the construction of a gas pipeline and energy corridor connecting northern resources to southern markets became the apotheosis of a colonial legacy and increasing impacts of the global fossil capitalism in the North. Fueled by the growing desire for northern fossil fuel development, the debates on pipeline construction readdressed the meaning of the North. Before approving the pipeline, which ran through the Mackenzie River Valley, the Government of Canada ordered a national inquiry to measure the social, economic, and environmental impacts of the proposed plan. Thomas Berger was appointed as its commissioner. The Mackenzie Valley Pipeline Inquiry commission traveled the country to hold public hearings between 1974 and 1976. The final report of the Inquiry was submitted in 1977.

The hearings constitute a fascinating freeze-frame of Canadian national identity in the midst of the global energy crisis and the emergent revisioning of Canadian multiculturalism. Across the hearings the meaning of the North was reframed as a new energy landscape and a place for a unique culture by so-called recognition of the northern cultural differences and rejection of the political-economic claims of northern Indigenous peoples. Canadian federal government authorities stressed the policies of cultural recognition at the time of the Inquiry to reinforce Canadian national unity as a response to

the debates over the meaning of Canadian sovereignty. To preserve the national unity, they aimed to prevent any political-economic disorder in the North by eliminating political identities and alternative economic developments of northern Indigenous peoples. I argue that Indigenous land claims at the time of the Inquiry combined with the testimony of Indigenous peoples in the northern community hearings to create a critical challenge to the federal and territorial governments. I also emphasize that northern Indigenous peoples used the Inquiry process, particularly the hearings and newly established Indigenous organizations, to raise their land claims and refuse the 1970s' state-driven recognition policies.

2. *Historical Background*

The Mackenzie Valley pipeline's prehistory provides critical context for the chapters that follow. The exploitation of non-renewable natural resources in the North was one of the catalysts for the idea of economic development in Canada and the United States.⁴ The North emerged as "a resource frontier" and an energy landscape after the discovery of mineral and oil reserves in the northern regions of North American settler states in the mid-nineteenth century. After World War II, the North became a prominent landscape in the Canadian state's growing appetite for natural resource extraction and large-scale energy projects. By the policies of the ongoing mode of colonialism—"extractivism"—the Canadian state aimed to promote economic development, national

⁴ See, Piper, 2009; Arn Keeling and John Sandlos, (eds). *Mining and Communities in Northern Canada: History, Politics, and Memory*; R. W. Sandwell, *Powering Up Canada: A History of Power, Fuel, and Energy from 1600*; Coen, 2012.

security and national sovereignty.⁵ The petroleum industry grew rapidly as a core component of this northern development; fossil fuel reserves became major energy sources in the North. A series of events spurred enthusiasm for the exploitation of northern fossil fuel reserves. In the late 1960s, one large-scale energy project proposed to access Arctic natural resources after the discovery of a vast amount of fossil fuel reserves in Prudhoe Bay, Alaska (the North Slope oil). The enormous oil field encouraged further northern exploration, and became significant for the development of the crude oil industry in the United States.⁶ The problem surrounding these resources was their relative distance from market and the geographical difficulties associated with transporting them from northern Alaska to the contiguous states. Shipping in and out of the North Slope was not possible for large parts of the year; shipping down the coast of British Columbia was also fraught with uncertainties and dangers. That such geographical obstacles received close attention in development plans of both the Canadian and American states was indicative of their shared values and shared interests, since for both, getting Alaskan oil into energy markets seemed a paramount consideration. During the discussions of the proposed projects for transporting the oil from the North Slope to the American market, the construction of a pipeline through Canada was promoted as a strategy offering an alternative route.

Fossil fuel extraction in the Canadian Arctic dates back to the late 1910s. Imperial Oil's drilling practices in the Northwest Territories resulted in the first gusher at Normal

⁵ Greer, 2019. Allan Greer sees extractivism as one of the modes of colonialism that “became the predominant form of intrusion into Indigenous spaces in recent decades” (2019, p. 61).

⁶ Cicchetti, 2018, p. 1.

Wells in 1920. The extraction activities continued in 1942 through the construction of the Canol Pipeline (from Norman Wells to Alaska) to supply the American market during wartime. The discovery of fossil fuel reserves in the late 1960s in Alaska re-ignited interest in developing an energy corridor through Canada.⁷ In 1968, the Canadian federal government established the Task Force on Northern Oil Development to examine the existing oil situation and possible transportation routes in the North. The task force committees prepared guidelines and reports on transportation services, energy market, technical aspects, and economic, environmental and social impacts of pipeline construction in the North to propose to the government.⁸ In 1972, the Expanded Guidelines for Northern Pipelines were discussed in the House of Commons with respect to a potential petroleum development in western Arctic Canada.⁹ A consortium of American and Canadian oil companies proposed to construct a gas pipeline to transport fossil fuel from the Arctic by crossing northern Yukon and the Mackenzie River Valley of the Northwest Territories and across Alberta with connections to existing pipelines to supply the energy markets in the United States.

3. The Mackenzie Valley Pipeline Inquiry

In response to the proposals from American and Canadian oil companies to build a gas pipeline in Canada's western Arctic, the Canadian federal government initiated an inquiry to explore the potential social, environmental, and economic effects of pipeline construction in the western Northwest Territories. In 1974, Justice Thomas R. Berger was

⁷ Fumoleau, 2004, p. 194.

⁸ The Environmental-Social Committee, June 1974, pp. 18-19.

⁹ Berger, 1978, p. 639.

commissioned by the Liberal government to examine the possible effects of the proposed pipelines on western Arctic Canada. In the Inquiry process, formal hearings and community hearings were organized and held by the Inquiry commission from 1975 to 1976.

The formal hearings were held between March 1975 and November 1976 in three different northern centres to discuss the engineering and construction issues and the impact of a pipeline and Mackenzie Corridor on the living, physical and human environment. The community hearings of the Mackenzie Valley Pipeline Inquiry consisted of southern community hearings held in ten southern cities across Canada and northern community hearings held in the northern Yukon and the western part of the Northwest Territories. While the Inquiry commission conducted the northern community hearings of the Inquiry from April 2, 1975, to August 26, 1976, in the northern Yukon and western Northwest Territories, the southern hearings took place between May and June in 1976, in ten Canadian cities: Calgary, Charlottetown, Edmonton, Halifax, Montreal, Ottawa, Regina, Toronto, Vancouver and Winnipeg. There were around 320 witnesses for the formal hearings, 1000 witnesses for the northern community hearings, and 400 witnesses for the southern hearings. Approximately 2000 submissions—exhibits and evidence—were entered into evidence. The hearings were funded by the Canadian federal government. Indigenous organizations, politicians, members of oil companies, experts, scientists, lawyers, non-governmental organizations and associations attended the hearings to discuss the possible political, environmental, and economic effects of the proposed pipeline projects and the energy corridor through the Canadian western Arctic.

The Dene, the Inuit and the Métis used Indigenous organizations and the Inquiry hearings to bring awareness to their long-standing land claims. In one of the community hearings held in Fort Good Hope in 1975, Frank T'seleie, a Dene Chief, read the Dene Manifesto. The manifesto was a part of the Dene Declaration that had been approved that year by the delegates of Denendeh communities in Fort Simpson. In addition to the Dene Declaration, the Indigenous land claims of 1976 and 1977 and the testimony of Indigenous witnesses in the northern community hearings also enhanced Indigenous resistance against any energy development without the prior settlement of their land claims and, some also added, the assertion of Indigenous self-determination.

In 1977, Thomas Berger submitted a final report about the potential consequences of a pipeline on the northern environment and Indigenous communities. In his report, he objected to the northern Yukon leg of the project because of its potentially devastating effect on the unique Yukon environment. Berger also recommended a ten-year moratorium for the construction of a pipeline through the Mackenzie Valley.

4. Arguments & Approaches

This dissertation draws on an interdisciplinary body of scholarship to inform its close reading of the Mackenzie Valley Pipeline Inquiry hearings' transcripts. I structure the arguments and approaches of this dissertation through a historical lens, while exploring the contributions of scholarly literature pertaining to the idea of the North and national identity construction, Indigenous refusals and self-determination, and critiques of the state policies aimed at the environment and society. What follows outlines a literary

context of the work, but it also serves as something of an indirect acknowledgment of the important work that has helped me to understand my topic.

Sherrill E. Grace's discussion of the cultural construction of the Canadian North as an idea in symbolizing national identity contributes to this dissertation in a re-examination of the hearings of the Mackenzie Valley Pipeline Inquiry through a critique of the discourse that re-shaped the meaning of the North in the 1970s. Drawing on this example, I focus on how the discussions of the hearings about the impacts of pipeline construction on the western Arctic region re-framed the "discursive formation of the North."¹⁰

The North has long been understood as an imagined landscape important to Canadian identity. As Tina Loo has suggested, for Canadians, the North's imagined landscape has been central to the idea of the nation: that abstract North has been "saddled with the burden of national identity."¹¹ Michael Clemens concurs. He suggests that "the North has played an essential role in defining Canadian nationhood. Politicians, both federal and provincial, past and present, have used the landscape as a symbol of Canadian-ness."¹² In this context, the North did not merely denote a geographical location. It has also referred to an idea and a cultural phenomenon that "Canadians live with." Grace reminds her readers that as a key driver of the idea of the state, the North "exists and evolves over time."¹³ This is a common refrain: in such discussions of

¹⁰ Grace, 2002.

¹¹ Loo, 2006, p. 2.

¹² Clemens, 2018, p. 95. See also Michael Clemens, *Screening Nature and Nation: The Environmental Documentaries of the National Film Board, 1939–1974*.

¹³ Grace, 2002, p. 21.

identity, the Canadian North is a “shifting concept” and it is also not clear where and what “the North” is and who “the northerners” are.¹⁴ For the purposes of this dissertation, I need to recognize what the North is. However, in as much as the North is a pivotal idea of the settler colony called Canada, I am less interested in trying to draw cultural lines on the map—delineating *where* it is—than I am in how the Inquiry witnesses interpreted and presented *the far North* in their own words to reframe a Canadian national identity and unity at the time of the hearings. If I am making any contribution to the scholarly discourse on the Canadian North and its symbolic importance to the nation state, it is through reporting on how it was understood at a particular moment (the mid-1970s) and within a particular context (the pipeline debate).

Canadian nationalists constructed the meaning of the North as a cultural entity “without which Canada would not be Canadian.”¹⁵ Historian Morris Zaslow argued in the early 1970s that “Canadians fail to recognize, or often forget, that they are essentially a northern people.”¹⁶ He aimed to remind them of the essential role of the North by structuring his version of Canadian history based on the development of the North through the process of “northward extension” of Canada.¹⁷ In that sense, the representation of the North was used as “nationalist motivations for Canada” to form an identity and unity.¹⁸ An earlier perspective on the constructed meaning of the North was offered by Carl Berger in 1966. He discussed how Canadian national character was

¹⁴ See Grace, 2002, pp. 51-54; Arnold, 2012, p. 106; Dylan, 2019, p. 769.

¹⁵ Berger quoted André Siegfried, 1977, p. 257.

¹⁶ Zaslow, 1971, p. 13. See also Grace, 2002, p. 46.

¹⁷ Zaslow, 1971.

¹⁸ Macfarlane, 2016, p. 144.

constructed by the representation of the North since Confederation.¹⁹ In his book published in 1970, Berger noted how “the distinctive character of the new Dominion” was structured on the idea of northern ancestry and decided according to its geographic location.²⁰ Berger focused on the example of Robert Grant Haliburton, who in 1869 defined the Dominion as “a Northern country inhabited by the descendants of northern races.”²¹ In a similar vein, Jim Lotz, a researcher at Northern Coordination and Research Centre, writer and also one of the participants in the southern hearings of the Inquiry, defined the North as “a vast screen upon which our being as Canadians is projected.”²²

Cultural projections over, and physical ownership of, the North went hand-in-hand in many discussions of national identity. As Daniel Francis suggests in *National Dreams: Myth, Memory and Canadian History*, the North was symbolized as more than a reflection of the nation. The North, he declared, was imagined as a “source of spiritual strength” for southerners.²³ This rhetoric has been a common feature of settler readings of Canadian national identity since Confederation. As historian W. L. Morton observed in his *The Canadian Identity*, Canada even before Confederation emerged in 1867, could be considered the expression of “a northern nationality.”²⁴ For Morton, the symbolic North comprised a unique part of Canadian identity. He argued that “a northern character” was one of the “permanent factors” upon which Canadian history depended.²⁵ Morton also

¹⁹ Berger, 1966.

²⁰ Berger, 1970, p. 53; Grace, 2002, p. 58.

²¹ Berger, 1970.

²² Lotz, 1970, p. 154.

²³ Francis, 1997, p. 170.

²⁴ Morton, 1972, p. 42. Morton quoted from Alexander Morris, *The Hudson's Bay and Pacific Territories*, Montreal: 1859.

²⁵ Morton, 1972, p. 89; Grace, 2002, p. 64.

stressed the importance of “maintaining a northern nation in independence and vigour,” and how that required further development of the North through scientific expeditions and commitment to “the realization of [a] northern economy.”²⁶ According to Morton, this development of the North “re-affirmed the importance of that region in Canadian history and character.”²⁷ In this context, he argued that as an element of Canadian destiny, “the national life of Canada rests on a northern economy, the exploitation of the resources of a country largely arctic or subarctic in climate.”²⁸

But the North was more than a place, a direction, a state of being, or an opportunity. Each scholar discussed so far stressed the region’s physical environment as foundational to the spirit of a cultural North. Eric Kaufmann also conceptualizes the North as a symbol in the framing of the nation and speaks of a “naturalistic Canadian nationalism.”²⁹ He argues that during the 1920, “northern naturalization of [the] Canadian nation” worked to reproduce a Canadian national identity that highlighted its difference from Britain.³⁰ As a part of the nation-building process of the 1920s, the art works of the Group of Seven also contributed to the symbolic break from British identity to reinforce an “independent Canadian cultural nationalism.”³¹

The wilderness aspect of ideas about the North was not accidental. The early structured meaning of the North was romanticized and based on wildlife conservation. This representation of the North represented an uninhabited landscape similar to

²⁶ Morton, 1972, p. 108.

²⁷ Morton, 1972, p. 147.

²⁸ Morton, 1972, p. 83.

²⁹ Kaufmann, 1998, pp. 682-3.

³⁰ Ibid., p. 684.

³¹ Ibid., p. 685.

illustrations of the Group of Seven.³² As political economist Mel Watkins noted, “there were never any people in the Group’s pictures.”³³ Even though the emphasis of the Group was mostly on the near North of the Canadian Shield, their art played a significant role in framing Canadian national identity by reinforcing the image of an uninhabited and “virgin” “great North.”³⁴ The works of the Group of Seven portrayed the Canadian landscape as unclaimed, untouched and unoccupied. The representations of the North in the Groups’ works ignored Indigenous occupation, governance, culture, laws, history and self-determination.

The geographer Cole Harris contributed to the discussions on the myth of the empty North by arguing that Canadians aimed to protect the northern wilderness to sustain a sense of a Canadian national identity. He also stressed that as the myth of the land, “a sense of being northern people, a consciousness of the Shield and of the rest of the empty North, and an assumption that the unsettled north is a reserve of riches, have been important ingredients for Canadian nationalism.”³⁵ He further emphasized that “urban and technological society” questioned the legitimacy of the “geographical bases of Canadian nationalism,” sparking a crisis of Canadian nationalism in the late 1960s. Harris argued that to deal with this crisis, Canadians needed to protect their wilderness by developing the “empty” and “unsettled north” as a series of areas devoted to recreation

³² The Group of Seven was a group of painters who manifested the link between nationalism, Nordicity, and the arts. See Paul H. Walton, “The Group of Seven and Northern Development,” in John O’Brian and Peter White, eds. *Beyond Wilderness: The Group of Seven, Canadian Identity, and Contemporary Art*.

³³ Watkins, 2007, p. 162.

³⁴ Grace, 2002, pp. 6, 162.

³⁵ Harris, 1966, p. 40. Harris, 2007, p. 239.

and the preservation of wilderness.³⁶ Wilderness protection and national identity were part and parcel of the same project of nation-building.

But this appreciation of northern wilderness morphed after World War II into the idea of “a frontier” rich in natural resources to be exploited. Imagining the North as a “new frontier” echoed the legacy of a frontier thesis in historiography that assumed Indigenous erasure from the land and absorption of Indigenous peoples within the settler states’ borders. In the federal state’s eyes, “the North was about minerals, resources, and development.”³⁷ In this context, while “conservation was an instrument of colonization,”³⁸ development emerged as a new form of colonial oppression implemented by the settler-state on the Indigenous landscape. Joan Sangster’s work re-frames the cultural (imaginary) construction of the North through the analysis of the changing political economy in postwar Canada.³⁹ Liza Piper’s discussion of the increasing resource extraction in the North also points out the role of scientific research and transportation in the materialization of the North in addition to the role of the state-private enterprise.⁴⁰ Focusing on the combined influence of the global economy, state policies, science, and technology, she points out how the cultural meaning of nature has been re-framed since the mid-nineteenth century. Sangster’s and Piper’s approaches encourage me to inquire how the pipeline debates of the 1970s, although driven by the demands of transnational fossil capital, also contributed to the Northern myth long central to Canadian nationalism.

³⁶ Ibid., pp. 40, 42.

³⁷ Sangster, 2016, p. 5.

³⁸ Loo, 2006, p. 7.

³⁹ Sangster, 2016.

⁴⁰ Piper, 2009.

James Scott's investigation of high modernism provides a theoretical background for my research on the state policies aimed at the assimilation of the environment and society by implementing the development ideal based on non-renewable resource extraction in the North.⁴¹ A high modernist Canadian state sought to render the North into a region "that the state might manage and transform with a view toward perfecting it."⁴² That perfection involved capital's exploitation of the region's fossil resources. Here I refer to Scott's critique of the homogenizing power of global capitalism.⁴³ From this perspective, growing fossil capitalism in the North aimed to homogenize disparate economic and political interests according to the expectations and interests of the global market. By the 1970s, "energy independence" became the Holy Grail of high modernism the world over. The idea of energy independence is its own oxymoron, as Timothy Mitchell has noted: ever-growing dependence on oil and its geopolitical consequences have been the defining characteristics of twentieth-century world history.⁴⁴

But while a high modernist enthusiasm for fossil extraction served as important context for northern nation-building during the final third of the twentieth century, from the vantage point of the 2020s, it is important to note the social, political, and environmental costs of that vision. Almost a quarter of a century ago, Scott argued that modern states' improvement ideal, based on the control and shaping of nature and society, had failed. Loo has made a similar claim in the context of Northern development

⁴¹ Scott, 1998.

⁴² Ibid., p. 92.

⁴³ Scott, 1998.

⁴⁴ Mitchell, 2011.

and modernization in Canada.⁴⁵ She notes that the increasing interest of the Canadian federal government in the North, especially after World War II, stressed the economic potential of the region and the beneficence of the federally-administered welfare state. In the context of this dissertation, I emphasize how fossil capitalism, aiming to exploit non-renewable resources on Indigenous land and the liberal rhetoric of cultural recognition, failed in the 1970s because of the challenges created by Indigenous claims for self-determination in the North.

High modernism was also a brand of colonialism, designed to impose state influence and modern economic systems upon what was, for settlers, a backward and underdeveloped region. The federal state—an encroaching presence in the central Arctic—aimed to “train” northern Indigenous peoples to carry out “the task of giving the North a future” by implementing the state policies and programs.⁴⁶ The colonial idea of “civilizing” Indigenous peoples was inherited by modern settler nation-states with a claim to “improving” the conditions in their societies by development plans and programs. High modernism and colonialism went together. The colonial legacy, which portrayed the Indigenous peoples as non-modern, static, and passive, marginalized the Indigenous struggle based on their own traditional practices. As historian Ranajit Guha remarks, modern Western states “historicize the past” on their own terms as a legacy of colonialism.⁴⁷

⁴⁵ Loo, 2019.

⁴⁶ Loo, 2019, p. 20.

⁴⁷ Guha, 2002, pp. 44-5.

In the epilogue of his Inquiry report, Berger described a similar perspective based on the assertion of the nation-state's power to practice historiography on behalf of Indigenous peoples: "We have the opportunity to make a new departure, to open a new chapter in the history of the indigenous peoples of the Americas."⁴⁸ This rhetoric of Canada's ability to structure the history/future of Indigenous peoples in a new form derived from the idea that "real order" is only achievable within the context of the nation-state.⁴⁹ The modern state's attempt to control and construct the history—and also future—of Indigenous peoples not only aspires to the "erasure of Indigenous history" but also "actively produces something new" to legitimate its political practices.⁵⁰

On the other hand, Loo stresses how these state policies failed to determine outcomes in the North.⁵¹ This perspective has long held sway in Indigenous and anti-colonial scholarship, which is just now starting to force its way into the mainstream. According to Sarah A. Nickel, the success of the settler colonialism "is not inevitable" because "the settler colonial project remains unfinished, in large part due to Indigenous resistance and the refusal to accept settler sovereignty and political modalities."⁵² Nickel argues that the settler project "is failing in many respects and continues to be disrupted," rather than fulfilling "what the settler project is trying to do."⁵³ In this context, I argue that northern Indigenous peoples' land claims at the time of the Mackenzie Valley Pipeline Inquiry challenged settler state policies predicated on the assumption that

⁴⁸ Berger, 1977, p. 264.

⁴⁹ Mitchell, 1988, p. 44.

⁵⁰ Blackhawk, 2011, p. 321; Stark, 2016, p. 9.

⁵¹ Loo, 2019.

⁵² Nickel, 2019, p. 10

⁵³ Ibid.

northern development was inevitable, not least because they ignored the political presence of northern Indigenous peoples. The main thrust of this dissertation's findings is not that Mackenzie Valley Pipeline Inquiry imposed a moratorium on pipelines but rather that Indigenous claims—to land, to self-determination—resisted and invalidated the entire process.

Nickel's argument about the Indigenous peoples' strategic deployment of state-organized inquiries to raise their claims and form their strategies against settler state policies contributes to my focus on how northern Indigenous peoples used the Inquiry process and Indigenous organizations to challenge and refuse the state form of development and recognition.⁵⁴ A similar approach is also presented by Glen S. Coulthard in the context of the Dene position. He argues that the Dene used both the Indian Brotherhood of the Northwest Territories and the Inquiry to raise their claims.⁵⁵ Nickel's perspective also guides me to understand the unique characteristic of Indigenous movements and avoid the settler-centric interpretation of the Indigenous resistance in the late 1960s and the 1970s.⁵⁶ She emphasizes that although Indigenous resurgence in the 1960s and the 1970s was shaped by global decolonization movements and ethnic nationalisms, Indigenous peoples were powerfully influenced by the ideal that they themselves could develop their own social, political, and economic paths.⁵⁷

⁵⁴ Nickel, 2019, p. 40. Although Sarah Nickel's focus is particularly on pan-Indigenous politics in British Columbia in addressing the Indigenous unity and sovereignties, in this dissertation, the critical perspective and conceptual framework of her work helped me to understand the Indigenous self-determination claims in the western NWT.

⁵⁵ Coulthard, 2014, p. 59.

⁵⁶ Nickel, 2019; Knickerbocker, 2016.

⁵⁷ Nickel, 2019, p. 48.

From the perspective of this thesis, the Mackenzie Valley Pipeline Inquiry constitutes an important chapter in Canadian identity formation and—concomitantly—an essential chapter in the history of Indigenous land claims. It is one that challenges the settler-colonial premise of Canadian identity. As emphasized by Elizabeth Ellis, the land claims of northern Indigenous peoples did not set out to assert their individual rights as Canadian citizens or proceed under civil rights and human rights rubrics, but rather to claim “their collective rights as the people of a specific autonomous Native nation.”⁵⁸ As Kent Blansett argues in the case of Red Power, which was based on Native Nationalism, the Indigenous movement was “never about civil rights or equal integration into the colonial nation-state; rather, it was about protecting Indigenous human rights, especially as a part of independent and sovereign nations.”⁵⁹ He also underlines that comparisons between Red Power and American civil rights movements in the 1960s “oversimplify Red Power and dismiss a long legacy of Native Nationalism and resistance.”⁶⁰ Put another way: Indigenous political activism in the 1960s focused on “gaining enforcement of treaty rights, not civil rights” and “more on empowering the tribe, not individuals.”⁶¹

These politics and their significance posed a direct challenge to the liberal order, which rejected Indigenous nationhood as a premise, and insisted that Indigenous political entities and economic practices be brought in line with its mission. The Canadian federal government aimed to implement development policies in the North through the settlement of Indigenous claims which they defined as recognition of cultural differences. As Vine

⁵⁸ Ellis, 2019, p. 184.

⁵⁹ Blansett, 2018, p. 4

⁶⁰ Ibid.

⁶¹ Hightower cited Winfrey, 2003, p. 115.

Deloria Jr. puts it: “the white always presents opportunities for cultural enrichment when he is trying to steal Indian land. When the white sincerely wants to develop capital resources of the Indian people he invariably strengthens Indian cultural traits.”⁶²

For Coulthard, the cultural ideals of the Dene struggle “transcend, not reinforce, oppressive structures and practices.”⁶³ Indigenous cultural practices maintained by mutual relations between Indigenous peoples and the land empower the Indigenous struggle for their rights on their landscape. It is also important to underline that, as Andrew Curley points out in the context of the Standing Rock movement against the Dakota Access Pipeline, Indigenous land claims transcend the struggle against environmental injustices. Much of Curley’s more recent analysis can be applied to my examination of northern Indigenous struggles against the pipeline. While fossil capital and the development of its infrastructure inspires a critical aspect of contemporary environmental justice activism, especially within the context of the climate crisis and global heating, the debate on the ground, by and from Indigenous peoples, was not simply subsumed by environmental issues.⁶⁴ In this way, I emphasize the significance of situating the environmental critique within the political decolonization process and not as a core component of the struggle.

This emphasis on political decolonization is evident in the Dene struggle. Coulthard argues that Dene claims in the 1970s derived from ongoing Dene traditional place-based ethics.⁶⁵ The critiques underlined by Coulthard assert that Indigenous self-determination is a cultural process. It has arisen from the revitalization of traditional

⁶² Deloria, Jr., 1988, p. 187.

⁶³ Ibid., p. 103.

⁶⁴ Curley, 2019, p. 158.

⁶⁵ Coulthard, 2014.

political practices and the “alternative political economies” of Indigenous peoples instead of the implementation of liberal values of Canadian political institutions on Indigenous territory.⁶⁶ In this context, Indigenous self-determination requires a cultural decolonization process derived from the place-based political, economic, spiritual, and social practices of Indigenous peoples rather than fulfillment of the liberal policies of recognition premised on “protecting” a depoliticized “northern” culture.⁶⁷

In addition to Coulthard’s theses, Ellis’s perspective in the context of Indigenous movement against the pipeline construction in the Standing Rock also contributed to my critique of cultural recognition rhetoric in this dissertation. Ellis underlines how the Standing Rock protestors used “cultural and ethnic perspectives” to “transit national attention back to a focus on sovereignty, treaty rights, and natural resources.”⁶⁸ In a similar vein, Audra Simpson argues that inquiry and research can “move away from cultural fetishization” and focus on Indigenous politics and critiques.⁶⁹ In the context of these approaches, a main thrust of my work seeks to consider how Indigenous claims in the North represented their political and economic resurgence entwined with their cultural revitalization.

In light of the work of Ellis, Coulthard and Simpson, this thesis focuses on how the ‘meaning’ of the North was officially constructed in the 1970s in ways that sought to depoliticize Indigenous land claims and preserve public order. Audra Simpson’s critique of the “state-driven forms of recognition” that bind “Indigenous sovereignty to the

⁶⁶ Ibid., p. 71.

⁶⁷ Ibid., pp. 64-5.

⁶⁸ Ellis, 2019, p.184.

⁶⁹ Simpson, 2014, p. 112.

recognition by the settler state” helped me grasp how Indigenous claims at the time of the inquiry challenged the idea of “settler state recognition as a precondition” for Indigenous self-determination.⁷⁰ Colonial dispossession to legitimize capital accumulation in the North was the underlying rationale of liberal polities of recognition.⁷¹ Simpson posited that the resurgence of Indigenous political order—within or apart from settler state—requires the refusal of contemporary settler states’ recognition and the assertion of political status of Indigenous nationhood.⁷² Drawing on the work of Brian Klopotek, Ellis asserts that settler state recognition is “problematic” because it also “validates the colony authority” of the settler state.⁷³ The refusal of state-driven recognition questions the legitimacy of settler state policies on Indigenous land. In this sense, Indigenous resurgence requires the assertion of “Indigenous peoples’ own recognition and the practice of their political rights.”⁷⁴ As Coulthard argues in the context of the Dene resistance, the Liberal government’s recognition policy was invalidated by the Indigenous resurgent politics of recognition derived from Indigenous nationhood, sovereign political order and non-exploitative economic alternatives.⁷⁵

The settler colonial discourses on cultural differences, which aim to reinforce the idea that “Indigenous peoples are not political,” were challenged by Dene claims based on traditional land-based political practices, alternative economies and the refusal of the

⁷⁰ Knickerbocker et al., 2016, pp. 75-78; Simpson, 2014, p. 16.

⁷¹ For dominating culturalism and capital accumulation, see Simpson, 2014, p. 112.

⁷² Simpson, 2014.

⁷³ Ellis, p. 185. 2019.

⁷⁴ Knickerbocker et al., 2016, p. 75.

⁷⁵ Coulthard, 2014, p. 60.

state-driven recognition process.⁷⁶ The politics of recognition has been indicated in different manners by Indigenous peoples and government authorities. While the federal government was representing the settlement of Indigenous land claims only through the recognition of cultural differences, for Indigenous peoples “recognition of Indigenous place-based ethics meant that cultural self-determination was inseparable from economic and political autonomy.”⁷⁷ As Coulthard, Ellis, Nickel, and Simpson all suggest, Indigenous self-determination was not understood as something to be gifted by the settler nation-state; on the contrary, it was a longstanding “natural right” belonging to Indigenous peoples who had exercised self-determination since time immemorial.⁷⁸

5. *Chapter Breakdown*

This dissertation is organized into six chapters. The first chapter offers a contextual summary of the events that precipitated the Mackenzie Valley Pipeline debates in the 1970s. I examine attempts in the settler states of North America to improve hydrocarbon development in Canada and the United States after World War II as a consequence of the increasing effects of fossil capitalism in the North. The discovery of massive oil reserves in Alaska in the late 1960s shaped national and international energy policies for both North American settler states, and these policies emboldened energy companies to propose big hydrocarbon extraction projects in the western Arctic.

If the first chapter provides a broad overview of extractive northern energy projects, the second chapter delves into the final report of the Mackenzie Valley Pipeline

⁷⁶ See Nickel, 2019, p. 8

⁷⁷ Williams, 2014, p. 11.

⁷⁸ Knickerbocker et al., 2016, p. 78.

Inquiry. In this second chapter, I investigate how the discourse of the formal and southern hearings framed Thomas Berger's perspective in reaching the conclusions and recommendations that he did. I will also focus on how the social democratic legacy shaped Berger's discussion on the economic future of the North and Indigenous alternative economic developments.

In chapters three and four, I focus on how Indigenous resistance to the construction of a pipeline on their unceded land challenged the settler state-driven development ideal and the recognition rhetoric that constructed the meaning of the North through the depoliticization of Dene claims and rejection of Indigenous alternative economic development. Through recalling Indigenous manifestos and the northern community hearings, in these two chapters I discuss how Indigenous peoples refused state forms of cultural recognition predicated on integrating Indigenous identities into the "Canadian mosaic." In this context, I point out that the northern Indigenous peoples refused liberal multiculturalism and reiterated their claims for Indigenous self-determination based on the resurgence of political and economic practices.

By focusing on the land claims discussions, in chapter three, I examine how the Dene Declaration and Indigenous land claims challenged the settler state policies and the interests of fossil capitalism in the North. I also point out how state policies were reframed in accordance with the challenges created by Indigenous land claims. In chapter four, I show how northern Indigenous peoples leveraged the Inquiry hearings as an act of refusal against the cultural recognition rhetoric and development ideals of the settler state. I also examine how testimony of Indigenous peoples in the northern community hearings

diverged from the national discourse presented in the southern and formal hearings.

Overall, chapters three and four emphasize how the land claims and speeches of Indigenous people questioned and critiqued the state-driven cultural recognition rhetoric.

In the last two chapters, I examine the discourse of the southern and formal hearings of the Inquiry through a close reading of the hearings' transcripts. I investigate how these hearings—independently and collectively—reinforced the construction of competing ideas of the North as a place for industrial development, as having a distinct and unique culture, and as a pristine wilderness. These chapters also interpret the hearings' mainstream discourses, many of which ignored the entwined political, economic, and cultural aspects of the Dene, Inuit, and Métis claims. I present a discursive analysis of the speeches that framed Indigenous resistance against the pipeline construction. Important themes include Canadian unity, the social fabric of Canada, early debates on Canadian multiculturalism, Third World liberation, human rights, and environmentalism. I also analyze the discourse that addressed the Indigenous struggles and refusals in the North through such statements as the “threat of violence” and “social unrest.”⁷⁹

While the fifth chapter constitutes a close reading of the discourse from the southern hearings—3,059 pages following a series of public hearings across the country—the sixth and final chapter sheds light on the discourse of the formal hearings. In the formal hearings, the witnesses discussed the engineering and construction issues

⁷⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings and Southern Hearings, 1975-1976.

through technical, economic, social and environmental contexts and the possible impacts of oil and gas development on the human and physical environment.⁸⁰

⁸⁰ In chapter six, my particular attention is on the socio-economic part of the evidence.

Chapter One

A Synopsis of the Oil and Gas Development of the North, the 1970s

Any realistic assessment of the exploitation of the Canadian North requires acknowledgement of colonial dispossession as a continuing process. The dispossession of Indigenous peoples in the North is not just related to the past. It is a continuing process of settler colonialism. The North is a territory with a long history of imperialism and settler colonialism. In this sense, the colonial legacies have been imposed in the North at the expense of a long rich history of Indigenous cultural, economic, political and spiritual presence. Settler colonialism aimed to destroy the Indigenous north to replace it with a structure serving the economic and political interests of the settler state, colonial economy and extractive capitalism.¹

Accessing northern territory entailed the exploitation of northern resources, land appropriation, assimilation and relocation of Indigenous peoples, and changing and controlling of political practices and institutions.² Nevertheless, the North witnessed a long history of Indigenous refusals of this colonial structure and their continuing challenges against the land dispossessions. In this sense, as stated by Sangster, colonialism is also “a lived experience of domination, negotiation, and resistance.”³

The colonial exploitation of the North began with increasing settler expansion through the fur trade, whaling, missionary activities, establishment of police forts, and the

¹ See Wolfe, 2006.

² See Wolfe, 2006; Sangster, 2016, p. 5.

³ Sangster, 2016, p. 5.

operations of residential and day schools.⁴ Then came extractive capitalism, welfare policies and legislative and administrative changes.⁵ Extractive capitalism spread as a new form of colonial exploitation in the North at the end of the 19th century in large part driven by the search for gold. The gold rush affected the northern economies based on the fur trade and traditional economic activities of Indigenous peoples. The search for gold by prospectors and settlers in the North entailed larger cultural, environmental and social changes. More white people arrived as settlers and missionaries expanded their operations. The White Pass Railway was built.⁶ A few Indigenous women married white prospectors and moved away from the North.⁷ As stated in one of the Mackenzie Valley Pipeline Inquiry hearings by an Indigenous witness, in the era of the gold rush “no consideration was given to the preservation of the environment, the nature or animals.”⁸ Indigenous peoples provided food and guidance to white prospectors during the gold rush. Although this had significant economic and social consequences on Indigenous communities, as underlined by Julie Cruikshank, Indigenous peoples resisted the colonial exploitation of their land. They strove to protect their “basic social organization and coherence of the traditional lifestyle” and they “were even able to adapt the story of the gold rush to their traditional world view.”⁹

⁴ The first residential school in the NWT was established at Fort Providence in 1867. The assimilationist and violent colonial schooling system caused intergenerational traumas Indigenous peoples are still struggling with today.

⁵ The first North-West Mounted Police (MWMP) fort was established in 1895 in the Yukon (Royal Canadian Mounted Police Website, 2022, <https://www.rcmp-grc.gc.ca/en/rcmp-the-north>).

⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 23095.

⁷ Ibid., p. 23094.

⁸ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5264.

⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 23096.

Some scholars have argued that the gold rush played an important role in the imposition of Treaty 8 in 1899 by the settler authorities without negotiating with Indigenous peoples “to open [the territory], for settlement, immigration, trade, travel, mining, lumbering, and such other purposes.”¹⁰ At the beginning of the 1920s, the imposition of Treaty 11 continued this pattern. The increasing explorations of the fossil fuel potential of the Mackenzie region entailed the imposition of land agreements to the Indigenous peoples by the state authorities. They sought to open up the northern territories for the future interests of increasing fossil capitalism in the North.¹¹ By Treaty 11, the federal government aimed to extinguish the Dene interests in their land and then control the oil development of the region.¹² Treaty 11 laid the basis of intensified settler colonialism and extractive capitalism. The Treaty was imposed by the settler state authorities upon the Dene. Although the settler state authorities see Treaty 11 as an agreement through which Indigenous peoples ceded their land, for the Dene, the intention of their ancestors by signing Treaty 11 was to ensure friendship and peace.

This pattern of colonial dispossession was carried further between 1942 and 1943 with the construction of the Alaska Highway (called the second “rush” by some Indigenous peoples).¹³ The idea of providing “development assistance” to ““under-developed” populations was consolidated through welfare policies in the North

¹⁰ The Mackenzie Valley Pipeline Inquiry, Vancouver, Vol. 50, May 11, 1976, p. 5056; see Berger, 1977, Vol. 1, p. 144.

¹¹ For changing state policies according to the interests of fossil capitalism, see Mitchell, 2011. For the emergence of territorial administration and treaty policy after the oil explorations in the NWT see Fumoleau, 2004, pp. 198-204.

¹² See Asch, 2013; Fumoleau, 2004.

¹³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 23096.

particularly after the Second World War.¹⁴ The settler states' development ideal treated Indigenous peoples of the North as "objects" that called out to be transformed by high modernist policies and taken care of by the settler state.¹⁵ The increasing presence of the state in the North through welfare policies "coincided" with a program of relocating many Inuit communities to realize the ambitions of the state in the South, as well (it was said) to improve their living conditions.¹⁶ The "Arctic as a field laboratory" and the Inuit as objects need to be reformed by "'wise' federal policies" were premises of this policy of relocation.¹⁷

The settler state's preoccupation with asserting its own sovereignty in the Arctic in the Cold War era aimed to legitimate reform programs for Indigenous communities of the North.¹⁸ In this era, the Distant Early Warning Line (DEW Line), comprised of air bases and radar stations, was constructed by the United States along the 70th parallel to prevent any possible bomb attack from Russia. The building of the DEW line within the Canadian northern borders created sovereignty concerns and ended up with an agreement with two settler states. The construction of the DEW line, as another form of settler colonial dispossession of Indigenous land, brought larger economic, cultural and social consequences to the northern Indigenous communities, particularly those of the Inuit. Growing non-Indigenous population, expanding settlements, changes in economic

¹⁴ Meren, 2017, pp. 345, 350, 364.

¹⁵ Meren, 2017, pp. 364, 366; Sangster, 2016, p. 74; For high modernism, see Scott, 1998.

¹⁶ Marcus, 1995, pp. 21, 22, 23. See also Frank James Tester and Peter Kulchyski. *Tammarniit (Mistakes): Inuit Relocation in the Eastern Arctic, 1939-63*; Alan R. Marcus, *Out in the Cold: The Legacy of Canada's Inuit Relocation Experiment in the High Arctic*.

¹⁷ Marcus, 1995, p. 22; Sangster, 2016, p. 91; Meren, 2017, pp. 354, 364.

¹⁸ Meren, 2017, p. 354.

activities, and the relocation of Indigenous communities were all related to those geopolitical calculations. Debates about the sovereignty of the settler states in the Arctic intensified after the discovery of the fossil fuel potential of the Beaufort Sea in the late 1960s. Through sovereignty struggles in the Arctic, the settler states intended to respond changing interests of global fossil capitalism to strengthen their energy independence. Although ostensibly competing sovereignties, the Canadian and American projects for the North were alike premised on a shared vision of its economic (i.e., capitalist) development.

The struggle for energy independence transformed North American resource economies during the 1970s. In the beginning of the 1970s, a consortium of American and Canadian oil companies proposed to construct a gas pipeline to transport fossil fuel from Alaska's North Slope. The planned pipeline was to cross the northern Yukon and the Mackenzie River Valley of the Northwest Territories and descend through Alberta with connections to existing pipelines, all in order to supply the energy markets in the United States. In response to these proposals, the Canadian federal government initiated the Mackenzie Valley Pipeline Inquiry to investigate the social, environmental, and economic effects of pipeline construction in the western Northwest Territories.

The exploitation of non-renewable natural resources in the Western Arctic served as an important catalyst for Canadian and American economic development. Since the discovery of mineral and oil reserves in the North in the mid-nineteenth century, the region had long been regarded as "a resource frontier" and an energy landscape. After World War II, the North witnessed the Canadian state's growing appetite for natural

resource extraction and large-scale energy projects through the assertion of promoting economic development, national security, and national sovereignty by ignoring Indigenous sovereignties in the region. The petroleum industry grew rapidly as a core component of this program of northern development.

That fascination with northern energy persists. Recent research posits that the high-cost and engineering challenges of fossil fuel extraction in the Arctic mean that a massive proportion of the region's oil and gas potential remains undiscovered and unexploited.¹⁹ Encouraging energy development across the region regularly emerges as a contentious topic in faraway Ottawa and Washington, DC, and enthusiasm has waxed and waned over the past half-century. Indeed, major oil and gas exploration and development in the Arctic have been key topics of national energy policies since the early 1960s, when the Soviet Union discovered a large oil field in north-western Siberia. To counter Soviet hydrocarbon resource exploration in the Arctic, American oil companies searched for and discovered copious oil and gas reserves in Prudhoe Bay, Alaska, in the late 1960s. Canada also participated in the northern oil rush; a gas field in Pointed Mountain was found in 1967 and the discovery of the Beaufort Sea's oil potential was accelerated by the establishment of the Task Force on Northern Oil Development in 1968.²⁰ The onshore oil and gas exploration in the Mackenzie Delta region continued until the release of the report of the Mackenzie Valley Pipeline Inquiry in 1977, which recommended the cancellation of any oil and gas development plans in the northern Yukon and a ten-year

¹⁹ Gautier, *et al.*, 2009; Hendersen and Loe, 2014; Tudorache and Antonescu, 2020.

²⁰ "Change in Northern Canada," Jean Chrétien, June 23, 1971, p.3. Pointed Mountain is situated near Fort Liard, NWT.

moratorium on the policy of oil and gas development in the Mackenzie Delta region.

While offshore exploration of oil and gas in Arctic waters of Canada continued into the 1980s, onshore exploration was decelerated.²¹

The table below outlines the Canadian and U.S. federal governments' initiatives to accelerate the oil and gas development in the Arctic between 1968 and 1978.

Timeline of Canadian and U.S. Policies on the Arctic Oil Development

<u><i>Month/Year</i></u>	<u><i>Canada</i></u>	<u><i>The United States of America</i></u>
<i>February/1968</i>		Oil discovery at Prudhoe Bay, Alaska was announced
<i>December/1968</i>	The Task Force on Northern Oil Development was created	
<i>January/1970</i>		The National Environmental Policy Act was signed into law by President Nixon
<i>August/1970</i>	The Northern Pipeline Guidelines were announced	
<i>December/1971</i>		The Alaska Native Claims Settlement Act (ANCSA) was signed by President Nixon
<i>June/1972</i>	The Arctic Gas Project was proposed	The Arctic Gas Project was proposed
<i>June/1972</i>	The Canadian Federal Government expanded the Northern Pipeline Guidelines	
<i>October/1973</i>	Oil Embargo of OPEC	Oil Embargo of OPEC
<i>November/1973</i>		Trans-Alaska Pipeline Authorization Act was signed by President Nixon
<i>March/1974</i>	The Canadian Arctic Gas Ltd. submitted a formal application for Canadian segment of the Arctic Gas Project	The Alaska Arctic Gas Ltd. submitted a formal application for the Alaskan segment of the Arctic Gas Project
<i>March/1974</i>	Justice Thomas Rodney Berger was appointed as a commissioner of the Mackenzie Valley Pipeline Inquiry	
<i>July/1974</i>	The Office of Native Claims was established within the DIAND	

²¹ Fraser, et al., 2010.

<i>March/1975</i>	Hearings of the Mackenzie Valley Pipeline Inquiry began in Yellowknife	
<i>March/1975</i>	Foothills Pipe Lines Ltd. submitted a formal application for the Maple Leaf Project	
<i>April/1975</i>	Community hearings of the Mackenzie Valley Pipeline Inquiry opened in Aklavik	
<i>May/1975</i>		Public Hearings on the Arctic Gas Project and the El Paso Alaska Project began
<i>August/1976</i>	The Canadian segment of the Alcan Project—Alaska Highway Gas Pipeline Project—was submitted formally	
<i>October/1976</i>		The Alaska Natural Gas Transportation Act was signed into law by President Ford
<i>November/1976</i>	Hearings of the Mackenzie Valley Pipeline Inquiry were completed	
<i>April/1977</i>	The Alaska Highway Pipeline Inquiry was initiated	
<i>May/1977</i>	The Report of the Mackenzie Valley Pipeline Inquiry was submitted	
<i>May/1977</i>		The construction of the Trans-Alaska Pipeline was completed
<i>July/1977</i>	The National Energy Board suggested the approval of the Alaska Highway Gas Pipeline Project	
<i>August/1977</i>	The Report of the Alaska Highway Pipeline Inquiry was submitted	
<i>September/1977</i>	The Canada-United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline was signed by the Canadian and the U.S. federal governments	The Canada-United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline was signed by the Canadian and the U.S. governments
<i>April/1978</i>	The Northern Pipeline Agency was established by the Northern Pipeline Act to facilitate the construction of Canadian portion of the Alaska Highway Gas Pipeline	

Table 1.1: Timeline of Canadian and U.S. Policies on the Arctic Oil Development.²²

²² All tables in this dissertation prepared by me.

1. *Hydrocarbon Development in the Arctic and the Trans-Alaska Pipeline Project*

In 1968, *Alaska-Northwest Canada Economic Activities / Part I and Part II, An Analysis of Regional Political and Communications Aspects of Alaska-Canada Development Relations* was published for the Federal Field Committee for Development Planning in Alaska. As it asserted, “Alaska and the Canadian northwest constitute a vast geographic region, but in social terms, they are a modest-sized community. Sound development relations must start with the recognition that we are all neighbors in a common northern community.”²³ It proceeded to recommend common policies between the United States and Canada to open the Arctic for resource extraction. Beneath the veneer of cooperation rested a latent tension surrounding the politics of extraction in the region. Some Canadians opposed the increasing operations of the U.S. that extracted resources from the Arctic.

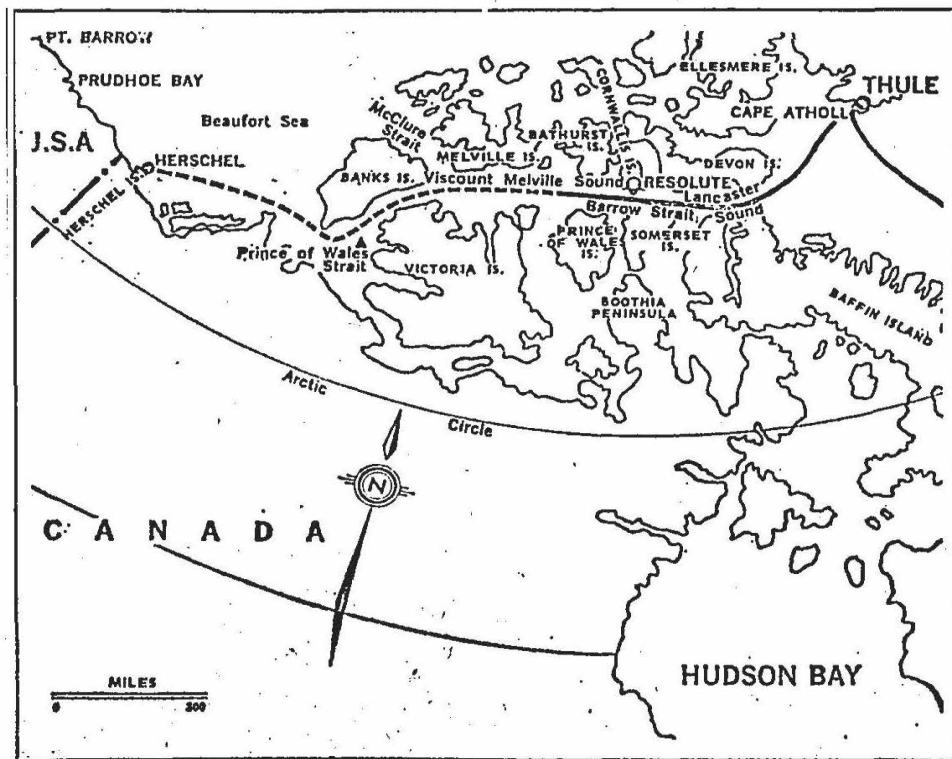
The U.S. federal government encouraged further oil development activities and major projects of the oil companies in the Arctic, after the announcement of the discovery of the hydrocarbon resources in Prudhoe Bay, Alaska in 1968.²⁴ Indeed, the Prudhoe Bay oil field would later be described as the largest oil field ever discovered in North America and among the ten largest in the world.²⁵ American and British oil companies—Atlantic Richfield, Humble and British Petroleum—searched for a tanker route instead of a costly pipeline to transport the crude oil to southern markets. Getting the oil out by sea was a considerable challenge since ice could prevent regular and safe access to northern ports.

²³ Rogers and Jones, 1968, p. 3-4.

²⁴ According to some sources the oil field was discovered in 1967. See Thomas, 1986, p. 27.

²⁵ Lysyk, Bohmer, and Phelps, August 1977, p. 21.

As a consequence, the *SS Manhattan*, an experimental icebreaker tanker, voyaged through the Northwest Passage in 1969 to explore the possibility of bringing oil from the northern Alaska oil field through the Northwest Passage to the southern U.S. market. The *Manhattan* was the first commercial vessel to successfully transit the Northwest passage (see Fig. 2).²⁶ The Canadian media viewed the voyage of the American vessel with some trepidation. The growing American presence in the Arctic was perceived as a threat to Canadian sovereignty over the waters of the Arctic archipelago.



The route of the Manhattan (solid and broken line): opening up the Arctic.

Figure 1.1: The followed route of the SS Manhattan to transit the Northwest Passage.²⁷

²⁶ Coen, 2012, p. 5.

²⁷ *The Globe and Mail*, September 18, 1969, p. 7.

News of the *Manhattan*'s passage through Arctic waters raised widespread concern across Canada, and the country waited for the Trudeau government to react.²⁸ As a response to “opposition groups, academics, the media” and their criticisms of the increasing presence of the U.S. in the Arctic, the Canadian federal government initiated a policy to work on “anti-pollution legislation for the Arctic” and a “special patrol force” to protect the environment and ensure the security of the Canadian Arctic coasts.²⁹ What emerged was the signing of the Arctic Waters Pollution Prevention Act in 1970 and increased Canadian military activity in the Arctic.³⁰ The Act showed that the Canadian government aimed to reassert its sovereignty over the waters of the Arctic archipelago as a means of tamping down the controversy. In reference to the legislation, Jean Chrétien remarked that “Canada’s right to adopt protective regulations governing the navigable waters of the North is unquestioned. Canadian sovereignty over all land right up to the North Pole is also unquestioned.”³¹ Arctic sovereignty and national security went hand in hand. Donald S. Macdonald, Minister of National Defence, stated in a 1970 *White Paper on Defence* that government policies on the environmental protection of the North shaped Arctic defence policies: “Defence responsibilities required re-examination as a result of Government decisions to regulate the development of the North in a manner compatible

²⁸ Lajeunesse, 2017, pp. 197-198.

²⁹ Lajeunesse, 2017, p. 197; *The Globe and Mail*, October 6, 1969, p. 1; *Toronto Daily Star*, October 1, 1969, p. 62.

³⁰ Brigham, 2017, p. xxvii.

³¹ *The Globe and Mail*, October 6, 1969, p. 1.

with environmental preservation, and with legislation enacted to prevent pollution in the Arctic and the Northern inland waters.”³²

The federal government also responded to the American intervention in Canadian waters by directing the “Canadian Coast Guard icebreaker,” the *John A. Macdonald*, to help in the clearing of the ice.³³ Mitchell Sharp, the Minister of Internal Affairs, saw the *Manhattan*'s experiment as a “great potential for Canadian North” in economic and scientific contexts and commented in the *Globe and Mail* that “the Canadian Government is extremely interested in the success of the *Manhattan* project.”³⁴ In effect, the Trudeau administration framed the American vessel's transit through the northern waters as a cooperative venture, while asserting Canadian sovereignty and consolidating the passage's potential in exploiting future oil development in the Arctic.

At the same time, because of the ongoing geopolitical uncertainties and controversies regarding using the Northwest Passage to transport the North Slope oil, oil companies in Alaska turned their attention to pipeline construction instead of committing to the tanker route through Arctic waters. A consortium of American oil companies—later organized as the Alyeska Pipeline Service Company—proposed an 800-mile Trans-Alaska oil pipeline to the U.S. federal government in 1969 to transport crude oil from Prudhoe Bay due south across Alaska to Valdez, on the southern coast. The government approved the Trans-Alaska pipeline proposal in the early 1970s. Nevertheless, the land claims of Indigenous peoples in Alaska and legal actions from American environmental

³² *Defence in the 70s*, White Paper on Defence, Donald S. Macdonald, Department of National Defence, 1971, p. 1.

³³ *The Gazette*, September 12, 1969, p. 2.

³⁴ *The Globe and Mail*, September 18, 1969, p. 7.

groups and Alaska fishermen challenged the government's oil development policy in the North until the construction of the pipeline system in the mid-1970s.

2. *The Challenges to the U.S. Energy Policy in Alaska: Indigenous Land Claims and the Opposition of Conservationists and Fishermen*

After Alaska became a state in 1959, the land claims of Indigenous peoples and the land acquisition of the federal government in the U.S. came into question.³⁵ At the beginning of 1960 Indigenous peoples claimed territory “exceeding the 152 million-hectare land area of Alaska.” In 1966, Stewart Udall, U.S. Secretary of the Interior, froze all land transfers in Alaska.³⁶ The discovery of the North Slope oil in the late 1960s, however, intensified the debate over land claims and resource extraction. The land claims of Alaska's northern Indigenous peoples—the Aleut, Haida, Inupiat and Tlingit—challenged the U.S. federal government's intentions surrounding oil development in the Arctic. Washington's policy made a priority of immediately settling the Indigenous land claims to eliminate any Indigenous opposition to the energy development in the region.³⁷ After the discussions on the land claim bills in Congress, the Alaska Native Claims Settlement Act (ANCSA) was signed by President Richard Nixon in December 1971. The Settlement Act abolished prior subsistence rights “except on lands covered by the lands settlement” and revoked existing reserves—except Annette Island—in Alaska.³⁸ It also extinguished all Indigenous title on the use and occupancy of additional land and water areas in Alaska in exchange for “a cash settlement of \$962.5 million and a land settlement

³⁵ The Act was signed on July 7, 1958, by the U.S. President Dwight D. Eisenhower.

³⁶ Thomas, 1986, p. 29.

³⁷ See the Alaska Native Claims Settlement Act, December 18, 1971.

³⁸ Thomas, 1986, p. 34; Arnold, 1978, p. 146.

of 17,800,000 hectares.”³⁹ By the ANCSA, 13 regional Alaska Native corporations were established.⁴⁰

The Settlement Act was thus enacted as one part of American policy. In the early 1970s, the ANCSA was addressed as a pioneer model—“the first modern treaty in North America”—for future land claims. It was thought to be of particular relevance to resource-rich areas and the energy projects that might transform them.⁴¹ The mainstream U.S. media depicted the Settlement Act as a benefit to Indigenous peoples in Alaska. A story in *Argus* magazine implied Indigenous approval of the Settlement Act constituted an attempt to build “a brave new world” and an “opportunity for self-determination of the highest degree” for “a minority group.”⁴² Nixon pointed to the Settlement Act as “a milestone in Alaska’s history and in the way our Government deals with natives and Indian People.”⁴³

In the 1960s, Indigenous peoples formed their new organizations— Inupiat Paitot and Alaska Federation of Natives (AFN)—to reassert their land claims.⁴⁴ They particularly focused on land transfers, oil discoveries, and atomic defence projects. In addition to newly formed Indigenous organizations, in the 1960s, the *Tundra Times*, a newspaper, was controlled and published by Indigenous peoples to provide mass communication between Indigenous peoples in Alaska particularly to counter land

³⁹ Ibid., p. 29.

⁴⁰ Nuttal, 2010, p. 112.

⁴¹ Nuttal, 2010, p. 155; Colt and Pretes, 2015, p. 34.

⁴² *The Argus*, December 31, 1971..

⁴³ *The New York Times*, December 20, 1971, p. 9.

⁴⁴ Arnold, 1978, pp 94, 95. The Alaska Native Brotherhood was oldest Indigenous association established in 1912 in Alaska. The atomic project was named as Chariot.

dispossessions.⁴⁵ In the early 1970s, before the approval of the Settlement Act, a suit was filed by the Arctic Slope Native Association (ASNA) to the United State District Court for invalidating “the state government’s claim to North Slope land and the Interior Department’s approval of the state land selection there.”⁴⁶ The suit declared that “all leases, sales, conditional leases and conditional sales made under the authority of such tentative approvals are invalid.”⁴⁷ Although ANCSA was overwhelmingly accepted by the Alaska Federation of Natives—by 511 votes to 56 votes—there was some regional opposition, notably from the ASNA and the Washington State native delegation, both of which voted against the claims settlement.⁴⁸ The ASNA’s opposition was based on its reservations about the prospective distribution of land and money. They “wanted the money distributed on the basis of land claimed [instead of population] ... and the land distributed according to the amount used and occupied historically by each native group.”⁴⁹

In addition to the challenges that emerged from Indigenous land claims in Alaska, mounted by people opposed to the exploitation of lands for resource extraction, environmentalists highlighted the proposed pipeline project’s potential problems. The U.S. government countered that the environmental impacts of the Trans-Alaska pipeline

⁴⁵ Lael, 1972, p. 3. The first issue is published on October 1, 1962.

⁴⁶ *The New York Times*, October 7, 1971, p. 18.

⁴⁷ *Ibid.*

⁴⁸ *The New York Times*, December 20, 1971, p. 9; *Argus*, December 31, 1971. Indigenous population of Alaska in April 1970 was more than 50, 000 (George W. Rogers. *Alaska Native Population Trends and Vital Statistics, 1950-1985*, Institute of Social, Economic and Government Research, University of Alaska, Fairbanks, p. 4). The Alaska Federation of Natives was formed in 1966 by gathering of 400 Indigenous peoples representing seventeen Indigenous organizations (nativefederation.org).

⁴⁹ Berry, 1975, pp.138, 150. The ASNA filled the largest single land claim.

project constituted an acceptable cost, considering the national economic benefits the project promised. Nixon's Secretary of the Interior Department, Rogers Morton, argued that, as with any big project, the environmental effects of the proposed pipeline would be inevitable: "There's environmental damage from any construction work. There's always a risk and there always is some sort of ecological adjustment that is required, whether it be a road or a pipeline or an airport or a street or a building or anything else."⁵⁰ A report from the representatives of Cordova fishermen also warned that the Department of the Interior's draft report was based on a conclusion that "Alaskan oil is so important to the nation that a pipeline to the Alaskan coast should be built even at the cost of inevitable damage to the environment."⁵¹

Just months after the first Earth Day in April 1970, the American environmental movement enjoyed unprecedented mainstream and political influence. The Sierra Club, the Wilderness Society, the Friends of the Earth, and the Environmental Defense Fund all pointed out the high risk of the proposed project, since it would cross the "nation's largest remaining wilderness areas."⁵² Conservationists claimed that President Nixon should be charged for ignoring ecological values and initiated a legal action based on the National Environmental Policy Act (NEPA) of 1969 that Nixon himself had signed into law on January 1, 1970.⁵³ NEPA required "all federal agencies to prepare detailed, written statements of the environmental impacts which major proposed actions may cause."⁵⁴ It

⁵⁰ Interview, Rogers C. B. Morton, Washington, D.C., January 13, 1972, p. 1.

⁵¹ *Congressional Record*, House, December 13, 1971, p. 46612.

⁵² *News Peak*, January 2, 1972.

⁵³ *The Los Angeles Times*, Robert L. Jackson, 1971.

⁵⁴ Anderson, 2011, p. 2. The environmental impact statement has become common practice around most of the developed world; its origins come from the National Environmental Policy Act.

would be difficult to overstate the significance of this period in the history of environmental policymaking; NEPA, in particular, wielded a good deal more power than even its authors had conceived or intended. After 1969, the decision-making process of the federal agencies were tied to the national environmental policy declared in the Act.

A group of Alaskan fishermen argued that the pipeline would have a serious impact on their livelihoods in Prince William Sound.⁵⁵ Other legal authorities, associated with three environmental organizations in particular (the Wilderness Society, the Friends of the Earth, and the Environmental Defense Fund) argued that the pipeline would contravene NEPA regulations. The lawsuits were eventually filed in 1970 by these environmental organizations and an organization of Alaska fishers—Cordova District Fisheries Union—to stall the oil pipeline development. The initiators of the lawsuits demanded a detailed study of the possible environmental impact of the Trans-Alaska pipeline system. As a consequence of the opposition of the environmental groups and the fishermen's organizations, the construction of the proposed Trans-Alaska pipeline project was blocked by an injunction on the part of U.S. federal Judge George L. Hart in April 1970, on the grounds that the U.S. Department of the Interior (USDI) did not prepare the required environmental impact statement.⁵⁶ The Interior Department was expected to publish an environmental impact statement regarding the proposed pipeline before permitting the pipeline construction in Alaska. The impact statement would address concerns about the “disruption of the nation's largest remaining wilderness.”⁵⁷ The

⁵⁵ Cicchetti, 2018, p. 2.

⁵⁶ *The Bremerton Sun*, August 15, 1972, p. 9.

⁵⁷ *News Peak*, January 2, 1972.

potential for, and impact of, tanker accidents, interruptions to caribou herd migrations, permafrost melt, and risks of pipeline leaks also called out for attention in the impact statement.⁵⁸

This was no small report. The Department of the Interior deployed “175 geologists, engineers and economists” to examine the potential environmental effects of the pipeline system.⁵⁹ After the lawsuits of environmental groups and fishermen in 1970, the department issued a draft of the environmental impact statement in January 1971.⁶⁰ In addition to the government examination process, the statement also included the research data of the Alyeska consortium. Hearings on the statement followed in February and March 1971. Environmental groups criticized the statement, and argued that many “uncertainties still exist regarding the pipeline’s safety”⁶¹ Washington attorney John Dienelt, a lawyer for the environmental groups, dismissed the report as “a dishonest document” that was “deliberately distorted.”⁶² He argued that the report did not provide enough data “to the public or for other agencies to evaluate the potential environmental impact of the multi-billion dollar project.”⁶³ He also added that the report did not ensure “sufficient consideration to the alternative of a pipeline through Canada to the U.S. midwest.”⁶⁴ In early 1972, the Wilderness Society, the Friends of the Earth, and the Environmental Defense Fund called for new hearings and the Sierra Club urged a “five-

⁵⁸ Cicchetti, 2018, p. 3.

⁵⁹ *The Los Angeles Times*, Robert L. Jackson, 1971.

⁶⁰ A final environmental impact statement was issued in March 1972.

⁶¹ *The Los Angeles Times*, Robert L. Jackson, 1971.

⁶² *The Los Angeles Times*, Robert L. Jackson, 1971; *New York Journal of Commerce*, August 15, 1972.

⁶³ *New York Journal of Commerce*, August 15, 1972.

⁶⁴ *Ibid.*

year moratorium on building the pipeline.”⁶⁵ The Democratic presidential nominee George McGovern also argued that new hearings would be needed before the pipeline could be approved.⁶⁶

In addition to the legal action based on the NEPA-required impact statements, another environmental concern about the pipeline was raised over the U.S.-Soviet Union environmental agreement signed in Moscow on May 23, 1972. According to the Cooperation in Environmental Protection Agreement, “economic and social development for the benefit of future generations requires the protection and enhancement of the human environment” and “controlling the impact of human activities on nature.”⁶⁷ Opponents of the Trans-Alaska pipeline jumped on this international treaty to highlight their objections: the protection of the Arctic and Subarctic ecological system from any human activities was proclaimed as one of the core aims of the agreement, and the damage caused by Soviet oil exploitation in its northern regions offered palpable evidence of the fragility of these Arctic landscapes. Conservationists charged that an Alaska pipeline could cause “irreparable damage to the environment.”⁶⁸

As a response to these controversies, the Interior Department announced in the beginning of 1972 that a final environmental impact statement would be completed in a couple of months.⁶⁹ The injunction was canceled by Judge Hart in August 1972, after the Interior Department published its impact statement on March 20, 1972.⁷⁰ American

⁶⁵ *News Peak*, January 2, 1972.

⁶⁶ *The Kansas City Times*, July 26, 1972.

⁶⁷ Cooperation in Environmental Protection, May 23, 1972.

⁶⁸ *The Seattle Post-Intelligencer*, May 5, 1972.

⁶⁹ *News Peak*, January 2, 1972.

⁷⁰ *The Bremerton*, August 15, 1972, p.9.

conservation organizations continued to press legal action, arguing that the statement did not meet the Mineral Leasing Act of 1920. They also urged Judge Hart to ask the Interior Department for a study on an alternative route through Canada. Although they found both pipeline routes environmentally damaging, they proposed that a gas pipeline route from North Slope, Alaska through the Mackenzie River Valley, Canada would be environmentally more feasible than the Trans-Alaska pipeline. Larry Moss, the Southern California representative of the Sierra Club, argued that “we are very opposed to this trans-Alaska route because we feel it’s the worst of all possible choices. We feel that there has to be a pipeline, that the pipeline through Canada is much better.”⁷¹ Similarly, some researchers asserted that an alternative Canadian pipeline route would also be environmentally and economically superior to the Alaska pipeline, and more profitable for the oil companies.⁷² For their part, Canadian federal authorities preferred the Canadian pipeline route, which they felt would diminish the risk of oil spills on British Columbia’s Pacific coast.⁷³

⁷¹ Earth Report, May 12, 1972.

⁷² CBC Broadcast, Five Nights, January 10, 1973, CBC Digital Archives, <https://www.cbc.ca/archives>.

⁷³ *The Evening Star*, January 12, 1972. Canadian environmentalists opposed the tanker route, which they argued would “jeopardize British Columbia’s lucrative fishing, seal and recreation industries” (*Los Angeles Times*, May 14, 1972).

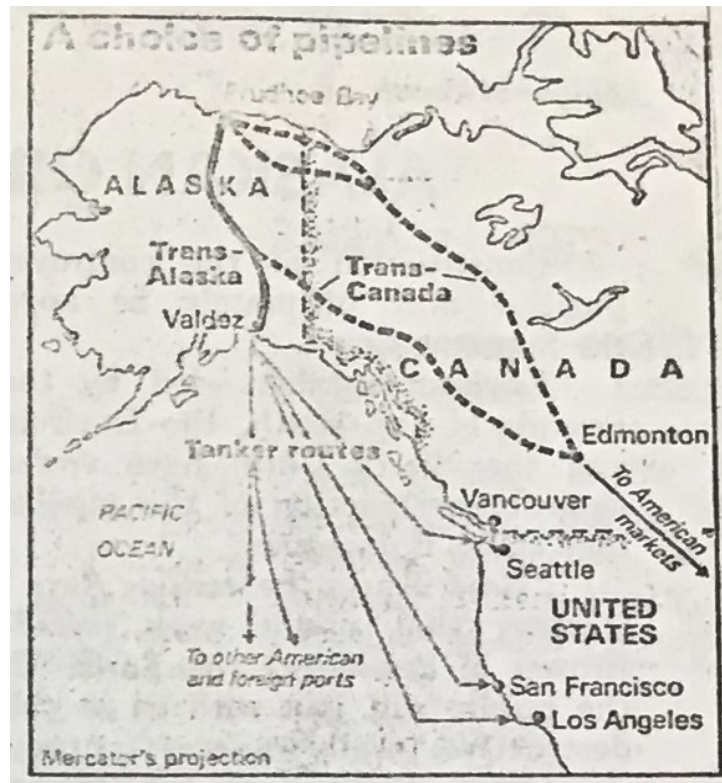


Figure 1.2: Proposed Pacific tanker routes to transport oil from Valdez, Alaska, along the west coast of Canada to the southern U.S. market.⁷⁴

Environmentalists eventually requested the continuation of the legal injunction on the Alaska oil pipeline plan until the Interior Department completed a study comparing the possible environmental impacts of the Trans-Alaska pipeline route and an alternative route through Canada.⁷⁵ Morton, Secretary of the Interior Department, opposed the alternative route through Canada. In his letter to Congress, he argued that the “Trans-Alaska pipeline can be built much more quickly than a trans-Canadian way.”⁷⁶ Further delay on the Trans-Alaska pipeline system, he contended, was not in the American

⁷⁴ *The Economist*, May 20, 1972.

⁷⁵ *The Bremerton Sun*, August 15, 1972, p. 9.

⁷⁶ Letter from Rogers C. B. Morton to Congressman, April 1973, p. 5.

national interest. Nor was a request for “negotiations with the Canadian government for a pipeline route through their country.”⁷⁷

For Morton, rapid completion of the pipeline was necessary on economic grounds. Devoting more time to the study of alternative routes was unnecessary. “The time factor is the most important thing in the whole pipeline economic analysis,” he insisted. “If we don’t bring this oil to market in a reasonable length of time, the basic loss to our economy on the fundamental basis of the resource costs will be enormous.”⁷⁸ He also acknowledged that the Canadian pipeline route “would be twice as expensive to build.”⁷⁹ In addition to the economic aspect of the opposition to an alternative pipeline route, Morton also rejected the environmentalists’ argument that the Canadian pipeline route was more environmentally feasible: “a Canadian route would not be superior from an environmental point of view (...) The Alaska and Canadian routes are equal in terms of their effect on land-based wildlife and surface and groundwater.”⁸⁰

Arctic oil extraction was seen as just as much a question of national security in the United States as it was an economic imperative. Cooperation with Canada was unappealing in some corners of the U.S. federal government. Morton stressed that pipeline construction in Alaska would affect his country’s national energy policy and national security posture.⁸¹ American authorities believed that dependence on energy sources from the “politically insecure” Arab petroleum exporting countries was cause for

⁷⁷ Ibid.

⁷⁸ Interview, Rogers C. B. Morton, Washington, D.C., January 13, 1972, p. 1.

⁷⁹ *The Los Angeles Times*, Robert L. Jackson, 1971.

⁸⁰ Letter from Rogers C. B. Morton to Congressman, April 1973, p. 2.

⁸¹ *The CBC Morning News*, January 13, 1972.

national security concern.⁸² Even before the oil embargo in 1973, United States policy acknowledged the importance of ending its dependence on foreign oil by starting to “develop its vast Far Northern oil resources as soon as possible.”⁸³ The U.S. government’s aim to keep energy development within its borders and cease its energy dependence on foreign countries also reflected government’s desire for energy sovereignty.

In a 1973 letter to Congress, Morton outlined his position on oil, Alaska, and the Trans-Alaska pipeline. “For the next 10-20 years at least,” he wrote, “I am fully convinced that it is in our national interest to get as much Alaska Oil as possible delivered to the U.S. market as soon as possible.”⁸⁴ Environmental groups objected to the federal government’s rhetoric of national security. They argued that although U.S. federal authorities claimed to want the proposed pipeline to reduce U.S. dependency on foreign oil and ensure national security and national interest, Japanese oil companies had signed an agreement with British Petrol to sell Prudhoe Bay crude oil on the Japanese market.⁸⁵ The argument from environmental groups was essentially based on the Japanese prime minister Eisaku Sato’s statement that announced Japan’s interest in buying oil from the proposed Alaska pipeline. The president of Alyeska Pipeline Service Company and U.S. federal authorities denied the allegation that the northern oil would be sold to Japan.⁸⁶

⁸² *The Oil Daily*, December 29, 1971, p. 12. A reporter for the Oregon Journal wrote about the problems of depending oil from the Middle East and addressed oil as “nation’s lifeblood.” February 16, 1973.

⁸³ *The Kansas City Times*, July 2, 1972.

⁸⁴ Letter from Rogers C. B. Morton to Congressman, April 1973.

⁸⁵ The Wilderness Society Pamphlet, April 1972.

⁸⁶ *The Seattle Times*, January 14, 1972.

The American environmentalists' legal action against resource and infrastructure development in Alaska was extinguished by amendments to NEPA and the Mineral Leasing Act of 1920, which were passed by Congress in mid-1973.⁸⁷ The text of the Act was not changed, but it was amended "to exclude its application to major environment-affecting projects popular with the Congress."⁸⁸ One simple clause cleared the way again for the Trans-Alaska pipeline to be built, and removed the legal teeth in the original Act.

While arguments for the legitimacy of natural resource development in the early 1970s were based on the rhetoric of national interest and national security, the so-called global oil crisis in 1973 became another catalyst for U.S. federal policy on oil development in the Arctic. The October 1973 Arab-Israeli War shaped the future of the global oil industry.⁸⁹ As a response to the U.S. military support of the Israeli side, Arab oil-producing and exporting countries in 1973 limited supplies to western consumers.⁹⁰ This caused an increase of the world price of oil that advantaged its members.

The embargo imposed by the Organization of Arab Petroleum Exporting Countries (OAPEC)—Arab members of the OPEC—legitimated the U.S. federal government's policies on the industrial extraction of northern non-renewable resources of North America to address the so-called energy shortage in the United States. The Nixon government underscored the embargo as a demonstration of the argument that dependence on foreign oil would create a national security issue. President Nixon signed the Trans-Alaska Pipeline Authorization Act in November 1973 by framing it as

⁸⁷ Ashenmiller, 2006, p. 488.

⁸⁸ Caldwell, 1998, p. 24.

⁸⁹ Cleveland and Bunton, 2008, p. 376, 456.

⁹⁰ Ibid., p. 371.

development in the national interest and as a response to the oil embargo. Such oil development was an important plank in the Nixon administration's Project Independence, which sought to ensure energy self-sufficiency.⁹¹ The federal government aimed to prevent any further legal and financial barriers in the construction, operation, and maintenance of an oil pipeline in Alaska by enforcing the Trans-Alaska Pipeline Authorization Act. While a pipeline route from Prudhoe Bay to Valdez across Alaska was permitted, the Act also accommodated future plans for an immediate study of any possible connection to a trans-Canada pipeline: The Act stated that "a supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country."⁹²

3. *The Task Force on Northern Oil Development and Northern Pipeline Guidelines*

The growing American presence in Arctic waters researching the prospects for hydrocarbon development was seen by Canadian federal authorities as a threat to Canadian jurisdiction along its Arctic coast.⁹³ A Canadian Task Force on Northern Oil Development was created in December 1968 under the chairmanship of the Minister of Energy, Mines and Resources to ensure Canadian sovereignty in the northern waters and to reshape Canadian policies in response to changing geopolitical circumstances.⁹⁴ The Task Force accelerated the process of federal approval for northern resource exploitation. There was certainly a single-mindedness in the Task Force's efforts, which demonstrated

⁹¹ Wellum, 2017, p. 69, 191.

⁹² Trans-Alaska Pipeline Authorization Act, November 16, 1973.

⁹³ Wilson, 1992, p. 19-20.

⁹⁴ Dosman, 1975, p. 23.

no interest in Indigenous concerns about northern development. Rapid approval of development projects suggested, rather, a commitment to aiding and abetting the oil industry.⁹⁵ State planners excluded Indigenous peoples from policy formation process. For them, the drive to ‘open up the north’ came first. The Task Force on Northern Oil Development shared this vision.⁹⁶

As Jean Chrétien remarked, “in 1960, an oil and gas discovery was made in the central Yukon. This was followed in the early sixties by a gas discovery in the Liard River area just north of 60. In 1967 the Pointed Mountain gas field was found.”⁹⁷ In January 1970, Imperial Oil Ltd also discovered an oil and gas field at Atkinson Point, fifty kilometers northeast of Tuktoyaktuk in the Northwest Territories.⁹⁸ After these discoveries, federal enthusiasm for oil development in the region intensified. Recommendations from the Task Force directed federal energy policies in the North; Northern Pipeline Guidelines were eventually announced by J. J. Greene, the Minister of Energy, Mines and Resources, and Jean Chrétien, Minister of Indian Affairs and Northern Development in August 1970. This policy enhanced cooperation between industry and government regarding northern resource development.

Although the Guidelines sought to enhance “environmental protection, pollution control, Canadian ownership and participation, and the training and employment of

⁹⁵ Dosman, 1975, p. 24. According to Dosman, in its four-year operation, the priority of the Task Force was American economic interest. See Dosman, 1975, p. 82.

⁹⁶ Dosman, 1975, p. 25; The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, 1976, p. 7718.

⁹⁷ “Change in Northern Canada,” Jean Chrétien, June 23, 1971, p.3.

⁹⁸ Lysyk, Bohmer, and Phelps, August 1977, p. 21.

northern residents,” they also revealed the federal government’s top priority: to support the industry in its construction of a pipeline.⁹⁹

The Ministers of Energy, Mines and Resources, and Indian Affairs and Northern Development will function as a point of contact between Government and industry, acting as a Steering Committee from which industry and prospective applicants will receive guidance and direction to those federal departments and agencies concerned with the particular aspects of northern pipelines.¹⁰⁰

Writing about northern development in the early stages of the Trudeau government in 1975—while the Berger Inquiry was in full flight—Edgar Dosman argued that as a commitment of the government to industry, the Guidelines “represented approval-in-principle for the construction of a Mackenzie gas and /or oil pipeline.”¹⁰¹ The lack of details surrounding the possible impacts of development on the northern environment and the way of life of northern Indigenous peoples further supports the idea that the Guidelines aimed to accelerate oil development, not to reckon with the uncontrolled effects of resource exploitation in the North. The Guidelines were based on the assumption that an oil pipeline and a gas pipeline would be constructed and followed by an energy corridor—highway, electric, railroads, etc.—in the western Arctic region of Canada. This was the federal vision for the Canadian North that would drive development in the region.

As I will discuss in subsequent chapters, this federal vision relied quite heavily on the settler-colonial notion of a mythic North: strong, free, wild and empty. Nothing in the

⁹⁹ Lysyk, Bohmer, and Phelps, August 1977, p. 21.

¹⁰⁰ Northern Pipeline Guidelines, 1970, p. 32.

¹⁰¹ Dosman, 1975, p. 66.

1970 Guidelines made any mention of northern Indigenous peoples or their interests. Despite the absence of Indigenous peoples from the Guidelines, they purported to protect “the rights of northern residents” and make provision for their “necessary training.”¹⁰² In this sense, the Guidelines of 1970 eliminated Indigenous presence—as a distinct identity—in the North. The Guidelines further assumed that there would not be any environmental opposition or Indigenous resistance against Northern energy development. The criticisms that followed the federal plan, however, made clear that northern oil and gas development required the revision of the guidelines according to possible environmental impacts and Indigenous claims on the northern land. The Northern Pipeline Guidelines were consequently expanded to accommodate sections on environmental and social concerns and outline oil companies’ obligations surrounding pipeline construction. These expanded guidelines were published on June 28, 1972. The expanded Guidelines stated that the “government recognizes the concerns of the Indian people of the Territories with regard to the construction and operation of northern pipelines.”¹⁰³

When the discussions on the proposed project of the Alyeska consortium to construct the Trans-Alaska pipeline from Prudhoe Bay to Valdez accelerated in 1972, the Minister of Energy, Mines and Resources Canada, Donald Macdonald, stressed the advantages of the alternative Canadian route through the Mackenzie Valley for ensuring U.S. energy security.¹⁰⁴ Before the discussions on an alternative pipeline route through

¹⁰² Northern Pipeline Guidelines, 1970, p. 34.

¹⁰³ Expanded Guidelines for Northern Pipelines, June, 1972, p. 25.

¹⁰⁴ Dosman, 1975, p. 151.

Canada emerged, in the summer of 1971, Nixon declared that “the U.S. would remove quotas on Canadian crude if the two countries could reach an agreement on dealing with oil supplies in an emergency.”¹⁰⁵ The American demand on Canadian resources—“a stable supply” to satisfy its so-called energy shortage—inclined the Canadian authorities to reframe their energy policies accordingly.¹⁰⁶ Chrétien outlined the Canadian outlook for Arctic oil development in March 1973:

We in Canada would welcome the building of such a gas pipeline through our country and would do everything reasonable to facilitate this particular development (...) An oil pipeline would also be acceptable. In other words, if it is felt desirable to build an oil pipeline from Prudhoe Bay direct to the mid-continent market then [a] right-of-way through Canada I am sure can, and will, be made available.¹⁰⁷

While some members of the Canadian Parliament were vociferous in their opposition to the Trans-Alaska pipeline, which would involve tanker traffic along the Pacific coast of British Columbia, Trudeau’s minority Liberal government argued that Canadian interests favoured in developing an alternative route through north-western Canada.¹⁰⁸

Geopolitical developments, thus, strengthened the conviction—in Canada and the United States—that Arctic energy development was inevitable. Economic and environmental concerns prompted the initial desire for a Canadian pipeline. A fear of “a tanker accident and oil spill in Juan de Fuca Strait or the Strait of Georgia” led Canadian officials to encourage the American government and oil companies to consider an overland route through western Arctic Canada.¹⁰⁹ Although some Canadian authorities

¹⁰⁵ *The Last Post*, Carole Orr, 1973, p. 1.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Last Post Magazine*, 2-5 March 1973.

¹⁰⁸ *The Anchorage Times*, June 9, 1973.

¹⁰⁹ Coates, et al., 2008, p. 128.

were critical of the Pacific Coast tanker route because of possible environmental effects, they did not question if Canada would “agree to less stringent environmental standards than Alaska” for its far North.¹¹⁰ The federal government encouraged the energy companies to submit proposals for an alternative energy corridor with an oil or gas pipeline through the Mackenzie Valley.

The Canadian federal government’s stance on an alternative route through Canada was criticized by the Waffle, the radical wing of the federal New Democratic Party (NDP).¹¹¹ In his poem published in *Ontario Waffle News*, Paul Craven mentioned divergent position of the politicians on the oil development activities in the North:

The other Mackenzie, William Lyon was his name;
In ’37 he showed us the imperialist game;
And now they are back with some more of the same...

The Tories and Liberals, they’re one and the same.
They all want to play U.S. business game
Canada’s government is Canada’s shame...¹¹²

Craven’s poem also represented the Wafflers’ “left nationalism,” a framework positing an inseparable relationship between socialism and Canadian national economic independence:

Roll on, Mackenzie, roll on
We’ll save your wild glory from traitors and thieves
So, roll on, Mackenzie, roll on.

In the heart of the glacier the Mackenzie began
Through her broad delta she twisted and ran
She flowed to the Arctic unhindered by man
Roll on, Mackenzie Roll on.

¹¹⁰ Dosman, 1975, p. 150.

¹¹¹ On the other hand, the Conservative leader Robert Stanfield supported the federal government’s position on a pipeline route through Canada.

¹¹² *Ontario Waffle News*, Vol. 1, No. 1, February, 1973, p. 2.

The Americans came with our dollars in hand.
To take our resources by raping our land;
They said the whole continent's theirs to command.

The pipeline would scar and erode all the ground
Where the environment's fragile, few species abound
Of the old way of life not a trace would be found...

In Canada's history two men bore your name
Alexander explored you and that was his fame
He knew the wild northland would never be tame...¹¹³



Figure 1.3: The Waffle slogan on northern oil development.¹¹⁴

A February 1973 article in the *Ontario Waffle News* succinctly articulated the Wafflers' position on northern oil development for national economic independence: "If our non-renewable resources are to be developed, then the Canadian people should receive both the short and long term benefits."¹¹⁵ The Wafflers' opposition to the Mackenzie Valley Pipeline Project was centred on their critique of increasing American ownership of Canadian northern resources as well as of the environmental and social costs of any such project. The Wafflers argued that the approval of the Mackenzie Valley pipeline would cause higher fuel costs, "a loss of jobs in Canadian manufacturing, dispossession of

¹¹³ *Ontario Waffle News*, Vol. 1, No. 1, February, 1973, p. 2.

¹¹⁴ *Ibid.*, p. 1.

¹¹⁵ *Ibid.*, p. 2.

Canada's native people, ecological damage, loss of national sovereignty.”¹¹⁶ In the hearings of the Mackenzie Valley Pipeline Inquiry, the Wafflers declared their opposition to the construction of a pipeline in the North. A co-founder of the Waffle, Mel Watkins, was a consultant to the IB-NWT at the time of the Inquiry and contributed to the process of the preparation of Indigenous land claims. Watkins's political economic critiques of the fossil fuel development in the North shaped Berger's approach to Indigenous economic self-sufficiency in the final report of the Inquiry.¹¹⁷

4. *Proposed Pipeline Projects: Opening the North to Fossil Capitalism*

In the early 1970s, pipeline projects were proposed to the Canadian federal government to use non-renewable natural sources of the Beaufort Sea and the Mackenzie Valley region. Numerous companies and consortiums outlined divergent plans and protocols. The projects of two pipeline companies, Arctic Gas Pipeline Limited and Foothills Pipe Lines Ltd., were subjected to a federally organized inquiry to impose the terms and conditions should the pipeline be built. If the projects were approved, the Mackenzie Valley Pipeline would be the first pipeline constructed in the permafrost. The gas pipeline was expected to create a “cumulative impact” by bringing an oil pipeline and an energy corridor through the Mackenzie Delta while also enhancing oil and gas exploration in the western Arctic.¹¹⁸ The proposals anticipated a construction timeline of three years; approximately 8000 workers would be needed to construct the pipeline and

¹¹⁶ *The Globe and Mail*, June 22, 1973, p. 5: “An Open Letter To Canadians from the Toronto Waffle Movement for an Independent, Socialist Canada” in Advertisement part.

¹¹⁷ See Chapter Two.

¹¹⁸ Berger, 1977, pp. 15, 16.

the gas plants.¹¹⁹ In addition to the human mobility caused by migration of construction workers, scientists, engineers, company representatives, public servants, and bureaucrats, there would be “innumerable aircraft, tractors, earth-movers, trucks and trailers,” and mining operations, river and stream crossings, and construction operations, such as gas-plants, camps, on-site housing, all-weather roads, docks, “wharves, warehouses, storage sites, airstrips,” all to further the fossil fuel development of the region.¹²⁰

The Arctic Gas Pipeline Project was proposed to federal authorities in both Canada and the United States by a consortium of Canadian and American fossil fuel companies known as Canadian Arctic Gas Pipeline Ltd. Canadian Arctic Gas Study Ltd. filed a formal application for the Canadian segment of the project to the National Energy Board (NEB) and the Minister of Indians Affairs and Northern Development in 1974. The application for the Alaska portion of the project was filed by Alaska Arctic Gas Study Ltd. with the Federal Power Commission of the United States.¹²¹ The Arctic Gas Pipeline Project was planned to transport natural gas from the reserves of Prudhoe Bay, Alaska via the northern Yukon and the Mackenzie Delta.¹²² It was also envisaged that the pipeline route would be connected to the existing pipeline in Alberta and then to the continental United States. While the Canadian portion of the proposed project was to be under the jurisdiction of Canadian Arctic Gas Ltd., Alaskan Arctic Gas Pipeline Company was to be responsible for the Alaska part of the project.¹²³

¹¹⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, 1976.

¹²⁰ Berger, 1977, pp. 16, 95.

¹²¹ Lysyk, Bohmer, and Phelps, August 1977, p. 21.

¹²² Two possible routes were proposed for the Yukon portion; the Coastal Route and the Interior Route.

¹²³ Lysyk, Bohmer, and Phelps, July 1977, p. 21.

When the Canadian Arctic Gas first proposed the pipeline project in September 1972, media sources dubbed it “Canada’s costliest project.”¹²⁴ The estimated cost of the project—around 2600 kilometers of pipeline crossing Alaska, the northern Yukon, the Northwest Territories, and linking to an existing pipeline in Alberta—was approximately eight billion dollars.¹²⁵ Canadian Arctic Gas Pipeline Company argued that “Canada can afford the Arctic Gas Pipeline because it is the least expensive way to provide an important part of the energy which Canadians require.”¹²⁶ Although modified in some respects in accordance with the recommendations of engineers and scientists, this project was essentially defended in 1975 and 1976 with many of the same arguments used in the early 1970s.¹²⁷

Another project to use Alaskan North Slope gas was proposed to the Federal Power Commission of the United States by an American company, El Paso Pipeline Corp. of El Paso, Texas, at the end of 1974. El Paso claimed that their proposal “can deliver the gas to market more cheaply than the Mackenzie Valley Pipeline can.”¹²⁸ El Paso proposed to construct a gas pipeline across Alaska to carry gas from south Alaska by tanker to southern California, but James Laxer pointed out, “if the El Paso scheme gets the nod from the Americans though, it won’t mean the end of pressures to export Canadian Arctic gas. El Paso has made it clear that it would gladly build a pipeline from

¹²⁴ *The Toronto Star*, September 23, 1972, p. 4.

¹²⁵ Canadian Arctic Gas Pipeline Limited, November 1976; Hamilton, 1994, p. 186.

¹²⁶ *Ibid.*

¹²⁷ Hamilton, 1994, p. 187.

¹²⁸ Laxer, 1975, p. 105.

the Mackenzie Delta to Alaska.”¹²⁹ The El Paso natural gas pipeline project was shelved by the Federal Power Commission of the U.S. in 1977.¹³⁰

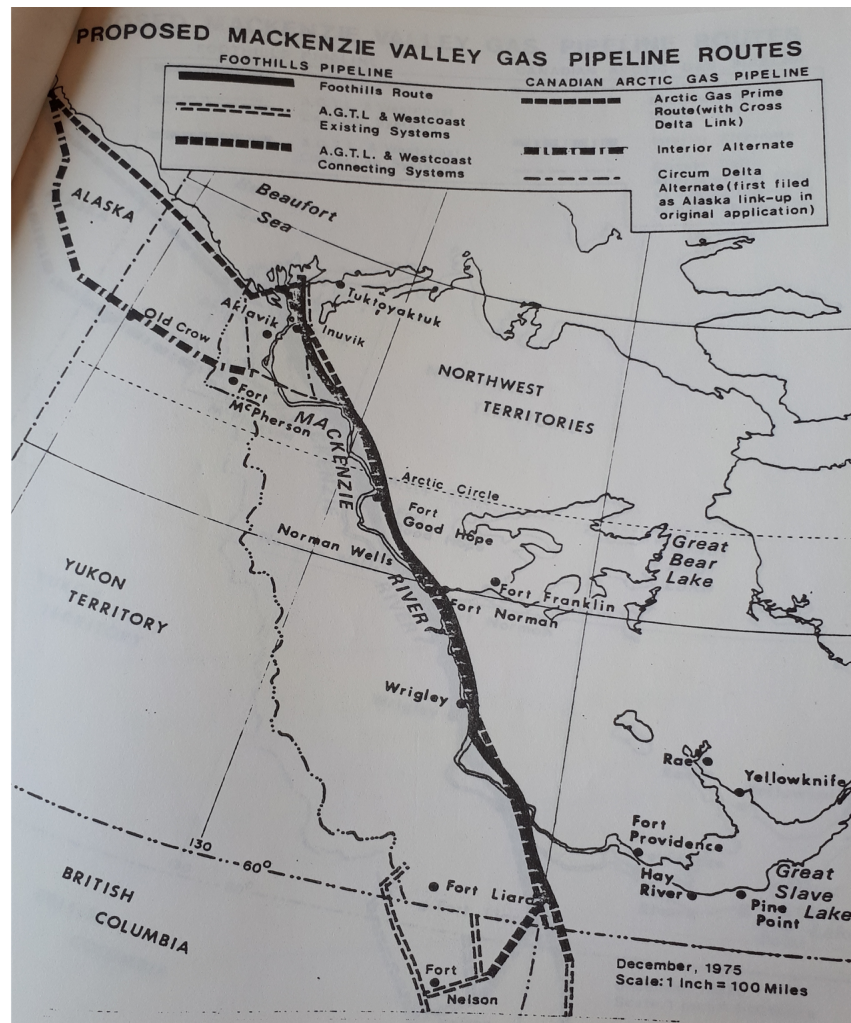


Figure 1.4: Proposed Mackenzie Valley Gas Pipeline Routes (1974).¹³¹

The Alberta Gas Trunk Line Company—led by “self-proclaimed nationalist” Sidney Robert Bob Blair—withdrawed from the Canadian Arctic Gas consortium and argued that Canada’s fossil fuel resources should be operated by a Canadian-owned

¹²⁹ Laxer, 1975, p. 105. James Laxer was a political economist and one of the co-founders of the Waffle.

¹³⁰ Hamilton, 1994, p. 201.

¹³¹ Library and Archives Canada, Government, Archives/ Collections and Fonds, RG 126, Vol. 76.

company. Blair's company and Westcoast Transmission united as Foothills Pipe Lines Ltd. and proposed the Maple Leaf Pipeline to the NEB and Minister of Indian and Northern Affairs on March 11, 1975.¹³² The Foothills group planned to transport gas via the Maple Leaf Pipeline from the northern part of the Mackenzie Delta to Alberta, across the Mackenzie Valley and connecting with existing pipelines in Alberta. After this submission, the proposed Maple Leaf Project became subject to the examination of the Mackenzie Valley Pipeline Inquiry in July 1975. In the Inquiry's formal hearings, the aspects of the proposed Arctic Gas pipeline and the Foothills pipeline were addressed by the representatives of the oil companies.¹³³

In August 1976, the Foothills Pipe Lines Limited (the Alberta Gas Trunk Line Company Limited and West Coast Transmission Company) filed an application to construct the Alaska Highway Gas Pipeline (the Canadian segment of the Alcan Project).¹³⁴ The oil companies planned to carry natural gas by a pipeline passing through

¹³² Bregha, 1981, p. 12.

¹³³ After Berger's recommendation of a 10-year moratorium in the final report of the Mackenzie Valley Pipeline Inquiry, the Canadian federal government postponed the proposed Mackenzie Valley pipeline project of the 1970s. The construction of a gas pipeline in the Mackenzie Delta area was proposed again under the name of the Mackenzie Gas Project in 2004. Two years later, the NEB organized the public hearings to investigate the economic and environmental impacts of the project. As a consequence of this investigation, the NEB prepared a final report and indicated that their support depended on the implementation of the recommendations of NEB's report. These recommendations stressed plans for wildlife protection. In 2010, the NEB conditionally approved the project. Under its terms, the consortium could start work on the project as long as it fulfilled the recommendations of the NEB's report. In 2016, the NEB approved a six-year extension that was giving time to the consortium to begin construction in 2022. However, in December 2017, as Imperial Oil announced on its web page, the consortium of the oil companies decided to end the project because of its economic inefficiencies.

¹³⁴ See Table 1.1 Canadian Arctic Gas Pipeline Limited, November 1976; Hamilton, 1994, p. 186. The Alcan Project was proposed with a partnership of the Foothills Pipeline Ltd., Westcoast Transmission, Alberta Gas Trunk Line (AGTL), and an American oil company, Northwest Pipeline Corporation of Salt Lake City, Utah.

the southern Yukon into Northern British Columbia and then connecting the existing pipeline routes of the US.¹³⁵

While the Alaska part of the project was submitted by Northwest Pipeline Corporation to the Federal Power Commission in the United States, Foothills proposed the Alaska Highway Gas Pipeline to the NEB and the Minister of Indian Affairs and Northern Development for the Canadian segment of the project, through south Yukon. The estimated length of the Alcan project pipeline was around 4500 miles, crossing Alaska, southern Yukon, British Columbia, and Alberta.¹³⁶ The cost of the proposed project was estimated at approximately 7.3 billion dollars.¹³⁷ The project was considered to be economically unfeasible, and it was rejected in 1977 by Judge Nahum Litt who organized the public hearings on the proposed Arctic Gas project and El Paso Alaska project in the United States.¹³⁸ After this rejection, the project was revised by the oil consortium and proposed again to the Canadian federal government and the United States federal government.

The Alaska Highway Pipeline Inquiry was initiated in April 1977 by the Canadian Minister of Indian Affairs and Northern Development to investigate the revised Canadian segment of the Alcan project—Alaska Highway Gas Pipeline—in social and economic aspects.¹³⁹ The hearings of the Inquiry were held in Whitehorse and seventeen Yukon communities over the course of almost one month. Kenneth Lysyk, dean of law at the

¹³⁵ Lysyk, Bohmer, and Phelps, August 1977, p. 23.

¹³⁶ Canadian Arctic Gas Pipeline Limited, November 1976.

¹³⁷ Lysyk, Bohmer, and Phelps, August 1977, p. 23.

¹³⁸ Ibid., p. 22.

¹³⁹ Ibid., p. 22.

University of British Columbia, appointed by the Canadian Federal Government, presided over the hearings.¹⁴⁰ The Inquiry did not examine the possible environmental impacts of the revised proposal, but an Environmental Assessment and Review Panel was established by the Canadian Minister of Fisheries and the Environment to investigate the Alcan Project's environmental impact.¹⁴¹ Although the Alaska Highway Pipeline Inquiry was initiated to examine the possible regional impacts of the Alcan project in Yukon, it was not as comprehensive as the Mackenzie Valley Pipeline Inquiry. The federal government's timetable for preparation of this Inquiry did not ensure participants, whose financing was insecure, would have time to craft presentations for the hearings.¹⁴²

The preliminary report of the Alaska Highway Pipeline Inquiry was submitted on August 1, 1977—a few months after the hearings began—in conformity with the timetable laid out by the Canadian federal government. While the NEB recommended the approval of the Canadian part of the Alcan proposal (though suggesting major changes in the route of the project), the Board rejected the Arctic Gas Project and the Maple Leaf Project.¹⁴³ After the NEB determined that of the Foothills was preferable to its competitors, Canada and the United States signed the Canada-United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline in September 1977. The Alaska Highway gas pipeline was subject to this agreement. The rationale for the Agreement stressed its importance to the national economic interests of both countries:

The Government of the United States of America and the Government of Canada, desiring to advance the national economic and energy interests and to

¹⁴⁰ White, 1979, pp. 37, 39.

¹⁴¹ White, 1979, p. 39. Dr. H. M. Hill chaired the panel.

¹⁴² Lysyk, Bohmer, and Phelps, August 1977, p. 3.

¹⁴³ Ibid.

maximize related industrial benefits of each country, through the construction and operation of a pipeline system to provide for the transportation of natural gas from Alaska and from Northern Canada.¹⁴⁴

The capacity of the probable pipeline routes, availability of natural gas, the timeline for the construction, and financial aspects were all outlined in the agreement. After the principles for northern pipeline development were agreed to by the federal governments of Canada and the U.S., Canada certified the pipeline route and created the Northern Pipeline Agency by passing the Northern Pipeline Act in 1978. This Agency was intended to be the major nucleus of planning and construction of the pipeline project's Canadian segment.

An Environmental Assessment and Review Panel was initiated after Foothills Pipeline Ltd.—now owned by TransCanada Pipelines—applied for right-of-way for the Yukon part of the Alaska Highway Pipeline Project.¹⁴⁵ Foothills submitted an Environmental Impact Statement to the panel in 1979. After the panel advanced the assessment process and held public hearings in Yukon between 1978 and 1982, a final report was released. The report stated that “the Pipeline could be constructed and operated in an environmentally acceptable manner.”¹⁴⁶ While the northern part of the project was postponed due to “unfavourable economic conditions” in 1982, the Pre-Build pipeline — in Alberta and the US—of the project began transporting natural gas in late 1982.¹⁴⁷

¹⁴⁴ Canada - United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline, September 20, 1977.

¹⁴⁵ Fact Sheets, The Official Website of the Government of Canada, <https://npa.gc.ca/41>.

¹⁴⁶ Ibid.

¹⁴⁷ The Final Report of The Alaska Highway Pipeline Project: Economic Effects on the Yukon and Canada, Yukon Energy, Mines and Resources, 2002, p. 1; Fact Sheets, The Official Website of the Government of Canada, <https://npa.gc.ca/129>.

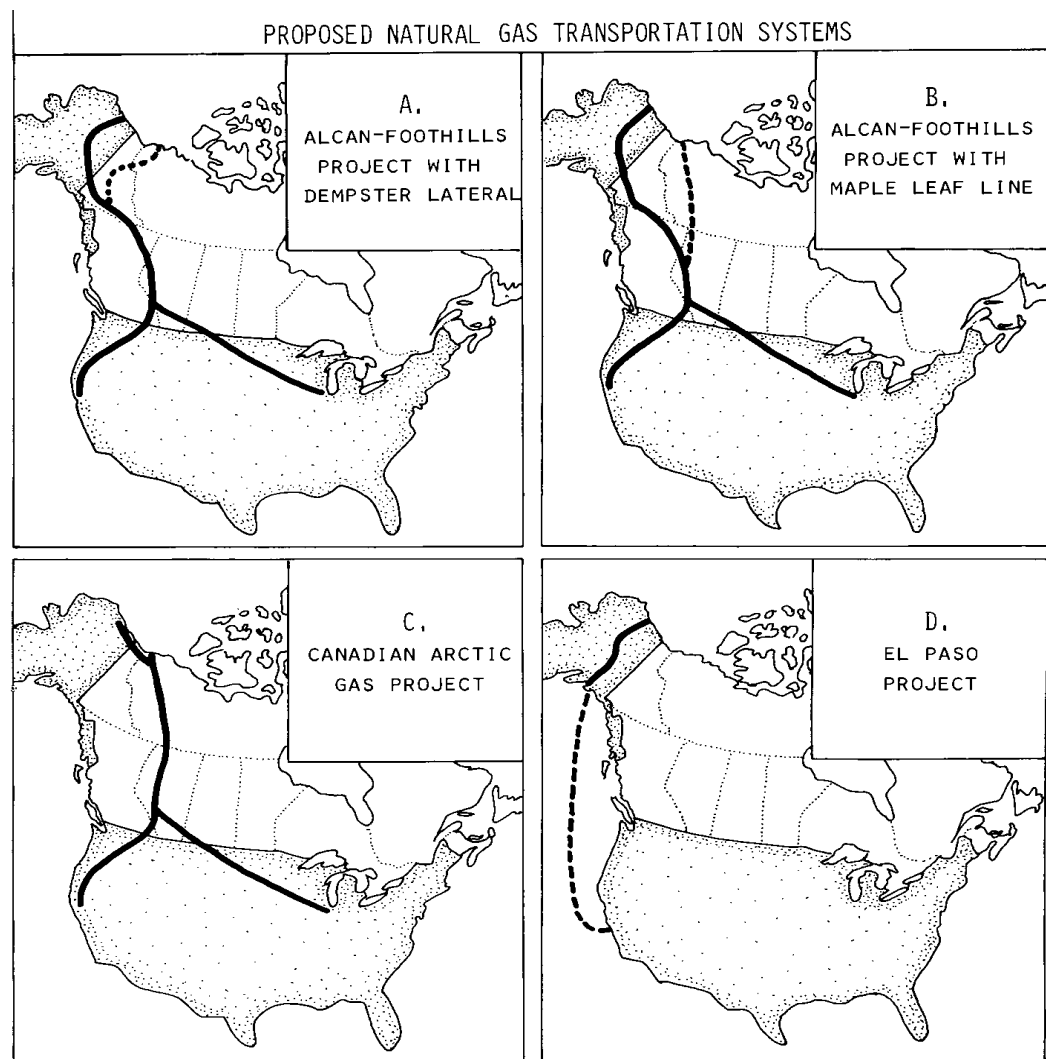


Figure 1.5: Proposed Natural Gas Transportation Systems and Alternative Pipeline Routes (1977).¹⁴⁸

5. *A Synopsis of the Mackenzie Valley Pipeline Inquiry*

The short story—the rest of this work offers up interpretation and discursive analysis of the Mackenzie Valley Pipeline Inquiry hearings and their significance to the Canadian narrative—is this. Discussions regarding the economic, environmental, and

¹⁴⁸ Lysyk, Bohmer, and Phelps, August 1977, p. 6.

social impacts of a pipeline in north-western Canada accelerated in Ottawa after American authorities permitted the construction and operation of the Trans-Alaska pipeline system and planned to study a supplemental pipeline that would connect North Slope oil and Canadian pipeline system. The federal government responded to these American developments by initiating exploratory investigations of the possible impacts of a pipeline in the western Arctic and Subarctic region of Canada. As a part of this process, the Mackenzie Valley Pipeline Inquiry—also known as Berger Inquiry—was initiated by the federal government on the recommendation of Jean Chrétien, the Minister of Indian Affairs and Northern Development, to consider the pipeline proposals for the oil development in north-western Canada. The purpose of the Inquiry was declared to be investigation of the regional social, environmental, and economic consequences of a pipeline. It was also meant to examine the various pipeline proposals—Canadian Arctic Gas Pipeline Limited routes and then Foothills Pipe Lines Ltd. routes—with respect to their environmental and social implications.

In March 1974, Justice Thomas Rodney Berger was appointed by the Liberal government as a commissioner of the Mackenzie Valley Pipeline Inquiry. When Berger was commissioned to the Inquiry, his appointment was mentioned as “surprising” in the media, not least because he was a member of another party: he had briefly served as the leader of British Columbia NDP in 1969.¹⁴⁹ But Berger was an inspired choice for political and legal reasons. At the time of his appointment, the Liberals under Pierre

¹⁴⁹ CBC Broadcast, This Country in the Morning, December 5, 1974, CBC Digital Archives, <https://www.cbc.ca/archives>.

Trudeau needed the support of the NDP to be able to stay in power after the federal election of 1972.¹⁵⁰ Berger's appointment was regarded as a concession to the federal NDP as well as a means of ensuring their support for northern oil development.¹⁵¹ Berger's legal expertise also made him the ideal commissioner for the Inquiry. He was a BC Supreme Court Justice (1971-1983) with expertise in labour, environmental, and Indigenous law, best known for his early acknowledgment of Indigenous land claims. In 1973, Berger had served as counsel to the Nisga'a in the groundbreaking *Calder v British Columbia (Attorney General)* case, which introduced the concept of Aboriginal title into Canadian law.

The Canadian federal government budgeted roughly five million dollars for the Inquiry. The money was split between the cost of travel for the commission and organization of the hearings, on the one hand, while funds were granted to Indigenous organizations, environmental organizations, northern businesses, and northern municipalities to assist in the preparation of their testimonies. To qualify for funding, the interest groups needed to demonstrate that their members would make "a substantial and necessary contribution" to the Inquiry. The community hearings and formal hearings were organized as a part of the Inquiry process.¹⁵² Commissioner Thomas Berger held the

¹⁵⁰ Goudge, 2016, p. 397. In the early 1970s, the establishment of some institutions such as Canada Development Corporation, the Foreign Investment Review Agency, and some state enterprises like Petro Canada was supported by Liberal members of the government to gain the confidence of social democrats.

¹⁵¹ Even though the Liberals under Pierre Trudeau became a majority government in the federal election of July 8, 1974, they needed the support of the NDP to be able to stay in power after the federal election of 1972.

¹⁵² Community hearings took place in the Northwest Territories, the northern Yukon and ten southern cities of Canada to hear the testimonies of Indigenous and non-Indigenous witnesses. Formal hearings received technical, economic, and environmental matters from a range of experts.

government-funded hearings between March 1975 and November 1976 along the Mackenzie Valley, the northern Yukon and in ten cities of southern Canada. Berger was authorized to conduct the hearings, determine the procedures, examine the witnesses, rent spaces for the hearings, and recruit staff and call on experts.¹⁵³

The rest of the dissertation goes into greater detail about all the hearings. Here, I note the Inquiry's infrastructure and distinguish between the different types of hearings it entailed. The hearings of the Inquiry were composed of the preliminary hearings, the

¹⁵³ Royal Commission on Aboriginal Peoples, 1994, p. 30. When the Inquiry was established, Berger appointed lawyer Ian Scott and law lecturer Michael Jackson as counsellors of the Inquiry. Ian Scott was a lawyer in "civil litigation, especially labour relations and immigration cases," before being appointed as a commission counsellor to the Inquiry (Mackenzie Valley Pipeline Inquiry, Bibliography of Commission Counsel Ian G. Scott, May, 1977, p. 30. Library and Archives Canada, Frontier College Fonds, MG 28, I 124, 287). He held the formal hearings with Stephen Goudge (See Goudge, 2016). In his final draft submission to Commission Counsel, Scott argued in favour of building of the pipeline. But there was no obligation for Berger to accept the recommendations of his Commission Counsel staff (Mackenzie Valley Pipeline Inquiry, Press Release, October 29, 1976, p. 2. Library and Archives Canada, Frontier College Fonds, MG 28, I 124, 287). Michael Jackson was a special counsel for the community hearings. He organized the community hearings and visited northern communities with Berger. The Inquiry's Commission Counsel was responsible for placing the questions of the issues in draft submissions for a final evaluation of Berger. The staff of the Commission Counsel also included a technical advisor to Scott during the Inquiry. Ian Roland and Alick Ryder assisted Scott. Ian G. Waddell was a lawyer and a special counsel for administrative matters of the Inquiry. Donald J. Gamble was appointed as an engineering and environmental advisor to Commission Counsel. He prepared reports about the region and provided technical advice. Edward R. Weick was a former advisor in the Department of Indian and Northern Affairs before becoming a chief socio-economic advisor in the Yellowknife hearings and then preparation of the Berger Report. Diana Crosbie was responsible as an information officer and Pat Hutchinson was the secretary of the Inquiry. The other staff and advisors for the Inquiry included anthropologists, biologists, ecologists, economists, engineers, experts, lawyers, and sociologists. A Pipeline Application Assessment Group was appointed by the federal government to investigate the proposed pipeline of the Arctic Gas. The assessment group published a report that was based on the studies of the experts from the Department of Energy, Mines and Resources, the Department of Indian Affairs and Northern Development (DIAND), the Department of the Environment, and the Governments of the NWT and the Yukon. The Inquiry Appraisal Team was created as an advisory group on technical details about the evidence presented during the Inquiry. John Flyes, as the head of the team, studied the Soviet pipeline experience in its North and evaluated the engineering and environmental impacts of the application. Ed Weick was in the appraisal team and advised Commission Counsel on the socio-economic impacts (A Synopsis of the Mackenzie Valley Pipeline Inquiry, May 1976, p. 6. Library and Archives Canada, Frontier College Fonds, MG 28, I 124, 287).

formal hearings, and the community hearings.¹⁵⁴ In the preliminary hearings and rulings, Berger determined the procedures shaping the Inquiry process. The community hearings took place in the north-western Canada and in some southern cities. The community hearings in the North were held in the NWT and the northern Yukon between April 1975 and August 1976. Indigenous peoples from thirty-five communities and non-Indigenous residents of the North appeared as witnesses during the northern community hearings.¹⁵⁵ Berger and some Inquiry staff visited Indigenous communities, such as Dehcho, Gwich'in, Inuvialuit, Inuit, Sahtu Dene, and Tlicho in the western NWT, and some other communities in the northern Yukon.¹⁵⁶ These hearings were based on the testimonies of the Indigenous communities in their own languages and English. The Canadian Broadcasting Corporation (CBC) broadcasted the hearings live in English and five

¹⁵⁴ The participants of the hearings were Indian Brotherhood; Indian Brotherhood of the NWT; Métis Association of the NWT; Committee for Original People Entitlement; Yukon Native Brotherhood; the Council for Yukon Indians; Inuvik Hunters and Trappers Association; Hunters and Trappers Association of Tuktoyaktuk; Aklavik Hunters, Trappers, and Fishermen; Inuit Tapirisat of Canada; Inuit Tapirisat of the Mackenzie Delta; Canadian Labour Congress; Voice of Women; National Coalition Against Northern Pipeline; Gas Consortium; Canadian Arctic Gas Pipeline Limited; Foothills Pipeline Limited; Canadian Arctic Resource Committee; Environment Protection Board; Gemini North Ltd.; North West Territories Association of Municipalities; Project North (Aboriginal Rights Coalition); NWT Chamber of Commerce; The Mental Health Association of Municipalities of the NWT; Northern Assessment Group (Canadian Nature Federation, the Federation of Ontario Naturalist, Pollution Probe, Society for Pollution and Environmental Control, and the Canadian Environmental Law Association); Sierra Club; Church representatives; Canadian Petroleum Association; Petroleum Industry Committee on the Employment of Northern Residents; Producer Companies (Imperial, Shell, and Gulf).

¹⁵⁵ Approximately 1,000 people testified in the northern community hearings (Mackenzie Valley Pipeline Inquiry," Fact-Sheet, Library and Archives Canada, Frontier College Fonds, MG28 I 124, 287.)

¹⁵⁶ The community hearings of the North were held in Hay River, Fort Franklin, Brackett Lake, Fort McPherson, Fort Liard, Fort Good Hope, Norman Wells, Trout Lake, Fort Simpson, Wrigley, Jean Marie River, Pine Point, Fort Resolution, Fort Smith, Yellowknife, Inuvik, Holman, Sachs Harbour, North Star Harbour, Tuktoyaktuk, Paulatuk, Arctic Red River, Fort Providence, Kakisa Lake, Rae Edzo, Lac La Martre, Rae Lakes, Colville Lake and ended in Detah in the NWT and Whitehorse and Old Crow in Yukon Territory.

Indigenous languages: Loucheux (Gwich'in), Dogrib, Slavey, Chipewyan, and Inuktitut.¹⁵⁷

The southern hearings took place in ten Canadian cities: Calgary, Charlottetown, Edmonton, Halifax, Montreal, Ottawa, Regina, Toronto, Vancouver and Winnipeg. In the southern hearings, witnesses from across different parts of Canada expounded their views with respect to the proposed Mackenzie Valley Pipeline Project. 720 witnesses testified in the southern and formal hearings. The formal hearings lasted for thirteen months, March, 1975 from to November, 1976. In the formal hearings, witnesses—scientists, specialists, engineers, lawyers, politicians, representatives of oil companies—discussed the engineering and construction issues in their technical, economic, and environmental contexts, as well as the possible impacts of oil and gas development on the human and natural environment.¹⁵⁸ The evidence presented by the witnesses in the formal hearings was followed by cross-examination from the Commission.

After the Mackenzie Valley Pipeline Inquiry drew to a close, Berger submitted his final report to Warren Allmand, the Minister of Indian Affairs and Northern Development, in May 1977. He recommended a 10-year moratorium on pipeline construction in the Mackenzie region until Indigenous land claims were settled. The

¹⁵⁷ CBC Broadcast, Sunday Magazine, November 21, 1976, CBC Digital Archives, <https://www.cbc.ca/archives>; The Mackenzie Valley Pipeline Inquiry, Vol. 52, Calgary, May 13, 1976, p. 5217.

¹⁵⁸ The formal hearings were composed of four phases: Engineering and Construction of the Proposed Pipeline; The Impact of a Pipeline and Mackenzie Corridor Development on the Physical Environment (land, water, air); The Impact of a Pipeline and Mackenzie Corridor Development on the Living Environment (fish, birds, and mammals); The Impact of Pipeline and Mackenzie Corridor Development on the Human Environment.

Mackenzie Valley Pipeline Project was postponed indefinitely.¹⁵⁹ While Berger also rejected the northern Yukon part of the proposed Arctic Gas pipeline project routes or energy corridor because of the environmental feasibility of the region, he noted that the concerns roused by the northern Yukon pipeline routes did not appear to “apply” to a pipeline along the Alaska Highway Route that crosses the southern Yukon.¹⁶⁰ Noting the position taken by the Council of Yukon Indians, that the settlement of Indigenous land claims took precedence over pipeline development, Berger did not examine the social and economic effects of the southern alternative route, although he did imply it would not raise the same environmental concerns.¹⁶¹ With respect to pipeline construction through the southern part of the Yukon, Berger urged the establishment of an international wilderness park in the Arctic by an agreement between Canada and the United States “to protect the Porcupine caribou herd and the wilderness of the Northern Yukon.”¹⁶² Berger’s report to the federal government was not binding, and there was no legal obligation for Trudeau’s cabinet to accept his recommendation. However, as expected, the report shaped the federal government’s policy on northern oil development. Some hailed the Berger Report as a new beginning for Canada and its relations with Indigenous peoples; others critiqued the speed and selectivity with which it had been prepared.¹⁶³

¹⁵⁹ National Energy Board, 2010(b), p. 17.

¹⁶⁰ Berger, 1977, p. 78.

¹⁶¹ Ibid.

¹⁶² Ibid., p. 79.

¹⁶³ CBC Broadcast, Take 30, January 14, 1977, CBC Digital Archives, <https://www.cbc.ca/archives>.

6. *Reframing the Inquiry by Recalling the Political Claims*

On the surface, such a consultation process on resource extraction on Indigenous land offered a rare exception to the colonial legacy of unquestioning exploitation.¹⁶⁴ The government authorities and economic stakeholders had traditionally overlooked Indigenous claims, interests, and perspectives regarding the northern development projects on disputed lands. Although the Berger Inquiry was hailed in some quarters as an important exception to this colonial legacy, some scholarly critiques have shown that the Inquiry process was a consultation rather than an acknowledgement of the claims for decolonization and Indigenous self-determination.¹⁶⁵ There is a critical difference between the state's consultation with Indigenous peoples and Indigenous self-determination without any binding agreement regarding the issues on their own land for their future. The Dene and other Indigenous groups for whom the Mackenzie Valley Pipeline's construction would be an imposition were still at the mercy of Berger's recommendation and the Trudeau government's decision to accept his recommendation.

As some scholars argue, Indigenous peoples used the consultation process to expound their arguments with respect to land claims and self-determination.¹⁶⁶ As Sarah Nickel points out: "by participating in the hearings," Indigenous peoples "leveraged this strategic involvement to speak on issues they found important."¹⁶⁷ Nickel also emphasizes

¹⁶⁴ Villebrun, 2002; McCall, 2002, pp. 109-110; Abele, 1983.

¹⁶⁵ Villebrun, 2002; McCall, 2002 pp. 109-110; Stoller, 2019, p. 161.

¹⁶⁶ See Coulthard, 2014, p. 74; Nickel, 2019, p. 40.

¹⁶⁷ Nickel, 2019, p. 40. Although Sarah Nickel's focus is particularly on pan-Indigenous politics in British Columbia in addressing the Indigenous unity and sovereignties, in this dissertation, the critical perspective and conceptual framework of her work helped me to understand the Indigenous self-determination claims in the western NWT.

that although state-organized hearings were “structured according to Canadian legal standards,” they were important in situating “a political middle ground” that helped Indigenous peoples to move the dialogue outside and beyond colonial strictures.¹⁶⁸

Governmental organizations and economic stakeholders sought the consent of Indigenous peoples to decisions affecting their future and sometimes misleadingly implied that their participation in the proceedings equated to consent to the pipeline advocates’ underlying objectives.¹⁶⁹ As stated by most of the Indigenous peoples during the community hearings of the Inquiry, the consultation process was aroused suspicion. Chief Fred Greenland from Aklavik such reservations about the process when he declared:

Now as far as I understand the information that I hear on the radio, etc., everything is the word go now, with the oil companies, the Federal Government. Now they're all ready, regardless of what the native people say in the Mackenzie Valley here, they're going to go ahead and build this pipeline.¹⁷⁰

The legitimacy of the investigation process was problematic because it was formulated by state authorities and structured according to the rules of modern scientific research methods. Northern Indigenous peoples and their land became “objects for observation” and then “objects for experimentation” during the Inquiry process.¹⁷¹ Nevertheless, Indigenous peoples took advantage of the Mackenzie Valley Pipeline Inquiry to transcend the existing relationships shaped by state-driven investigation and the settlers’ decision-making processes. As the former leader of the IB-NWT/Dene Nation George Erasmus

¹⁶⁸ Nickel, 2019, p. 40; Loo, 2019, p. 201.

¹⁶⁹ Estes and Dhillon, 2019, p. 37.

¹⁷⁰ The Mackenzie Valley Pipeline Inquiry, Community Hearing, 1976, p. 3866.

¹⁷¹ Deloria Jr., 1988, p. 81.

claimed, the Dene “made the Berger Inquiry a success by choosing to use it as a forum to declare our intention to struggle for our national rights.”¹⁷²

Glen Coulthard argues that the Dene were central actors in the process of land claims at the time of the Inquiry: “Dene had developed a radical analysis of colonial development and effectively utilized both the IB-NWT and the Berger Inquiry to voice their position.”¹⁷³ In addition to Coulthard’s perspective, it is also essential here to echo Nickel’s critique of the “settler-centric interpretation” of the Ingenious resistance.¹⁷⁴ She criticizes the mainstream idea that “Indigenous politics exists and is relevant and conceivable, only in relation to the settler state.”¹⁷⁵ Such state-centred perspectives towards Indigenous political claims ignore the “generations of Indigenous political interactions” and Indigenous communities’ “complex political systems,” which existed long before the settler political order.¹⁷⁶ In this context, an approach prioritizing the Berger Commission as the catalyst of Indigenous struggles underestimates the resurgence of traditional Indigenous resistance to projects threatening their rights to their lands. In contrast to the approaches that downplay the Indigenous role, this thesis suggest that northern Indigenous peoples in the 1970s were empowered by using the state-organized Inquiry as a platform to assert programs and philosophies based on their traditional land-based practices.

¹⁷² Watkins, 1977, p. 181.

¹⁷³ Coulthard, 2014, p. 59.

¹⁷⁴ Nickel, 2019, p. 19.

¹⁷⁵ Ibid.

¹⁷⁶ Nickel, 2019, pp. 8, 19.

Chapter Two

Revisiting the Report of the Mackenzie Valley Pipeline Inquiry

Chapter Two concentrates on Thomas Berger's report, written after the Inquiry was complete. Although this chapter is not structured as a revision of, or challenge to, the mainstream (and Berger-centered) narrative of the Mackenzie Valley Pipeline Inquiry, I revisit the arguments of the final report of the Inquiry through a critical discussion of its treatment of such questions as violence, Canadian unity, treaties, recognition, the North and the Third World.¹ In particular, I discuss how Berger addressed the hearings' debates about violence in his report. Then I look at Berger's notes on the hearings' discussions about possible effects of a civil disorder to Canadian unity. I also examine Berger's framing of the Dene claims in the context of sovereignty and self-determination. I then examine how Berger highlighted Indigenous rights in the context of human rights by designating a depoliticized cultural recognition of Indigenous claims as a formula for preventing any civil disorder and violence in the North. I argue that Berger's arguments on the recognition of claims of northern Indigenous peoples were structured on the early concepts of multiculturalism based on the idea that special consideration of Indigenous peoples would strength Canadian unity and social mosaic. Finally, I explore the social democratic legacy in Berger's report in addressing the economic future of the North.

1. A Mainstream Storytelling of the Inquiry: The Royal Commissioner

In March 1974, Justice Thomas Rodney Berger, who passed away on April 2021, was appointed as a commissioner of the Mackenzie Valley Pipeline Inquiry by the Liberal

¹ Mark Stoller argued that the Inquiry is "commemorated with a focus on Thomas Berger," 2019, p. 160.

federal government on the recommendation of Jean Chrétien, Minister of Indian Affairs and Northern Development.² Berger was briefly a member of the parliament for the New Democratic Party for the Vancouver Burrard riding between 1962-63, and in 1969 he became the leader of the provincial NDP in British Columbia. Although some Liberal party members criticized Chrétien for nominating a social democrat to head the commission, backroom strategy and politics influenced the decision. The appointment of Berger was seen as a policy of the minority Liberal government in the early 1970s to ensure the approval of the New Democratic Party for northern oil development.³

Berger had strong legal credentials. After his graduation from the School of Law at the University of British Columbia, he joined the B.C. Bar in 1957. Through his legal career in the 1960s, Berger represented the town of Campbell River by following the first enforcement of the British Columbia Pollution Control Act of 1967 against mining operations in the town.⁴ He also represented labour unions in court and was involved in cases respecting Indigenous peoples' rights to land, fishing, and hunting in British Columbia. In the 1960s, Berger represented the Nisga'a against the provincial government during their struggle for their land rights. The case eventually culminated

² The chronology of Minister of Indian Affairs and Northern Development during the Mackenzie Valley Pipeline Inquiry is a muddy one. Chrétien had been Minister since 1968, but he was replaced by Judd Buchanan in August 1974, prior to the Inquiry's start. Buchanan served two years as Minister of Indian Affairs and Northern Development, before Trudeau appointed Warren Allmand to the position. It was Allmand who received Berger's final report in May 1977, though he, too, was shuffled on and the ministry was handed to Hugh Faulkner in September 1977. While events beyond the Inquiry inspired these cabinet shuffles. It is important to recall the vigorous fluctuation in policy, especially after Chrétien's departure in 1974.

³ Even though the Liberals under Pierre Trudeau became a majority government in the federal election of July 8, 1974, they needed the support of the NDP to be able to stay in power after the federal election of 1972; Whitehorn, 1992, p. 92; Goudge, 2016.

⁴ The Mackenzie Valley Pipeline Inquiry, Bibliography of Mr. Justice Berger, May 1977, p. 29. MG 28, I 124, 287.

with a milestone in 1973: the recognition of Indigenous title to their traditional land in Canadian law.⁵ Before being appointed as a commissioner of the Mackenzie Valley Pipeline Inquiry in 1974, Berger also served as a chairman of the B.C. Royal Commission on Family and Children's law.⁶ As commissioner of the Mackenzie Valley Pipeline Inquiry, Berger presided over the government-funded Inquiry hearings between March 1975 and November 1976. Rather than holding court, Berger and his staff traveled across ten southern cities and western North. They visited Dehcho, Gwich'in, Inuvialuit, Sahtu Dene, Tlicho and Métis in the western NWT and some Indigenous communities of the northern Yukon to hear testimonies.⁷ In one of his CBC interviews, Berger acknowledged that he had not been familiar with the North before he was appointed for the Mackenzie Valley Pipeline Inquiry.

In May 1977, after the southern, formal, and community hearings had drawn to a close, Berger submitted the Inquiry's final report to Warren Allmand, the Minister of Indian Affairs and Northern Development.⁸ In the Inquiry report, Berger objected to the northern Yukon leg of the project because of its potentially devastating effect on the unique Yukon environment. He recommended to the federal government a ten-year moratorium for the construction of a pipeline through the Mackenzie Valley region until

⁵ Ibid.

⁶ Ibid.

⁷ The community hearings of the North were held in the places, such as Yellowknife, Inuvik, Aklavik, Tuktoyaktuk, Rae Lakes, Norman Wells, Trout Lake, Wrigley, Sachs Harbour, Rae/Edzo, Paulatuk, Lac La Martre, Kasika Lake, North Star Harbour, Holman, Jean Marie River, Hay River, Fort Simpson, Fort Smith, Fort Good Hope, Fort McPherson, Fort Liard, Fort Franklin, Fort Resolution, Fort Providence, Detah, Colville Lake, Brackett Lake, Arctic Red River in NWT, and Whitehorse and Old Crow in Yukon Territory.

⁸ National Energy Board. *Mackenzie Gas Project, Technical considerations: Implementing the decision*. Volume 2, December 2010, p. 17.

the settlement of Indigenous land claims.⁹ The report was not binding on the federal government and there was no legal obligation for the Cabinet to accept the report. As expected, however, the report framed the future policies and discussions on northern oil development. The Report was later reprinted as a revised edition in 1988 with a note on the cover arguing that the report “altered the future of the North.”¹⁰ Berger wrote an introduction to this reprinted version, which he concluded with the assertion that “in the North lies the future of Canada.”¹¹

2. *The Report of the Mackenzie Pipeline Inquiry: Reframing the Formal and Southern Hearings*

Berger addressed and reframed the discussions of the hearings in the final report of the Inquiry. His perspectives in the report not only determined the future direction of northern energy development policies in the late 1970s, but they also influenced mainstream understanding and public memory on issues pertaining to the North, especially related to Canadian unity, nationalism and Indigenous self-determination.

⁹ CBC Broadcast, Our Native Land, May 14, 1977, CBC Digital Archives, <https://www.cbc.ca/archives>.

¹⁰ Berger, Thomas R. *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Project*. Vancouver/Toronto: Douglas and McIntyre, 1988.

¹¹ Berger, 1988.

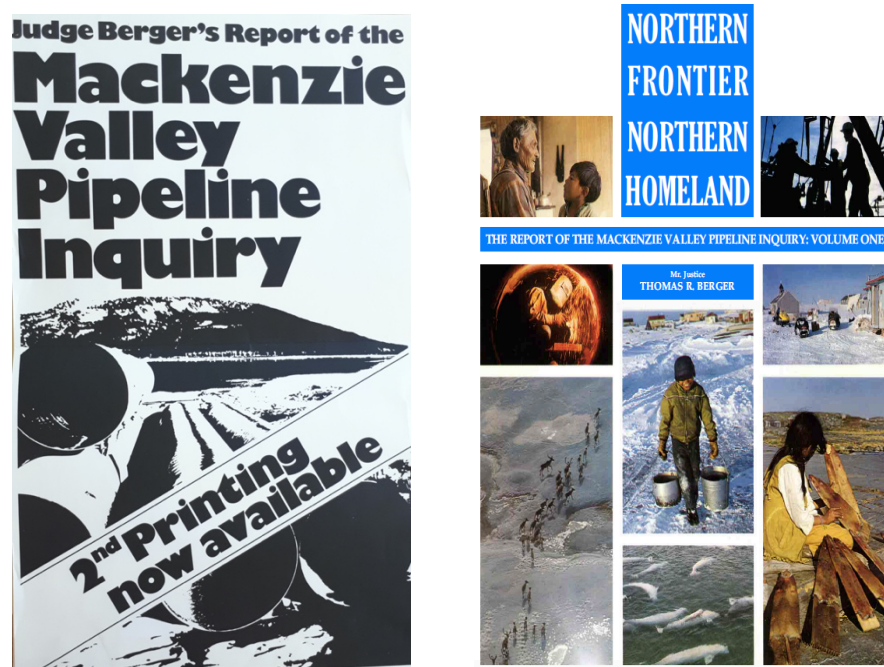


Figure 2.1: The Report of Berger on the Mackenzie Valley Pipeline Inquiry, 1977.

2.1. Structuring the Discourse on the Violence

“Threat of violence” was one of the “concerns” raised during the Inquiry and particularly during the southern hearings by a former mayor of Calgary and some church representatives.¹² Statements from church representatives warned about the possibility of “social unrest” unless the “identity crisis” experienced by Indigenous peoples was resolved before pipeline construction in the North was initiated.¹³ Berger addressed these concerns within the context of the possibility of “civil disobedience” and “civil disorder” under the title of “The Lessons of History” in the Mackenzie Valley Pipeline Inquiry’s report. According to Berger, if the pipeline were built before the settlement of Indigenous

¹² The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5227. The prospect of violence was also mooted not infrequently during the formal hearings.

¹³ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5227.

land claims in the North, “feelings of frustration and disappointment among the native people of the North would be transformed into bitterness and rage.”¹⁴ In the southern hearings, the debates on probable “social unrest” in the North recalled the other Indigenous resistances and movements, such as the Riel Rebellion, the battle at Duck Lake, and the protests in Kenora northwestern Ontario and Wounded Knee in the United States.¹⁵ Some witnesses of the hearings asserted their concerns for Canadian unity by stressing their fear of violence in the North. For instance, Rod Sykes, Calgary mayor, argued that the self-interest of “a group of Canadians demanding special rights”—rather defending the national interest—threatened the premise of national unity. He implied that “a threat of violence” and “acts of sabotage” could emerge depending on how these demands were addressed.¹⁶ The mayor’s statements in the hearing represented a “logic of elimination,” rooting in the destroy of continued presence of Indigenous peoples to replace it with something new.¹⁷ This ongoing discourse of colonial dispossession aimed to consolidate the settler states structure through trying to discredit Indigenous presence and claims.

Berger responded to these southern hearing arguments in the Inquiry report through a historical overview.¹⁸ Here Berger stressed that “there is a real possibility of

¹⁴ Berger, 1988, p. 252.

¹⁵ The Mackenzie Valley Pipeline Inquiry, Southern Hearings. Scott Rutherford mentioned that Indigenous protests in 1960s and 1970s in Kenora, Ontario were commonly placed under the label “Red Power” (see Rutherford, 2020).

¹⁶ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, pp. 5226-28. James Rodney Sykes was mayor of Calgary from 1969 to 1977 and he led the Alberta Social Credit Party in the early 1980s. The mayor’s statements in the hearing perpetuated a colonial representation of Indigenous resistances and a legacy of colonial violence structured by the discourse, which is a theme to which I will return in Chapter Five.

¹⁷ Wolfe, 2006, p. 388; For colonialism’s logic of elimination, see Wolfe, 2006.

¹⁸ Berger, 1988, pp. 252-54.

civil disobedience and civil disorder in the North.”¹⁹ He also asserted that this disorder would not likely be a rebellion, since other historical events—Indigenous pushed back against the land exploitations and dispossessions in Canada—provided clearer insight into “the consequences of similar policies today.”²⁰ Berger declared he was duty-bound to advise the Government of Canada, risks of “a violent reaction” in the North, but that it did not mean he was “predicting an insurrection.”²¹ In the report, Berger quoted from the statements of Indigenous peoples—voiced during the Inquiry hearings—to demonstrate how northern Indigenous peoples were earnest in their claims and the prospect of some forceful action, if there were a pipeline without a settlement of Indigenous claims in the North, was a distinct possibility. In one of these statements, Phillip Blake, a Gwich’in from Fort McPherson, argued that:

*If your nation chooses instead to continue to try and destroy our nation, then I hope you will understand why we are willing to fight so that our nation can survive. It is our world (...) If your nation becomes so violent that it would tear up our land, destroy our society and our future, and occupy our homeland, by trying to impose this pipeline against our will, then of course we will have no choice but to react with violence (...) I hope you will not only look on the violence of Indian action, but also on the violence of your own nation which would force us to take such a course. We will never initiate violence. But if your nation threatens by its own violent action to destroy our nation, you will have given us no choice [emphasis added].*²²

In the Inquiry hearings, Blake’s statement reframed the discussions on “violence” by underscoring the colonizer’s responsibility for it. In his statement, Blake refused this

¹⁹ Berger, 1988, pp. 252.

²⁰ Ibid.

²¹ Ibid.

²² Fort McPherson, Vol. 12, Jul 9, 1975, pp. 1979, 1080. Blake was also cited in Berger, 1988, p. 259.

ongoing colonial violence and dispossession by rearticulating ideals of Indigenous nationhood.

Berger confessed he was concerned about quoting these statements because this could invite a “violent reaction” to the pipeline if it be built without a land settlement.²³ He recommended the postponement of the pipeline until the settlement of Indigenous land claims to prevent “civil disorder” that “could poison relations between the Government of Canada and the native people.”²⁴ Berger saw the process in the North as an opportunity for Canada: “We have the opportunity to make a new departure, to *open a new chapter in the history* of the Indigenous peoples of the Americas. We must not reject the opportunity that is now before us [emphasis added].”²⁵ Berger’s formulation was profoundly colonialist: It would be Canada that opened this “new chapter.” Berger and some witnesses of the southern hearings addressed the Indigenous resistance against the resource extraction on Indigenous land through the context of a “violent reaction.”²⁶ Yet, Indigenous voices hinting at that violent reaction had been insistent on the long legacy of colonial violence, one reinforced through “the state-sanctioned theft of Indian lands and resources.”²⁷ As Ned Blackhawk points out, the waves of violence that are intrinsic to European and American expansion “enabled the rapid accumulation of new resources, territories, and subject peoples.”²⁸

²³ Berger, 1988, p. 261.

²⁴ Ibid.

²⁵ Ibid., p. 264.

²⁶ Berger, 1988, p. 261; The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5227.

²⁷ Blackhawk, 2008, p. 9.

²⁸ Ibid., pp. 7-9.

The representation of Indigenous statements and resistance as the “threat of violence” and how these were received and interpreted during the Inquiry call out for reflection. As Indigenous scholars have noted, this kind of rhetorical posturing was not new, and it served a very specific purpose. In this context, the discourse of violence was structured on the ongoing colonial symbolization of Indigenous peoples. The representation of Indigenous peoples within the colonial discourse as savages legitimated the expansion of “the boundaries of both settler law and the nation itself” into Indigenous lands, conceived to be “a lawless space absent of legal order.”²⁹ The discourse of “lawless space” implied a threat of violence. Through colonial discourse, this violence was seen as instinctual to Indigenous peoples who were symbolized as aggressive and “blood-thirsty” savages.³⁰ In this discourse, “a militarized pastoral people” or “barbarian tribes” were addressed as potential threats that “might overrun the state and destroy it or rule in its place.”³¹ The colonial fear of violence masked and perpetuated “the colonial violence animating settler state, and its brutal interventions.”³² The rhetoric surrounding the “threat of violence” also legitimated the “forms of violence structured in the colonialism and capital.”³³ On the other hand, Indigenous statements at the Inquiry hearings demonstrated an Indigenous refusal of passivity in the face of the continuing violence of colonialism and imperialism. Blake’s testimony confirmed this.³⁴ “We will never initiate violence,” he

²⁹ Stark, 2016, p. 2.

³⁰ Francis, 1992, pp. 70, 78, 94, 96, 100, 102.

³¹ Scott, 2009, p. 6.

³² Maile, 2019, p. 329.

³³ Ibid., pp. 339-40.

³⁴ Philip Blake was a witness from Fort McPherson.

assured the Inquiry. “But if your nation threatens by its own violent action to destroy our nation, you will have given us no choice.”³⁵

Colonial violence against Indigenous peoples was an omnipresent—indeed defining—feature of Canadian history. The attempt to exploit hydrocarbon resources on Dene, Inuit, and Métis lands by proposing a gas pipeline construction through the Mackenzie Valley constituted just another kind of colonial expropriation under the guise of state need.³⁶ As Glen Coulthard observes, state policies—“ostensibly tolerant, multinational, liberal”—and the dominant discourses of the hearings formed another form of violence by ignoring Indigenous political-economic resurgence.³⁷ The Mackenzie Valley Pipeline Inquiry consisted of Canadian hearings held within Canada and shaped by Canadian law. This was no treaty discourse between two (or multiple) sovereign nations. Indigenous resistance against this form of violence required “the revitalization of Indigenous epistemologies, political structures, and place-based economic practices.”³⁸ The possibility of an Indigenous movement that was represented as a threat of violence found meaning in Indigenous resurgence as a “constructive action rather than the violence of war” within the frame of Indigenous resistance against state-corporate violence.³⁹

³⁵ Fort McPherson, Vol. 12, Jul 9, 1975, p. 1080.

³⁶ There is a long history of colonial exploitation in the North, such as assimilation by residential school system and theft of Indigenous land by resource extraction and relocation of northern Indigenous peoples.

³⁷ Coulthard, 2014, p. 15.

³⁸ See Introduction, “A Fourth World Resurgent,” by Glen Sean Coulthard in George Manuel and Michael Posluns, *The Fourth World: An Indian Reality*, 2019.

³⁹ Manuel and Posluns, 2019, p. 1509.

2.2. Increasing Concerns on Canadian Unity and the meaning of the Treaties

The discourse on social disorder and threats of violence that emerged across the Inquiry hearings was inspired by widespread and growing tensions surrounding the legitimacy and meaning of Indigenous self-determination and land claims. In the time of the Inquiry, Judd Buchanan, the Minister of Indian Affairs and Northern Development, regarded the Dene Declaration of 1975 as an attack on Canadian unity. In a notorious and ugly piece of discourse, Buchanan referred to the Dene Declaration as “gobbledygook”: “a useless document which a grade ten student could have written in a few minutes,” and “a separatist notion, like that of Québec.”⁴⁰ For Buchanan, the Dene claims were part of a larger movement that opposed the mandate of national unity Trudeau’s Liberals were trying to establish—and, just as significantly, they sought to block access to the energy independence so crucial to that venture. In this manner, for the government authorities, the Declaration was akin not only to growing Québec separatism, but also to Cree and Inuit struggles against the proposal of the James Bay hydroelectric project in northern Québec. Some media coverage across Canada addressed the claims of northern Indigenous people in the context of concerns about Canadian unity. A *Globe and Mail* story titled “Canadian unity at the mercy of pipeline action” anticipated the prospect of the government’s decision about the Mackenzie Valley pipeline proposal becoming its own referendum on Canadian unity:

The northwest is part of Canada. The idea that Quebec might separate may well spawn the idea that the Northwest Territories might eventually separate from Canada as well. Both ideas should be nipped in the bud. To separate or

⁴⁰ Cited, Mountain and Quirk, 1996, p. 31; Cited, The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5275.

unify Canada may well be the issue when Parliament debates the pipeline issue.⁴¹

The reporter asserted that the Québec sovereignty movement and the claims for self-determination of northern Indigenous peoples were threats to Canadian unity and needed to be extinguished.

While Cree opposition to the hydroelectric project on their land in northern Québec was debated, the federal government aimed to extinguish Indigenous rights to the land in the James Bay region by trying to expedite the settlement of the claims with an agreement that would pave the way for the construction of hydroelectric dams. Cree resistance to colonial dispossession was assigned “a turning point in Indigenous-settler relations” and resulted in an agreement signed in 1975.⁴² However, the agreement was a cash settlement that required the surrender of the rights and titles of the Indigenous peoples of Northern Québec to their land. One newspaper report claimed the James Bay Agreement represented “a regional application of the philosophy and intent of the Federal government’s ‘White Paper’” that aimed to transfer federal responsibilities on reserve

⁴¹ *The Globe and Mail*, August 2, 1977, p. 7.

⁴² Leddy, 2017, p. 92. The James Bay and Northern Québec Agreement signed between the Grand Council of the Crees (of Québec), the Northern Québec Inuit Association, the Government of Québec, James Bay Energy Corporation, James Bay Development Corporation, the Québec Hydro-electric Commission, and the Government of Canada. It is regarded as the first comprehensive land claims and “modern treaty” made between Indigenous peoples and the government of Canada. Richardson, 1991 noted that the agreement was formally signed on November 15, 1975. For further reading, see Caroline Desbiens, *Power from the North: Territory, Identity, and the Culture of Hydroelectricity in Québec*; Daniel Powell, MRP, McMaster University, 2017, *Liberalism and Two Sovereignties: The James Bay Cree and Québécois Struggle for Self-Determination and the Making of Multinational Canada in an Era of Global Reconciliation*. For the relationship between James Bay Hydroelectric development and food insecurity for Cree, see Brittany Luby, “From Milk-Medicine To Public (Re)Education Programs: An Examination Of Anishinabek Mothers’ Responses To Hydroelectric Flooding In The Treaty #3 District, 1900–1975,” p. 365. For further reading on environmental impacts of James Bay project see James Horning, *Social and Environmental Impacts of the James Bay Hydroelectric Project*.

lands to the province.⁴³ An anarchist periodical's report also underlined that the Cree and Indigenous peoples in Alaska "were forced—literally by bulldozers at their front door—to virtually surrender their land base for cash grants amounting to a few dollars per acre."⁴⁴ By signing *the James Bay and Northern Québec Agreement*, the James Bay Cree and the Inuit of northern Québec "cede, release, surrender and convey all their Native claims, rights, titles, and interests, whatever they may be, in and to land in the Territory and in Québec, and Québec and Canada accept such surrender."⁴⁵ The terms of the agreement allowed energy corporations and the government of Québec to construct the dams on James Bay, land of the Cree. Most Indigenous organizations around Canada criticized Cree leaders for accepting and signing the agreement that extinguished the Cree rights to their own land.

A newspaper published by the Indian Brotherhood of the Northwest Territories in Yellowknife quoted a statement of Cree Grand Chief Billy Diamond: "We realize that many of the friends that we have made during our opposition to the project will label us as sell-outs."⁴⁶ This newspaper report also added that Diamond "sees it as 'a big victory' because the native people came to the conclusion that the hydro project could not be stopped," so they tried to "get as much as they could in compensation."⁴⁷ Eight years after

⁴³ *The Forgotten People*, Native Council of Canada, 1977, p. 1.

⁴⁴ *The Open Road*, 1977, p. 6.

⁴⁵ *The James Bay and Northern Québec Agreement*, November 11, 1975, Section 2.

⁴⁶ *Native Press*, November 18, 1974, p. 1.

⁴⁷ *Native Press*, November 18, 1974, p. 1. See Feit, 1983, p. 430; Ken S. Coates & Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism*, pp. 123-124. The James Bay agreement and cash settlement became a model for subsequent Dene land claim discussions. Unlike Warren Allmand, Minister of Indian Affairs and Northern Development, his successor Hugh Faulkner proposed a series of cash settlements and land allotments to the Dene and the Métis. Both walked away from the talks.

the James Bay and Northern Quebec Agreement was signed, Billy Diamond argued that “they made the right decision.”⁴⁸ While Diamond saw the agreement as a guarantee for their survival, he acknowledged that “there were painful compromises” that the Cree had had to make: “We agreed that we would surrender all our general claims, rights, titles, and interests in and to land in Quebec in return for specific and defined rights, privileges, and benefits.”⁴⁹ According to Diamond, the agreement was not “an abandonment of aboriginal rights.” On the contrary, it recognized specific and precise land claims of the Cree and gives them “exclusive hunting and fishing rights” in Québec.⁵⁰ He added that the agreement established “a system of Cree and Inuit local government,”⁵¹ in addition to administration and control by the local government. By the agreement, new legislation replaced “the federal Indian Act with a Cree-designed Cree Act.”⁵² It seemed a sell-out to some, a victory to others. One scholar suggested a middle ground: Harvey Feit argues that the negotiations against the project and their initiative during the negotiations of the claims “strengthened the Cree and Inuit peoples of northern Quebec because they have successfully fought for and achieved many of their objectives.”⁵³ The agreement “is a tool in ongoing process” that provides the resources which Indigenous peoples can leverage to ensure their future.⁵⁴

⁴⁸ Diamond, 1985, p. 280.

⁴⁹ Ibid.

⁵⁰ Diamond, 1985., p. 281.

⁵¹ Ibid.

⁵² Feit, 1983, p. 432.

⁵³ Ibid.

⁵⁴ Feit, 1983, p. 433.

Relevant as a precedent for the possibility of land claim settlements with the Dene and Métis in the Canadian North, the James Bay agreement extinguished sub-surface rights by eliminating Indigenous claims to any fossil fuel discovered under the land.⁵⁵ In this sense, it intended to “extinguish Native claims” for a “future development.”⁵⁶ As stated by Indian Brotherhood of Northwest Territories in one of the formal hearings of the Mackenzie Valley Pipeline Inquiry, the Cree experience with massive development attempts in Québec demonstrated that the James Bay is an “agreement the primary features of which are the surrender of Indian control over the land and the transformation of the land to a use unwanted by the Cree and inconsistent with their whole way of life.”⁵⁷ The federal government, on the other hand, regarded the agreement “as the desirable model for all future agreements with native people; and in the following decade and a half have acted on that assumption.”⁵⁸ This future intent of the federal government in creating treaties for the rest of Canada was expressed by Judd Buchanan. His approach to the Mackenzie district of the NWT and negotiations with the Dene was modelled on the James Bay Agreement and the Alaska Native Claims Settlement Act of the U.S. Both agreements were based on the surrender of Indigenous titles and rights to the land. But the Dene rejected any cash settlement and extinguishment of their titles or ceding any rights to their land.⁵⁹ As mentioned by a newspaper reporter, “native groups responded angrily” to Buchanan’s statement that situated the James Bay settlement as a model for the

⁵⁵ The Forgotten People, Native Council of Canada, 1977, p. 1.

⁵⁶ Carlson, 2006, p. 82.

⁵⁷ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, 1976, p. 32226.

⁵⁸ Richardson, 1991, p. 319; The Forgotten People, Native Council of Canada, 1977, p. 1.

⁵⁹ For details see Chapter Three.

Mackenzie region: “They say they are ‘shocked and disappointed’ with the Minister’s remarks, and they don’t want anything like the Québec land claim to happen in the North.”⁶⁰ In a similar vein, James Arvaluk, the president of the Inuit Tapirisat of Canada, stated that “the James Bay settlement would be very unfair, unwise, and unsatisfactory as a model for the Inuit of the N.W.T.”⁶¹

In the context of Cree resistance against energy development in the James Bay region of Québec, Berger argued that the agreements in James Bay and Alaska aimed “to facilitate resource development by another race” and “follow the tradition of the treaties.”⁶² In the Inquiry report, Berger argued that Indigenous peoples of the North rejected the models of the James Bay Agreement and the Alaskan settlement.⁶³ As he also noted, the Alaska model aimed to assimilate the Indigenous peoples of Alaska, and the James Bay Agreement was criticized for expanding Québec governmental authority in the James Bay region.⁶⁴ In 1983, Berger was appointed to review the Alaska Native Claims Settlement Act (ANCSA) of 1971 by the Inuit Circumpolar Conference. He visited Indigenous communities in Alaska to hear their evidence on the Act. In *Village Journey: the Report of the Alaska Native Review Commission*, which was originally published in 1985, Berger stated that he felt that he heard the “authentic voices of the Native peoples” in Alaska.⁶⁵ He concluded that the Indigenous people of Alaska had lost their “political

⁶⁰ Native Press, November 18, 1974, p. 1.

⁶¹ Ibid., p. 2.

⁶² Berger, 1988, p. 219.

⁶³ Ibid., p. 254.

⁶⁴ Berger, 1988, pp. 254-5.

⁶⁵ Berger, 1985, p. vii. Indigenous peoples gave their testimonies in their own languages and this testimonies were translated to English for Berger.

and social autonomy” since ANCSA was signed. Berger considered the Settlement Act a “danger to traditional values and subsistence economy” of Indigenous peoples because it was an economic development plan applied to the Third World. He further found that the Act had economically contributed to the prosperity of non-Indigenous peoples more than Indigenous peoples in Alaska.⁶⁶ As Berger argued, the Settlement Act was seen as a social engineering project to “bring the Alaska Natives into the mainstream of American life” by extinguishing their title to their land.⁶⁷ While he criticized the economic effects of ANCSA on the Indigenous economy in Alaska, he argued—as opposed to his perspective in the Mackenzie Valley Pipeline Inquiry report—that the James Bay and Northern Québec Agreement focused on the strengthening of subsistence economies of Indigenous peoples.⁶⁸

George Manuel, the president of the National Indian Brotherhood—which later became the Assembly of First Nations—between 1970 and 1976, criticized Berger’s point on the treaties by stressing the difference between the James Bay Agreement and the treaties “made between sovereign Nations.”⁶⁹ Manuel opposed the Cree’s acceptance of the agreement because it included clauses that extinguished Indigenous land title.⁷⁰ He argued that “the James Bay Agreement deals with the surrender of title to the land ... Treaties, on the other hand, recognize Aboriginal rights. Indian title and aboriginal rights

⁶⁶ Berger, 1985, pp. 43, 45.

⁶⁷ Ibid., pp. 20, 21.

⁶⁸ Ibid., p. 47.

⁶⁹ Mountain and Quirk, 1996, p. 28. George Manuel was a monumental figure in Indigenous rights and activism. He became the first leader of World Council of Indigenous People in 1975. In his book titled *Fourth World: An Indian Reality*, Manuel emphasized Indigenous peoples’ right to the self-determination as a normative foundation.

⁷⁰ Tanner, 1999, pp. 128-9.

[are] not to be sold nor extinguished.”⁷¹ Although the clauses of Treaty 8 (1899) and Treaty 11 (1921) include phrases “cede, release, surrender, and convey” that suggest otherwise, Manuel’s perspective focused on his understanding of the treaties according to the original intent of Indigenous elders who witnessed the treaty making process.⁷² Dene elders did not see Treaty 8 and Treaty 11 “as a land deal” or “extinguishment of their rights to their homeland.”⁷³

This critical discourse featured heavily in the Mackenzie Valley Pipeline Inquiry hearings. Ted Bughhins stated in the Hay River hearing that: “as long as we got the older people living among us, they [the government] are going to hear what went on at the first signing of the treaty.”⁷⁴ In the formal hearing, Glen Bell, a counsel for the Indian Brotherhood of the Northwest Territories, declared that “Dene signatures on those treaties, when not forged, were induced by the fraudulent misrepresentations on the part of the government negotiators.”⁷⁵ Berger stated in the Inquiry report that “they considered it [Treaty 11] to be a treaty of peace and friendship.”⁷⁶ According to Dene elders, the treaty would stop the incursion of the government on their land. As stated by George Kodakin, a Dene Chief, regarding the treaties in a community hearing at Fort Franklin: “The white people concluded that—making a law for themselves that as long as the

⁷¹ Cited, Mountain and Quirk, 1996, p. 28.

⁷² Ibid.

⁷³ Kulchyski, 2005, p. 81. For details about the Dene perspective on Treaty 8 and Treaty 11 see Chapter Four.

⁷⁴ Mackenzie Valley Pipeline Inquiry, Hay River, Vol. 6, May 30, 1975, pp. 489-490.

⁷⁵ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32223.

⁷⁶ Berger 1977, pp. 222-231.

Mackenzie River flows in one direction, that the sun rises and sets, we will not bother you about your land or the animals. We will have absolutely nothing to do with it.”⁷⁷

But it is important to back up at this point and acknowledge that the debate over Dene land claims, especially as they emerged during the Mackenzie Valley Pipeline Inquiry, preceded the Inquiry itself. In 1973, the Dene had challenged the government’s plans and policies for oil development on their own land by asking the IB-NWT stake a legal claim to land, i.e., the 450,000 square miles of land of their territory which the government “slated for pipeline construction.”⁷⁸ Justice Morrow, the judge of the territorial Supreme Court of the Northwest Territories, presided on this case. The court visited Indigenous communities of the region to hear the testimony of Dene elders about the meaning of Treaty 8 and Treaty 11 to Dene.⁷⁹ In his decision, he agreed that the “historical evidence and oral evidence of Dene elders” justified the caveat and that a case for land title had been made.⁸⁰ Although Morrow “agreed with the Dene position,” the Supreme Court of Canada invalidated the caveat on a technicality. However, the Aboriginal rights finding in this Paulette case stood, and the Dene and Métis comprehensive land claims process was initiated.⁸¹ This decision made the Mackenzie

⁷⁷ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 603-4.

⁷⁸ Stoller, 2019, p. 134; Lamothe, 1996, p. 85.

⁷⁹ The case received its name from François Paulette, the Chief of Fort Smith and one of the applicants.

⁸⁰ Jackson, 1994, p. 66.

⁸¹ Kulchyski, 2005, p. 82. See also Stephanie Irlbacher-Fox, *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada*. Berger also highlighted this case in *Northern Frontier, Northern Homeland* (1977). However, the negotiation on a comprehensive land claim with the Dene—though the Dene signed Treaty 11—was subject to the northern policies of the federal government of Canada because the question on the extinguishment of Indigenous titles to their land was posed with a new urgency as a consequence of the Calder Case and the following Paulette Caveat Case. In addition to these cases, the investigation of Nelson commission on Treaty 8 and Treaty 11 in 1959 also reported that the treaties “were not likely to have been understood in 1924 when the command of English language and the level of education among the Indian people were even less” (Northern Perspectives, Canadian Arctic

Valley Pipeline Inquiry a necessary feature of the federal government's desire to build a pipeline over disputed lands.

The Nisga'a claims to their land provided a basis for the emerging Indigenous land claims in Canada. The Supreme Court's recognition of Nisga'a rights to their land in the Calder Case was "the main legal basis for the current assertion of native rights" and land claims in the 1970s.⁸² The Nisga'a elders claimed their title to the hereditary land which they never extinguished in northwestern British Columbia. Although one justice rejected the case on a legal technicality, it effectively reopened the question of Indigenous rights and title to their land. In 1967, Nisga'a elders asked Berger to serve as a legal counsel to claim their titles to their unceded land on the Nass Valley.⁸³ Berger issued a writ to the BC Supreme Court in 1969 to declare that the Nisga'a title to their land had never been extinguished.⁸⁴ He further asserted that the case was considered as "a moral victory" for Nisga'a, and created a significant change in the policy of the federal government on the Indigenous land claims.⁸⁵

The late 1960s and early 1970s marked an incipient stage of contemporary Indigenous land claim struggles in Canada. Berger mentioned that "we weren't expected to get very far" by declaring Nisga'a title to the land because the federal government's stance was not supportive in regard to Indigenous rights to their land. In 1969, Pierre

Resource Committee, July-August, 1973, p. 2). Although this statement of the Commission represented a colonial legacy in its essence, it did point out that Dene intention during the treaty process differed greatly from the extinguishment of the titles and rights to the land.

⁸² Kulchyski, 2005, p. 82.

⁸³ Berger, 1991, p. 141.

⁸⁴ Berger, 2005, p. 990.

⁸⁵ Berger, 1991, p. 151.

Trudeau replied to a question on Indigenous land titles in his visit to Vancouver by expressing that the government “will not recognize Aboriginal rights, because no society can be built on historical might-have-beens.”⁸⁶ While Berger tried to induce the federal government to intervene on the behalf of Nisga’a in the Court, Jean Chrétien stated that “he would like to intervene, but Trudeau was against it.”⁸⁷ As Berger underlined, after the decision of the BC Supreme Court on the Calder case, the federal government changed its policy. Now it wanted to settle Indigenous land claims.⁸⁸

2.3. The Questions Raised by Recognition: “Why not a Canadian Nation?”

In hindsight, it is difficult to think about the Mackenzie Valley Pipeline Inquiry without reflecting on the broader historical context of the time. In the report, although Berger addressed mounting concerns about prospective “political disorder” in the North, he did not engage with the debates on the increasing separatist sentiments in Québec as a threat to Canadian unity. After the fact, however, he commented on the October Crisis comprehensively in his 1981 book, titled *Fragile Freedoms: Human Rights and Dissent in Canada*.⁸⁹ In his assessment of the October Crisis in the context of Canadian unity, Berger posited that “Canadian unity had never been more fervently felt nor more stridently upheld by so many.”⁹⁰ Nonetheless, in the Inquiry report, he quoted Peter Russell’s point on pluralism to underline why “the people of Québec would not be assimilated” during the nineteenth century: “It was Cartier’s ideal of a pluralistic nation,

⁸⁶ Berger, 2005, p. 991.

⁸⁷ Swayze, 1987, p. 1561 [Kindle].

⁸⁸ See Berger, 1991, p. 153.

⁸⁹ See Berger, 1981.

⁹⁰ Berger, 1982, p. 215.

not Durham's ideal of a British nation in North America, that prevailed."⁹¹ In this vein, he also argued that this original spirit—this plurality—of Confederation was what the Dene, the Inuit, and the Métis were advancing in their vision for Canada's Indigenous people.⁹² Berger addressed the discussions of the hearings on the Indigenous claims for self-determination in the context of Canadian unity by referencing the ideological roots of the Canadian Confederation. Berger criticized typecasting of the Dene position as “separatist”:

It is a disservice to the Dene to suggest that they—or, for that matter, the Inuit or the Métis—are separatists. They see their future as lying with and within Canada, and they look to the Government of Canada, to the Parliament of Canada, and to the Crown itself to safeguard their rights and their future.⁹³

According to Berger, the Dene claims would “lead to the enhancement of Confederation—not to its renunciation.”⁹⁴ As he noted in 1981, the Indigenous desire for sovereignty should not “be regarded as the threat to established institutions, but as an opportunity to affirm our commitment to the human rights of indigenous minorities [...] when all is said and done, the question of Native rights is a question of human rights.”⁹⁵

In addition to underlining Berger's stance on the arguments of threats to national unity, this statement was also significant insofar as Berger highlighted Indigenous rights in the framework of human rights. Some witnesses at the southern hearings and formal hearings also discussed Indigenous rights in the context of human rights. It was a

⁹¹ Quoted from Dr. Peter Russell in Berger, 1988, p. 234. Peter Russell was one of the academicians and researchers of the Southern Support Group which formed in support of Indigenous land claims at the time of the Mackenzie Valley Pipeline Inquiry.

⁹² Berger, 1988, p. 234.

⁹³ Ibid., p. 232.

⁹⁴ Ibid.

⁹⁵ Berger, 1981. p. 251.

discourse that tended to minimize, even extinguish, the centrality of Indigenous identities, an ideology emphasizing the multicultural aspects of the Canadian “mosaic.” In this sense, the speeches of some witnesses in the Inquiry hearings contributed to the framing of an early meaning of liberal multiculturalism in Canada. A discourse of the cultural mosaic of Canadian society was related to the ideological ideals of the 1969 White Paper.⁹⁶ The idea of dissolving Indigenous nationhood into the identity of the “nation of immigrants” was derived from the legitimization of the legacy of colonial dispossession and rejection of ongoing colonial relations.⁹⁷ As Berger quoted from one of “white people” in the North in his report, Dene claims were seen as a problem that could be solved by assimilationist policies:

I don't see why [...] we say Dene nation, why not a Canadian nation? The Americans in coping with racial prejudice have a *melting pot* where all races become Americans. We have a patchwork quilt, so let us sew it together and become Canadians, not white and Indians [emphasis added].⁹⁸

Berger stated that special consideration of Indigenous peoples required that they be distinguished from immigrants who “chose to come and to submit to the Canadian polity” and are “expecting to assimilate.”⁹⁹ According to Berger, this special historical consideration of Indigenous peoples was an element of the constitutional tradition of Canada.¹⁰⁰ By asserting a “special status for native peoples,” Berger meant the

⁹⁶ In 1969, a paper of the federal government prepared by Jean Chrétien proposed disposing of treaty rights and the special status of Indigenous peoples by the repeal of the Indian Act. The formal name of the White Paper of 1969 is the “Statement of the Government of Canada on Indian Policy, 1969.”

⁹⁷ See, Estes and Dhillon, 2019, pp. 320-2.

⁹⁸ Berger, 1988, p. 232.

⁹⁹ Ibid., p. 234.

¹⁰⁰ Ibid., p. 26.

recognition of Indigenous rights under the Constitution of Canada to ensure the maintenance of their distinct cultures.¹⁰¹

The 1969 White Paper was a blueprint for the larger Liberal agenda. During the 1970s their agenda was multi-pronged, and sometimes it was difficult to separate (and/or connect) distinct motivations and ventures. Multiculturalism and bilingualism were not simply political positions, and nor was energy independence or Northern identity arbitrary element of the Liberal platform. Along with settling Indigenous land claims, these were all building blocks that needed to be harmoniously stacked and balanced in order for Trudeau's government to reach their main liberal objective.¹⁰² Although there is no direct reference to the liberal discourse of multiculturalism in the Inquiry's final report, that perspective was inherent in it. Berger used the core concepts of liberal multiculturalism to address why special consideration should be given to Indigenous peoples in Canada:

Canada has not been an easy nation to govern, but over the years we have tried to remain true to the ideal that underlies Confederation, and ideal that Canada and Canadians have had to affirm again and again in the face of continuing challenges to their *tolerance* and sense of *diversity* [emphasis added].¹⁰³

Berger's perspective on the ideals of the Confederation also reflected his stance on multiculturalism. Berger signified how multiculturalism and the "mosaic" had become the basis of Canadian society by stressing the constitutional acknowledgment on bilingualism

¹⁰¹ Ibid.

¹⁰² A part of Chapter Three provides an overview of Liberal objectives of the 1970s that were mostly shaped around the ideals, such as diversity, equality, tolerance and early meaning of multiculturalism.

¹⁰³ Berger, 1988, p. 234.

and biculturalism that “negates the idea of a monolithic culture” and affirms, “the idea of Canada as a mosaic” and “a country where diversity is cherished.”¹⁰⁴

Berger stressed the significance of the preservation of tolerance and diversity to maintain the ideal of “a pluralistic nation,” which he understood to be basis of Confederation.¹⁰⁵ Liberal multiculturalism conditioned his response to the patriation of the Canadian Constitution. He argued:

This great exercise in constitution-making should enable us to know ourselves; to discover who we are and what we may become; to realize the advantage of *diversity and dissent*. This is what the Canadian experience is all about: to see if people who are different can live together and work together; to regard diversity not with suspicion, but as a cause for celebration; *to enshrine Wilfrid Laurier’s idea of a regime of tolerance in the life of the nation* [emphasis added].¹⁰⁶

Pierre Trudeau and the Liberal Party had campaigned on and committed itself to the spirit of Laurier’s “regime of tolerance” as a “part of the basic law of the land” through the new Charter of the Constitution.¹⁰⁷ Berger’s approach was similar. In his 1981 book, Berger focused on the aspects of the regime of tolerance in the context of the patriation of the constitution under the section of epilogue titled “Towards the Regime of Tolerance.”¹⁰⁸ In this section, Berger pointed out that the Charter could be “interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”¹⁰⁹ He added that the Charter and the constitution reflect diversity which is “the strength of Canada.”¹¹⁰ Berger also expressed his perspective on the concept of

¹⁰⁴ Berger, 1981, p. 92.

¹⁰⁵ Berger, 1988, p. 234.

¹⁰⁶ Berger, 1981, p. 263; Swayze, 1987, p. 172. The Constitution Act was signed on April 17, 1982.

¹⁰⁷ Axworthy, 1992, p. 260-61.

¹⁰⁸ Berger, 1981, pp. 255-63.

¹⁰⁹ Ibid., p. 257.

¹¹⁰ Ibid., pp. xvii, 257.

tolerance in the introduction of *Fragile Freedoms, Human Rights and Dissent in Canada*:

“I speak of tolerance not as mere indifference, but in its most positive aspect, as the expression of a profound belief in the virtues of diversity and in the right to dissent.”¹¹¹

Berger also addressed Indigenous self-determination through a conversation over diversity and tolerance:

We are two distinct societies—two nations, if you will. It would be a mistake to pretend otherwise. Yet we are mixed up together, and we have chosen to stay together. *There are a million or more Native people in our midst, claiming a measure of self-determination.* And there are millions of new Canadians, immigrants of every ethnic and racial background, and every political and religious persuasion. Thus *diversity is in a sense the essence of the Canadian experience* [emphasis added].¹¹²

At the time of the Inquiry, the legacy of the “White Paper” shaped the discourse on Indigenous self-determination around the core concepts of liberalism. As the above statement demonstrates, Berger also highlighted the concepts of tolerance, diversity, and multiculturalism to address Indigenous claims. Although Berger opposed the elimination of the special status of Indigenous peoples, his perspective on the recognition of Indigenous claims was based on cultural and racial differences and was far from signifying the political presence of northern Indigenous peoples. In the report of the Inquiry, Berger declared that Indigenous peoples “are distinct from the mass of the Canadian people racially, culturally and linguistically.” At the same time, he often overlooked the ongoing Indigenous political challenges towards the political structures of the settler institutions: “When the Dene people refer to themselves as a nation, as many of them have,” he continued, “they are not renouncing Canada or Confederation. Rather they

¹¹¹ Ibid., p. xvii.

¹¹² Ibid., pp. 256-57.

are proclaiming that they are a distinct people, who share a common historical experience, a common set of values, and a common world view.”¹¹³ Berger’s acknowledgment of the distinct identity of Dene was based on a depoliticized cultural recognition. By depoliticizing Indigenous claims, he aimed to reverse the discourse addressing the claims as a threat to the Canadian state and its unity.

2.4. The Future of Canada: Reframing the Idea of the North

In the Inquiry report, Berger argued that Dene, Inuit, and Métis subsistence economies—hunting, fishing, trapping—needed to be strengthened. One could not rely on the market nor the welfare state.¹¹⁴ As Berger emphasized, the idea of progress—state-centred and serving the interest of capital—was based on the impairment of subsistence economies. In this sense, according to Berger, the region’s development framework needed to include “the strengthening of traditional subsistence economy.”¹¹⁵ He emphasized that Indigenous peoples in the North could regain their self-sufficiency by seeking to “safeguard rights of hunting, fishing, and trapping.”¹¹⁶ Berger also argued that Northern circumstances required the protection of subsistence economies: “The farther North you go, the more limited is the prospect of conventional economic opportunity. The climate, the distances, the sparse population, are all against it. So, the subsistence economy had to be preserved, not destroyed.”¹¹⁷ Environmental factors shaped economics, in his vision. In *A Long and Terrible Shadow: White Values, Native Rights in*

¹¹³ Berger, 1988, p. 232.

¹¹⁴ Ibid., p. 5.

¹¹⁵ Ibid., pp. 7, 8.

¹¹⁶ Berger, 1991, p. 137.

¹¹⁷ Berger, 1988, p. 4.

the Americas since 1492, Berger described the North as the most appropriate landscape for Indigenous self-determination and self-sufficiency: “The climate is harsh, the land is not suitable for agriculture, supplies are costly, markets distant. If there is one place in the New World where Native people should have an opportunity to control their land and their future, it is in this brilliant and pitiless landscape.”¹¹⁸ Berger was effectively asserting that land and climate conditions in the North would determine the manner in which living conditions would be dictated. He also argued that the environmental aspects of the region shaped the political, economic, and cultural fates of northern Indigenous peoples.

For Berger, the North had an essential meaning that would shape the future of Canada:

It is in the North that the survival of the native subsistence economy is essential; it is there that the place of native peoples within our political system will be determined; it is there that our commitment to environmental goals and international co-operation will be tested. *In the North lies the future of Canada* [emphasis added].¹¹⁹

More than just a physical place (or direction), the North contained myriad economic, political, and environmental meanings. Berger’s opening remarks for the hearings were also based on the argument that the future of the North concerned Canadian collective identity. He stated that “we Canadians think of ourselves as a northern people. So, the future of the north is a matter of concern to all of us.”¹²⁰ Throughout the hearings and Berger’s final report, the Mackenzie Valley Pipeline Inquiry process interrogated the

¹¹⁸ Berger, 1991, p. 139.

¹¹⁹ Berger, 1988, p. 13.

¹²⁰ The Mackenzie Valley Pipeline Inquiry, 1975-1976.

meaning of the Canadian North as place and symbol in the era of oil development in the Arctic. Berger's analysis and comments on the environmental, economic, and social arguments surrounding the hearings restructured the meaning of the North as a new energy landscape and a place for unique culture.

3. *The Report of the Mackenzie Valley Pipeline Inquiry: A Social Democratic Legacy?*

But if Berger was instrumental in shaping and describing this narrative of Canada's and the North's futures, just what kind of vision was it? As previously noted, Berger's appointment as commissioner of the Mackenzie Valley Pipeline Inquiry was questioned because of his role in Canadian politics as a social democrat. Much as that more leftist orientation ran counter to the larger Liberal Party's design for Canada in the 1970s, Liberals needed to appease the NDP.¹²¹ The vocal Waffle opposition to American economic expansion in the North and the northern policies of the early social democrats shaped the manner in which Berger approached Indigenous land claims and energy development in the North.

The dynamics of the anti-colonial and anti-war movements of the 1960s were followed by questions about control and exploitation of northern natural resources in the 1970s. These questions were addressed in the context of environmental degradation, Indigenous self-determination, and their importance to an independent and stable national economy. What this represented was an economic nationalist critique that appeared in

¹²¹ The Canadian Left was undergoing its own internal reconfigurations and reimaginings in the late 1960s and early 1970s. A group within the NDP, the Waffle, was established. They called for an independent socialist Canada with an greater emphasis on economic nationalism.

Canadian politics after the radicalism of the sixties, one which questioned Canada's economic dependence. The advocates of this political criticism operated within the NDP as a new radical movement and took the name the Waffle. As Norman Penner wrote, the Waffle emerged out of the "world-wide youth revolt in the 1960s directed at the US invasion of Vietnam, the Quiet Revolution in Québec, and the growing awareness in Canada of the consequences of direct American investment in Canadian industry and resources."¹²²

In *Movement for an Independent Socialist Canada*, the Waffle Manifesto, the Wafflers demanded "a much greater emphasis on socialism" and economic nationalism.¹²³ In this sense, the group asserted a left-wing economic nationalism in Canadian discourse and worked to pull the NDP ever further to the left in the ongoing debates on Canadian economic nationalism.¹²⁴ They criticized the foreign use of national resources and increasing American hegemony over Canadian society. When the NDP approved a package proposed by Trudeau's Liberal government that included the construction of the Mackenzie Valley Pipeline, the Wafflers objected.

The Waffle's critique of foreign ownership went beyond Tommy Douglas's economic perspective which represented the early approaches of the democratic socialists in Canada.¹²⁵ In Berger's report, both these influences can be detected. On the one hand, the Waffle's economic and social principles shaped Berger's approach to the pipeline

¹²² Penner, 1992, p. 101.

¹²³ Ibid. p. vii.

¹²⁴ Lexier, 2017, p. 3

¹²⁵ Tommy Douglas was leader of the Saskatchewan Co-operative Commonwealth Federation and a former premier of Saskatchewan. He also led the federal New Democratic Party between 1961 and 1971.

debates and Indigenous claims; on the other, the legacy of Douglas's economic programs structured around the welfare state policies in the Northern Saskatchewan were evident in Berger's reading of subsistence economies in Indigenous communities in the Mackenzie Valley Region. The federal state's interest and presence in the North increased dramatically after World War II. The social welfare policies and programs were implemented with the assertions of improving life and structuring a future in the North not just by federal authorities, but also by provincial governments.¹²⁶ After the 1944 election, the policies of Douglas's Co-operative Commonwealth Federation provincial government in Saskatchewan instantiated the idea to "plan a better North."¹²⁷ The CCF's economic programs in northern Saskatchewan included Indigenous economic practices that were planned according to socialist ideals. According to David M. Quiring, while southern socialists' economic policies did not encourage Indigenous participation in economic activities, they did envisage a socialist urged co-operatives aiding Indigenous peoples' engagement with subsistence farming in northern Saskatchewan.¹²⁸

Quiring also argued that the CCF government used colonial structures to situate its economic plans in northern Saskatchewan by imposing "a socialist ideology to northern agriculture" which "brought few benefits to the north."¹²⁹ The CCF vision consisted of community and cooperative development programs for fur, fish, and farming in the region.¹³⁰ As the party's policies stated, the northern frontier was regarded as a place

¹²⁶ Loo, 2019, p. 20.

¹²⁷ Quiring, 2004, p. 147.

¹²⁸ Ibid. 148.

¹²⁹ Ibid.

¹³⁰ Ibid.

where CCF ideals and principles could be implemented away from the competitive and highly capitalist south.¹³¹ But the CCF's assertion of improving the conditions in the North by development plans and programs also represented a colonial legacy.¹³² The improvement ideal of the CCF government addressed the Indigenous economic practices as something "that the state might manage and transform with a view toward perfecting it."¹³³ As Tina Loo observes, especially after World War II, the increasing presence of the state in the North aimed to "train" northern Indigenous peoples to achieve "the task of giving the North a future" by implementing the state policies and programs.¹³⁴ James Scott indicates that the modern states' orders, which were based on the improvement and development ideals, typically failed to realize their desired outcomes.¹³⁵

Berger's report tried to walk a tightrope between subsistence and welfare economies. While he advocated the strengthening of Indigenous subsistence economies, which required Indigenous traditional practices and the entrenching of the Indigenous rights to the land, he was also clearly sympathetic to the CCF strategy of encouraging co-operatives and state planning. On the other hand, the economic perspective of Wafflers about the strengthening of Indigenous traditional economies and their critiques of possible effects of a wage economy on Indigenous communities shaped Berger's approaches to Indigenous economic self-sufficiency.

¹³¹ Ibid., pp. xii.

¹³² Modern nation-states' aspiration for improving societies and nature is conceptualized as *high modernism* by James C. Scott.

¹³³ Scott, 1998, p. 92.

¹³⁴ Loo, 2019, p. 20.

¹³⁵ Scott, 1998; Loo, 2019, p. 27.

Mel Watkins, a Waffle leader, was one of the political figures whose political-economic approach most influenced Berger's perspective on the discussions about energy development in the North. Watkins objected to US-facilitated pipeline construction in northwestern Canada and advocated a Canadian economic national sovereignty over the country's national resources. It also championed community-based economic development under the control of Indigenous peoples.¹³⁶ According to Watkins, construction of the pipeline in the Northwest Territories would damage the Indigenous economy and culminate in the hegemony of the American oil industry in the region.

In the era of the Mackenzie Valley Pipeline Inquiry, Watkins was hired by the Dene to assist the Indian Brotherhood of Northwest Territories "in the preparation of evidence for the Inquiry" and in establishing the land claims as a key feature of their testimony.¹³⁷ Watkins's participation likely provided a reason for Judd Buchanan's complaint that the Dene Declaration was "written by radical white advisors." Similarly, his involvement drove Pat Carney, a future Conservative MP, who was commissioned by the oil and gas industry to conduct an independent survey of local interests, to criticize the hearings for being "exploited by militant leftists."¹³⁸ Exploitation of the hearings was surely a bit of a rhetorical flourish, but Watkins's impact on the Mackenzie Valley Pipeline Inquiry was not restricted to his economic, socialist, and nationalist stance; he also played an active role in the mapping of the Inquiry. Watkins visited the communities in the Mackenzie

¹³⁶ Watkins, 2006.

¹³⁷ Watkins, 1977; The Dene utilized the IB-NWT to assert their land claims between the mid 1970s and the early 1980s.

¹³⁸ Hamilton, 1994; pp. 189-90; Martin O'Malley, "Berger Inquiry bring a new 'northern vision' to the South?," *The Globe and Mail*, Monday, May 24, 1976, p. 7.

Valley district to learn about the cultural and economic life of northern Indigenous peoples.

Watkins's understanding of resource capitalism owed a great deal to Harold Innis's famed staples thesis from before World War II, though his own analysis extended beyond Innis's original interest in following the role of resources in the development of the Canadian state.¹³⁹ Innis claimed that the export of staples determined (and would continue to determine) the nature of the Canadian economy and Canadian politics.¹⁴⁰ He argues that the salience of staple export meant that "Canadian economic history could be understood only in terms of the dominance of a succession of staple exports."¹⁴¹ Watkins focused on developing Innis's staples theory in the context of the new economic era, increasing foreign ownership, and changing structures of Canadian industry. He revisited Innis's work through a critique of new staple exports in the North, and pointed out the difference between the fur-trade economy and the oil industry in the context of staples exportation: "The fur trade was literally a trade, or a commercial activity, not an industrial activity." Therefore, he proposed, Indigenous peoples did not have to be wage-earners, and their labour time and lands also did not have to be marketable commodities.¹⁴²

As the leaders of the Waffle, Mel Watkins and James Laxer argued that Canadian resource policies had to be transformed and nationalization of key resources should be undertaken.¹⁴³ In 1974, James Laxer recommended a moratorium on the Mackenzie

¹³⁹ Mel Watkins, "A Staples Theory of Economic Growth," in Easterbrook and Watkins (Eds.), *Approaches to Canadian Economic History*.

¹⁴⁰ See Harold Innis, *The Fur Trade in Canada: An Introduction to Canadian Economic History*.

¹⁴¹ Berger, 1986, p. 95.

¹⁴² Berger, 1988, p. 169.

¹⁴³ Waffle Meeting 1969, 2009; Morley, 1984, p. 210. James Laxer was one of the leaders of the Waffle.

Valley Pipeline Project. But this was not a new position for him. As *The Globe and Mail* reporter Geoffrey Stevens wrote in 1971, according to Laxer, Canadian economic self-sufficiency necessitated “a moratorium on construction of the Mackenzie Valley natural gas pipeline and on any additional gas exports.”¹⁴⁴ Laxer criticized Trudeau’s vision for Mackenzie Valley development, and declared that “the Mackenzie Valley Pipeline is the most important currently proposed physical manifestation of Canada’s continental energy policies. Its completion will tie this nation even more closely to the economic and political control of the United States.”¹⁴⁵ For Laxer, a moratorium was the only way to resist American hegemony over Canadian natural resources. To a significant extent, Berger’s stance aligned with Wafflers’ economic and social critiques.

As opposed to the Liberal pro-development position, Watkins argued that “nonrenewable resource exploitation sets up mechanisms which create underdevelopment for native peoples.”¹⁴⁶ Echoes of this resounded in Berger’s final report, which indicated that the “social cost of the pipeline to native northerners would outweigh any economic benefits they may derive from it.”¹⁴⁷ Watkins pointed out the painful consequences of the transformation of Indigenous peoples into industrial workers and the destructive impacts of the cash economy, as one economic form, on Indigenous economies. According to Watkins, sustaining and strengthening the community-based economy could be achievable through the settlement of Indigenous land claims. In line with Watkins’s

¹⁴⁴ Geoffrey Stevens, “No faith in economist’s forecasts: Watkins,” *The Globe and Mail*, 1971, p. 5; Laxer, 1995, p. 109.

¹⁴⁵ Laxer, 1975, p. 105.

¹⁴⁶ Watkins, 2006, P. 38.

¹⁴⁷ Berger, 1988, p. 171.

economic critiques, Berger similarly underlined how large-scale industrial development in the North would be disruptive to Indigenous economic self-sufficiency. In this respect, he argued that economic development in the North needed to be in “accord with native values and preferences.”¹⁴⁸

In the Inquiry report, Berger also echoed Watkins’s perspective especially as it pertained to the pipeline’s potentially devastating impact on Indigenous peoples’ economic sufficiency: “The impact of the proposed pipeline is simply the stamp of the oil and gas industry on Canada in general and the North in particular. The North is experiencing ‘the shift to a new staple,’ the result is a ‘period of crisis’ and ‘painful adjustments.’”¹⁴⁹ Robert Page argued that Berger’s report “was a further contribution to the staples thesis.”¹⁵⁰ Watkins’s reinterpretation of the staples theory in the context of the northern oil industry also influenced Berger’s position: “It is paradoxical to suggest that a large-scale frontier project designed to supply energy, the modern staple, to the metropolis will result in regional self-sufficiency. The pipeline will not serve regional objectives; it will serve national and international demands for energy.”¹⁵¹ Berger’s report pointed out the significance of the settlement of Indigenous land claims before building a pipeline in the western Arctic region. The settlement of the land claims was also at the core of Watkins’s critique of the resource extraction in the North: “If the fur trade created the conditions for the reproduction of a viable Dene economy, the oil and natural gas exploitation, in absence of a land settlement that recognized their right to self-

¹⁴⁸ Ibid., p. 24.

¹⁴⁹ Cited, Berger, 1988, 169; Watkins, 1977, p. 85.

¹⁵⁰ Page, 1986, p. 117.

¹⁵¹ Ibid., p. 173.

determination, promised only its destruction.”¹⁵² According to Watkins, land claims settlements required a Dene “community-based economic development” alternative by creating a viable Dene renewable resource sector and their own institutions while also ensuring Dene control over non-renewable resources.¹⁵³

As an alternative economic development under the control of the Dene in the North, Watkins highlighted the “modernization” of traditional economic activities of the Third World as a way of development: just as “the genuine development of the Third World hinges on agrarian reform, on the modernization of agriculture to serve domestic needs, so the genuine development of the North hinges on the modernization of the renewable resources sector by the Dene to serve Dene needs.”¹⁵⁴ In a similar vein with Watkins’s exemplification of the Third World’s economic development in the case of northern economic changes, Berger argued in the Inquiry report that:

It is increasingly recognized that the economic development of the Third World hinges on agrarian reform, on the modernization of existing agriculture to serve domestic needs; in the same way, and to a greater extent than we have been prepared to concede, the economic development of the North hinges on the modernization of the existing native economy, based as it is on the ability of the native people to use renewable resources to serve their own needs.¹⁵⁵

This approach supported the mainstream idea pointing out the Third World decolonization experiences, particularly in economic aspects and structuring of national political institutions, as a source of the Dene struggle against pipeline construction.

However, as Nickel underlines, although Indigenous resurgence in the 1960s and the

¹⁵² Watkins, 2006, p. 4.

¹⁵³ Watkins, 1977, pp. 94-96; The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 23576.

¹⁵⁴ Watkins, 1977, p. 95.

¹⁵⁵ Berger, 1988, p. 246.

1970s was shaped by global decolonization movements and ethnic nationalisms, Indigenous peoples were directed by the power of their ability “to develop their own social, political, and economic paths.”¹⁵⁶ In this sense, the assertions of Indigenous resistance in the 1960s and 1970s were different from global anti-colonial movements and the claims of civil rights movements in many aspects.¹⁵⁷

Youth-oriented activism of the late 1960s social movements had a vital role in spreading the ideas of radical leftism and national liberation. Some literature on the Mackenzie Valley Pipeline Inquiry asserts that Indigenous youth who were educated in the settler state institutions and affected by radical youth movements of the 1960s directed the Indigenous claims and resistances in the time of the Inquiry. Abele addressed “the rise of a new generation of well-educated and bilingual Indigenous people” as a catalyst for the Inquiry process in representing the interest of Indigenous communities.¹⁵⁸ But it is also important to underline the critiques arguing that colonial education created “new Indigenous elites” and young Indigenous peoples who were educated in settler state institutions had elitist perspectives on the issues about their communities.¹⁵⁹ As some scholars point out, reconnection of Indigenous youth to the land and the land-connected

¹⁵⁶ Nickel, 2019, p. 48.

¹⁵⁷ As Kent Blansett points out, Red Power emerged from Native nationalism to “promote Indigenous sovereignty” and structured on unique roots separating it from the civil rights movements of the 1960s (Kent Blansett, *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement*, p. 4-5). In this context, the focus for Indigenous resistances in the 1960s depended “less on integration with the dominant society, and more on maintaining cultural integrity” (Langston, 2003, p. 115). The unique characteristic of Indigenous movements also emerged in the context of the difference between Indigenous youth activists and other youth-led movements of the 1960s and 1970s. This difference was based on Indigenous youth’s integrity with traditional values maintained by Indigenous elders: “American Indian youth actively pursued bonds with their elders and looked to them for cultural knowledge and leadership” (Hightower, 2003, p. 115).

¹⁵⁸ Abele, 2014, pp. 89-90.

¹⁵⁹ Smith, 2006, p. 97; Deloria, Jr., 1988, p. 83.

features—land-based education—is also significant to decolonizing the knowledge produced by settler institutions and discourses.¹⁶⁰ Indigenous youth can find the real meaning of resistance through the revitalization of traditional values to “radically transform colonial power relationships.”¹⁶¹

In this chapter, I revisited Berger’s approaches to the hearings’ discussions, particularly about the threat of violence, Canadian unity, cultural recognition policies, meaning of the North, and Indigenous economic activities through a critical reading of the Inquiry report. I also addressed how the social democratic legacy framed Berger’s perspectives on the economic consequences of fossil fuel development in the North. In the public memory, the Mackenzie Valley Pipeline Inquiry is identified with Berger’s role and is even popularly called the Berger Inquiry.¹⁶² The analysis of Berger’s final report is subject to the mainstream literature on the Mackenzie Valley Pipeline Inquiry. Furthermore, some scholarly works narrate the moratorium on the energy development of the North and the Indigenous self-determination and land claims by focusing closely on Berger’s role in the Inquiry process. This chapter has argued, in contrast, that Indigenous peoples’ struggles both preceded Berger’s judicial activism and were misapprehended by him as he sought to place them within a liberal multiculturalist framework.

The testimony and land claims of Indigenous peoples deserve more and special attention to understand how federal government’s plans for the future of the North were challenged by those most affected by them. In the following two chapters, I put

¹⁶⁰ See Simpson, 2014; Tuck et al., 2014; Whitecat et al., 2014.

¹⁶¹ Coulthard, 2014, p. 157.

¹⁶² On the cover of the revised edition of 1988, Berger’s report was noted as a “controversial best seller” by the publisher.

arguments for Indigenous land claims and Indigenous testimony firmly under the microscope. The Indigenous presence in the northern community hearings and their land claims refused the “state form of recognition” by challenging the state-driven and industry-driven policies in the North. These refusals, disruptions and challenges demonstrated how policies and projects of the settler state in the North failed and remained unfinished.¹⁶³

¹⁶³ Nickel, 2019, p. 10; Scott, 1998.

Chapter Three

Using the Inquiry Process to Raise the Land Claims:

A Refusal of the Settler State Policies

In this chapter, I examine how northern Indigenous peoples transformed the Inquiry process by using their organizations to defend their land claims. This chapter demonstrates the ways in which initiatives based on the interests of the oil and gas sector were challenged. The Dene formed their land claims in the 1970s to decolonize politics in the North. I focus on the content of the Dene Declaration and three proposed land claims of northern Indigenous peoples proposed in the western NWT to the federal government between 1976 and 1981.¹ In the land claims, northern Indigenous peoples asserted their claims for self-determination through a critique of their ongoing colonial dispossession of their traditional territory by the Canadian state. Their claims reiterated the meaning of the land for northern Indigenous peoples. They raised these claims as an engine for revitalization of their cultural, economic, political, and spiritual way of life.

The table below provides a list of Indigenous land claims in the Northwest Territories proposed by Indigenous organizations between 1976 and 1981. This table also shows when and where the Dene Declaration was adopted.

¹ The Dene Declaration, 1975; Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal]; The Metro Proposal, 1977; *Public Government for the People of the North, Denendeh Proposal*, 1981.

The Dene Declaration and the Dene Land Claims in the NWT, 1975-1981

Declaration & Land Claim Proposals	Month/Year	Place	Indigenous Organization
The Dene Declaration	July/1975	Adopted in The Second General Assembly, Fort Simpson	Indian Brotherhood of the Northwest Territories & The Metis Association of the Northwest Territories
Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada/Proposal	October/1976	Prepared summer of 1976 in Drum Lake / Proposed in Ottawa	Indian Brotherhood of the Northwest Territories
The Metro Proposal	July/1977	Seventh Dene National Assembly, Fort Fitzgerald	Indian Brotherhood of the Northwest Territories (on behalf of the Dene and the Inuit)
Public Government for the People of the North / Denendeh Proposal	November/1981	Released in Yellowknife	The Dene Nation (former IB-NWT) & The Metis Association of the Northwest Territories

Table 3.1: The Dene Declaration and the Dene land claims in the western NWT in the era of the Mackenzie Valley Pipeline Inquiry.

To understand the Indigenous rejection of state-industry driven fossil fuel development in the North, a grasp of the historical context is crucial. In the late 1960s, there was a direct and unified Indigenous opposition to the 1969 White Paper in which Pierre Trudeau and Jean Chrétien proposed transferring the authority for Indigenous peoples from the federal government to the provincial governments as a means of shunting aside Ottawa's financial responsibilities. The White Paper aimed to abolish existing treaties in order to assimilate Indigenous peoples into the rest of Canada, as Dale Turner has argued, "by force if necessary."² The White Paper was challenged by a unified pan-Indigenous movement. Speaking of the White Paper in 2018, François Paulette, one of IB-NWT's founding members, declared that the white paper "was asking... treaty First Nations across the country to dissolve the band councils, dissolve their Indian reserves, dissolve their identity and culture and just become mainstream society."³ In *Citizens Plus*, also known as the Red Paper, under the leadership of Harold Cardinal, the Indian Chiefs of Alberta challenged the liberal norms of the 1969 White Paper, such as freedom and independence by highlighting the significance of community-based self-sufficiency and self-determination.⁴ Here, it is important to recall Sarah Nickel's critique of the "settler-centric interpretation," i.e., that Indigenous political activism emerges "only in relation to the settler state."⁵ Nickel points out that although the opposition movement to the 1969 White Paper was a 'catalyst' for Indigenous policy unity, 'Indigenous political activity'

² Turner, 2006, p. 16.

³ John Last, "Road to West Point: A history of the Dene Nation," CBC News (20 August 2018). <https://www.cbc.ca/news/canada/north/dene-nation-history-1.4789202>

⁴ See Harold Cardinal and Indian Chiefs of Alberta, *Citizens Plus*, June 1970.

⁵ Nickel, 2019, pp. 19, 20.

already existed and Indigenous people were already politically mobilized by responding internal and external challenges “before and after the arrival of Europeans.”⁶

In addition to ongoing discussions of White Paper liberalism, the Indigenous refusal continued to counter the 1970s’ new liberal order. That order looked to federal government cultural recognition policies that ostensibly were designed to strengthen the multicultural social fabric of Canada, but which also would eliminate Indigenous political and economic claims. Northern Indigenous peoples used the Inquiry process to raise their claims and ensure the resurgence of their political and economic practices in the era of fossil fuel development. They testified in the Inquiry hearings and advanced their land claims by using some Indigenous organizations—the Indian Brotherhood, Métis Association, Inuit Tapirisat of Canada—led by young Indigenous people, often educated in settler state institutions.

The Mackenzie Valley Pipeline Inquiry needs to be read within the larger context of a concerted resurgence of Dene, Inuit, and Métis claims and rights in the North. At the same time as the Inquiry, the Dene Declaration of 1975, and the Dene land claims of 1976 and 1977 also articulated Indigenous resistance against any energy development without land settlement and Dene self-determination in the North. To assert their claims in a declaration and by an agreement in principle with the government of Canada, the Dene used the IB-NWT’s role in the Inquiry process.⁷ The Declaration and the land claims asserted that the Dene negated the idea of industry and state expansion on Dene land by

⁶ Ibid, pp. 19, 20, 21, 47. Nickel exemplifies some of these political activities and mobilizations of Indigenous peoples before the 1969 White Paper, see Nickel, 2019, pp. 20-22.

⁷ The IB-NWT was renamed as the Dene Nation in 1978.

arguing that the Dene had never extinguished their rights to their traditional land, where they had lived since time immemorial.

The Dene challenged the idea of development based on state-driven stimulation of fossil capitalism aiming at the dispossession of Indigenous land. For their part, the federal government aimed to control and shape the process of the land claims raised at the time of the Inquiry in the North by establishing the Office of Native Claims within the Department of Indian and Northern Affairs in July 1974.⁸ The office, it was declared, would handle the increasing number of land claims that would be submitted to the federal government. Soon the office was a core site for the negotiation of the comprehensive claims, defined as claims for lands not subject to treaty, and for specific land claims related to treaties.⁹

1. *A Challenge to the Ongoing Land Dispossession: The Dene Declaration and the Land Claims of Northern Indigenous Peoples*

In this section, I examine how the Dene Declaration of 1975, as a Dene manifesto, refused the elimination of Dene presence on their own land by rearticulating Dene

⁸ Opinion Paper, Native Claims: Policy, Process, and Perspective, Office of Native Claims Department of Indian Affairs and Northern Development.

⁹ <https://sites.ualberta.ca/~walld/nunavut2.html>, The Canadian Aboriginal Issues Database, Nunavut, Canada, significant events in the development of Canada's newest Territory, 1982 to 1985. See literature for Indigenous land, land claims and settlements; Blackhawk, 2008; Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River*; Rick Monture, *We Share Our Matters*, Two Centuries of Writing and Resistance at Six Nations of the Grand River; Leanne Betasamosake Simpson, "Land as pedagogy: Nishnaabeg intelligence and rebellious transformation"; Heidi Kiiwetinepinesiik Stark, "Marked by Fire: Anishinaabe Articulation of Nationhood in Treaty-Making with the United States and Canada" in Brian Hosmer and Larry Nesper, *Tribal Worlds: Critical Studies in American Indian Nation Building*; Eve Tuck., Marcia Mckenzie, and Kate McCoy, "Land Education: Indigenous, Post-colonial, and Decolonizing Perspectives on Place and Environmental Education Research; Matthew Whitecat., Mande McDonald, Stephanie Irlbacher-Fox, and Glen Coulthard, "Learning From the Land: Indigenous Land Based Pedagogy and Decolonization."

nationhood. Another focus of this section is on the land claims of the Indigenous peoples in the Western Arctic between the 1970s and the early 1980s.¹⁰ While I delve into how these land claims challenged the policies that aimed to ignore the revitalization of Indigenous economic and political practices, I also discuss the re-framing of the claims according to evolving discussions of the Inquiry.

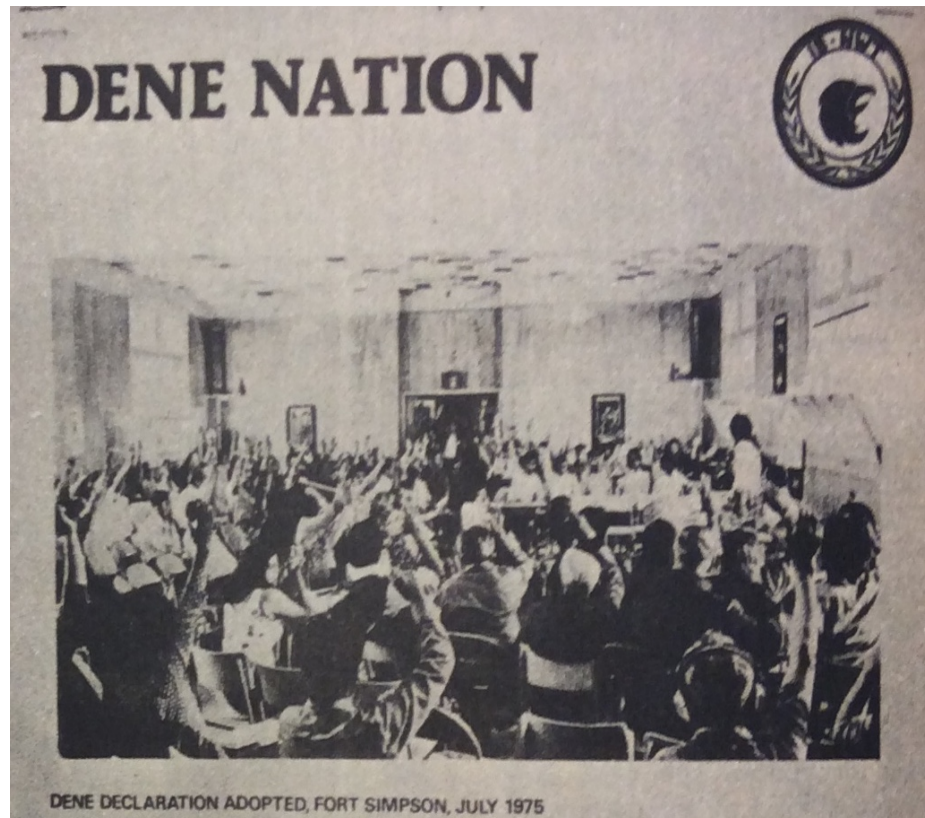


Figure 3.2: The Dene Declaration was adopted in 1975.¹¹

¹⁰ Three land claims of northern Indigenous peoples following the Dene Declaration were proposed to the federal government between 1976 and 1981.

¹¹ *The Energy File*, "Dene Nation – Where to Now?," 1978. In July 1975, the Dene Declaration was adopted by a vote of the representatives of over 300 Denendeh communities in the second general assembly of the IB-NWT and the Métis and Non-Status Association of the Northwest Territories at Fort Simpson. See The Dene Declaration, Fort Simpson, July 1975 in *IBNWT Land Claim, Handbook for the Northern Claims Group*, November 1977.

Just over a year after the Dene Declaration was adopted, on October 25, 1976, the IB-NWT proposed a land claim titled *Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada* to the Minister of Indian Affairs.¹² The Dene created the 1976 land claim as an Agreement in Principle to structure a negotiation process for the land claims; this constituted a marked distinction from the settler state's imposition of Treaty 8 and Treaty 11 without negotiation with northern Indigenous peoples.¹³ The second Dene land claim, known as the Metro Model, was developed in the July 1977 Dene National Assembly at Fort Fitzgerald, just after the release of Berger's final report on the Inquiry.¹⁴ In November, 1981, the Dene Nation and the Métis Association of NWT released a joint settlement claim—"the Denendeh constitutional proposal"—as a discussion paper entitled *Public Government for the People of the North*, to the federal government.¹⁵ The government dismissed these settlement claims, stating that they were not in the interest of all Canadians and that they "widened the gap that exists between the natives and the federal government."¹⁶ The government position papers on the Dene Declaration and the Dene land claims were vehement in their criticism of Dene political assertions. The negotiations continued into the late 1980s and 1990s on the condition that the political claims would be removed from the negotiation of the agreements.¹⁷

¹² *Native Press*, November 26, 1976, p. 9.

¹³ *Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada*, 1976 [Proposal], p. 9.

¹⁴ <https://denenation.com/about/history/>, History of the Dene Nation.

¹⁵ Coulthard, 2014a, p. 73; See Mountain and Quirk, 1996, p. 34.

¹⁶ *Oilweek*, 05-03-1976.

¹⁷ Coulthard, 2014a, p. 75.

In 1976 the Minister of Indian and Northern Affairs, Judd Buchanan, told the NWT Council that Dene land claim proposals could relate to “categories of land; hunting, trapping and fishing; resource management; cultural identity; and native involvement in governmental evolution”, with a view to reaching “mutually satisfactory settlements.”¹⁸ Buchanan argued that the Dene’s land claim proposal “provides a unique opportunity to bring native people into the economic, social, and political life of Canada in a way that can be a source of pride to all Canadians.”¹⁹ However, their claim opposed the kinds of development and assimilation Buchanan deemed essential to the interests of the state-industry cooperation in the North in which Indigenous peoples would be brought into “the economic, social, and political life of Canada.” In effect, Buchanan stated that the Dene land claims could be considered as long as they ensured “pride to all Canadians,” but that the Dene Declaration and concomitant land claims sought a more radical intervention and separation from federal interests.²⁰ Although the Indian Affairs and Northern Development aimed to eliminate Indigenous economic and political claims under the guise of national pride, the Dene Declaration challenged the notion of Canadian national interest by expressing the reinvigoration of Indigenous nationhood in the North.

The Dene Declaration is a vital document outlining the terms of decolonization from settler political and economic exploitation. In it was a plan to regain control of Dene resources and to establish their own political institutions in the North. According to the

¹⁸ Notes for a speech on “Native Land Claims in the Mackenzie Valley,” Honorable Judd Buchanan, P.C., M.P. Minister of Indian and Northern Affairs to the Northwest Territories Council, Yellowknife, February 13, 1976, pp. 4, 10.

¹⁹ Ibid.

²⁰ Ibid.

1976 land claim, Dene claims at the time of the Inquiry represented an explicit process of decolonization against the exploitation of state and industry on their own land:

The Government of Canada and its agent, the Territorial Government, along with transnational Corporations, are the colonizers. Over the years, and at present, they have been allies in the common cause of changing us to fit their definition of mankind. We have decided that this must stop. We have decided that we must now work for our decolonization.²¹

These Dene claims were based on the revitalization of traditional political practices by reinforcing their own control over their unceded land. In the Dene Declaration, which preceded the first land claim by a year, the Dene challenged the legitimacy of the federal government and the territorial government on their land by claiming “the right to self-determination as a distinct people and the recognition of the Dene Nation.”²² Then in the land claims of 1976, the Dene underlined their political status as a nation determining their own destiny for thousands of years: “We must have our own exclusive political jurisdiction within Canada. We must have our own political institutions through which we both govern ourselves internally as we choose, and continue to present our collective interests externally to the rest of Canada.”²³ The land claim of 1977 also reiterated the continuing theme of Dene self-determination: “the Dene have the right to recognition, self-determination and on-going growth and development as a People and as a Nation.”²⁴

²¹ Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], p. 2.

²² The Dene Declaration, 1975.

²³ Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], pp. 1, 2.

²⁴ The IB-NWT Land Claim Submission, October 16, 1977, p. 2.

1.1. The Dene Declaration: A Call for Self-Determination and A Refusal of Liberal Recognition

From Ottawa's perspective, the principles of federalism and multiculturalism as fundamental planks of the new Canadian identity were at stake. The Dene Declaration introduced a challenge to this new Liberal order of the settler state. In the Dene Declaration, the Dene affirmed that their call for a land settlement sought "the recognition of the Dene Nation" and "the right to self-determination."²⁵ In the community hearings in Wrigley, Chief Jim Antoine submitted the Declaration to the Inquiry commission. It was marked as an exhibit under the name of "the Dene Declaration of Independence."²⁶ The Dene position was clear: they would seek "independence" and "self-determination ... within the country of Canada."²⁷ Their emphasis on the occupation of their land and the imposition of governmental systems on their people by the settler state questioned and challenged the legitimacy of the authority of the Canadian government:

The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the government of the Dene. The Government of the Northwest Territories is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene (...) While there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination as a distinct people and the recognition of the Dene Nation.²⁸

The political claims of the Declaration were dismissed as "unreasonable demands which cannot be met" in Buchanan's statement in September 1975. The Minister of Indian and Northern Affairs objected to the inseparable political, economic, and cultural aspects of

²⁵ The Dene Declaration, Fort Simpson, July 1975.

²⁶ The Mackenzie Valley Pipeline Inquiry, Wrigley, Vol. 28, September 10, 1975, pp. 2806, 2808.

²⁷ The Dene Declaration, Fort Simpson, July 1975.

²⁸ Ibid.

the Dene claims. He dismissed the Declaration as a series of illegitimate claims that would cause a threat to the sovereignty of the Canadian government in the North: “They see the land claim as resulting in total economic, social, and political control over the North. I hope that the Dene Declaration does not mean these things.”²⁹

Buchanan further criticized the Declaration as a separatist document. In his statement on behalf of the federal government in NWT, he addressed the Declaration as an attempt to gain autonomy from the governmental system of Canada:

The Government of Canada will not accept a declaration of independence from any group from within its borders. It has, and will continue to foster the greatest possible diversity of its cultural groups. Canada is a multi-cultural society and the Canadian Government does not wish to see any particular group, especially its aboriginal people, lose their particular culture and way of life. However, all cultural groups must be willing to participate in the Canadian society and system of Government and take the responsibility for making that Government, through co-operation, serve their needs.³⁰

In the Wrigley hearing on the same day, Chief Jim Antoine challenged the position of the federal state on the Dene Declaration by rejecting Judd Buchanan’s statements: “The Minister regards our plea for our rightful place in the world and self-determination as rhetoric. In other words, he’s saying the Dene Declaration is nonsense and unrealistic. Well, to us it is real, a reality. We are Dene.”³¹ In May 1976, in Calgary, Dene representatives persisted in pushing back against Buchanan’s characterization of the Dene Declaration as “gobbledygook” written by “a grade ten student”.³²

²⁹ The Statement by the Honourable Judd Buchanan, Minister of Indian and Northern Affairs, September 10, 1975, pp. 2, 3.

³⁰ Ibid., p. 5

³¹ The Mackenzie Valley Pipeline Inquiry, Wrigley, Vol. 28, September 10, 1975, p. 2807.

³² See Coulthard, 2014b, p. 69 cited Harold Cardinal, *The Rebirth of Canada’s Indians*, 1977, p. 15; Mountain and Quirk, 1996, p. 31; *The Mackenzie Valley Pipeline Inquiry*, Calgary, Vol. 52, May 13, 1976, p. 5275. Edmonton, Vol. 55, May 18, 1976, p. 5906; Toronto, Vol. 60, May 27, 1976, p. 6640.

Indian Affairs and Northern Development tells us that the Dene proposal which urges settlement of land claims first is gobbledy gook. I believe the statement exemplifies the full extent of the Minister's lack of concern for people rather than for development of oil and gas. Gobbledy gook by definition means the attempt to confuse by using very technical language. The Dene proposal was clear and straightforward. It simply said, 'The land is not for sale.'³³

Buchanan's emphasis on a federal reading of cultural diversity in his statements represented Ottawa's intention to control and manage Indigenous claims through the cultural recognition rhetoric that shaped the multicultural policies of the Trudeau government in the 1970s. While the federal government regarded the Dene claims for recognition as an example of the diversity and multicultural politics it promoted, it was put off by the political assertions in the Declaration and the land claims, which it considered as threats to Canadian unity:

In the North, as in the South, the Government supports cultural diversity as a necessary characteristic of Canada. However, political structure is something quite different. Legislative authority and governmental jurisdiction are not allocated in Canada on grounds that differentiate between the people on the basis of race.³⁴

During the Inquiry, the federal government's position papers on the Dene claims were structured according to the discourse of recognition of cultural diversities for the purpose of controlling Indigenous movements and preventing any potential threat against Canadian unity in the North. Put another way, the Dene statements in the Inquiry hearings, the Dene Declaration, and Dene land claims were framed and addressed in the context of cultural recognition through an argument for enhancing the multicultural social fabric of Canada. Through this contextualization of Indigenous claims, the federal

³³ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5403.

³⁴ The Political Development of the Northwest Territories, July 1977, p. 11.

government accommodated and consolidated multicultural policies as a political ideal in the 1970s. In this section, I argue that the early multiculturalism policy from the Trudeau government framed the discussions of the southern hearings and the formal hearings around the cultural recognition; indeed, the southern and formal hearings entrenched the multicultural vision of Canada. The northern community hearings upended that tidy narrative.

Multiculturalism “within a bilingual framework” became official government policy in 1971.³⁵ The “preservation of other cultures” in Canada was mooted during parliament discussions about the Official Languages Act in 1969; the Royal Commission on Bilingualism and Biculturalism addressed “the question of cultural and ethnic pluralism” in the Commission report’s Book IV on “the contribution of other ethnic groups to the cultural enrichment of Canada.”³⁶ In this sense, multiculturalism was situated as a continuation of the federal government’s bilingual policy as a means of consolidating Canadian unity, particularly after growing concerns around Québec separatism in October 1970.³⁷ As Eva Mackey argues, multiculturalism emerged as a response to “Quebec separatism and also the increased politicisation of cultural minorities.”³⁸

Pierre Trudeau emphasized “cultural freedom” as an expression of “national unity” in his speech on his policy of multiculturalism in the House of Commons on

³⁵ Axworthy and Trudeau, 1990, pp. 128, 138.

³⁶ House of Commons Debates, 28th Parliament, 3rd Session: Vol. 8, p. 8545. See also Temelini, 2007, p. 44.

³⁷ See Michael D. Behiels, *Prelude to Quebec’s Quiet Revolution: Liberalism versus Neo-nationalism, 1945–1960*; Michel Seymour, “Quebec and Canada at the Crossroads: A Nation within a Nation”; Sean Mills, *The Empire Within: Post-Colonial Thought and Political Activism in Sixties Montreal*.

³⁸ Mackey, 1998, p. 63.

October 8, 1971.³⁹ The Multiculturalism Branch of the Secretary of State Department was established and a minister on multiculturalism was appointed to the Cabinet in 1972.⁴⁰ The Canadian Consultative Council on Multiculturalism was established in 1973.⁴¹ The multicultural ideals of the 1970s shaped the future policies of the federal government. It adopted Section 27 of Canadian Charter of Rights and Freedoms in 1982 and constructed the discourse of “the most tolerant” country characterized by a “pluralist society.”⁴² The Canadian Multiculturalism Act was passed in 1988. It was publicized as the first national law enshrining multiculturalism in the world and one that proclaimed it to be “a fundamental characteristic of Canadian society.”⁴³

The federal government framed its multicultural policy around the recognition of the cultural heritage of people who have different ethnic origins in Canada instead of constructing and imposing a “national culture” or “biculturalism.”⁴⁴ But multiculturalism still implied a commitment to state-wide economic interests. Through the rhetoric of cultural recognition, the government aimed to facilitate the capitalist development of the North and the linking of its resources to the world market. It also intended to control increasing political claims in the 1970s. The idea of recognizing cultural differences for legitimizing the economic changes in the North was outlined in 1972 by the future Prime

³⁹ House of Commons Debates, 28th Parliament, 3rd Session: Vol. 8, p. 8545; Axworthy and Trudeau, 1990, p. 138.

⁴⁰ Axworthy and Trudeau, 1990, pp. 138-139.

⁴¹ Ibid., p. 139.

⁴² Ibid., p. 139-140.

⁴³ Fleras, 1992, pp. 12, 75.

⁴⁴ Axworthy and Trudeau, 1990, p. 138.

Minister Jean Chrétien in his report titled *Northern Objectives, and Priorities and Strategies for the '70's*:

In the North (...) the native peoples want to participate fully in *economic and social evolution*. They want the education, the training, and any other preparation and assistance they may need, for engaging in *wage employment* (...) for *participating in governments at all levels* (...) *They want jobs, not welfare* (...) They shall have solid opportunities for making real choices while retaining their *distinctive identity and taking pride in their cultural heritage* (emphasis added).⁴⁵

The Trudeau government's multiculturalism was criticized as offering merely symbolic recognition of cultural differences rather than a real change in governmental policy. The celebration of the contribution of cultural differences to Canadian unity was a core theme, and a rejoinder to the arguments of Quebec separatists. Although formal statements on the multicultural policies in 1971 focused on Canadians whose ethnic origins were other than those of "French, British or Original peoples," the discourse of multiculturalism on the recognition of cultural diversities was raised during the Inquiry hearings to restrain Indigenous claims within a cultural framework and eliminate any political assertion of the Indigenous peoples in the North.⁴⁶

1.2. "*We must govern ourselves:*" *A Challenge to Settler Political Institutions, The Land Claim of 1976*

The hearings of the Mackenzie Valley Pipeline Inquiry occurred within this contested context of Canadian multiculturalism. It is important to stress that throughout the process the northern Indigenous peoples' assertions—in the Dene Declaration, and Dene land claims—challenged the cultural recognition discourse developed by the federal

⁴⁵ Chrétien, *Northern Objectives, and Priorities and Strategies for the '70's*, 1972.

⁴⁶ Axworthy and Trudeau, 1990, p. 138.

government. Northern Indigenous claims to land and sovereignty showed that the federal government continued to ignore their claim to nationhood. The Dene land claim proposal of 1976 underlined that without their “own exclusive political jurisdiction ... it is meaningless to talk to the Dene as a people, or Dene Culture.”⁴⁷ As highlighted in this statement, the Dene cultural claims could not be separated from their political claims. The Dene also stated in this land claim that the first principle of their position was the recognition of Dene rights “in the form of an exclusive Dene jurisdiction or government.”

The document continued:

Our rights will not be adequately protected by assurances of non-Dene institutions, be they corporations or the Federal Government. Our rights will only be protected by the assertion of those rights by ourselves (...) We must govern ourselves through our own exclusive institutions.⁴⁸

These assertions of the revitalization of Dene institutions challenged the legitimacy of the policies formed by the Canadian federal government. The Dene persisted in their political claims against federal policies predicated on the recognition of cultural differences. By these policies, the federal government aimed to prevent any political disorder in the North by controlling and forming the recognition claims.

The land claim of 1976 was, in essence, a kind of manifesto. It protested against the limited model of state-controlled autonomy implied by some in the formal hearings, through which Dene culture could be protected and helped to adapt to the changes that would be caused by development in the North. Through this land claim, the Dene demanded the empowerment of their own institutions to protect their rights, and in this

⁴⁷ Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], p. 2.

⁴⁸ Ibid.

way challenged the discourse of the Inquiry hearings that called on governmental institutions to protect the unique culture of the North. All in all, the proposal of the Agreement in Principle of 1976 expressed the Dene perspective on recognition that counteracted federal recognition policies.

The proposed Agreement in Principle of 1976 also underlined a Dene interpretation of development that defied the mainstream version of the doctrine influential since the 1950s, with its emphasis on the top-down delivery of policies. The scope of development in the land claim required the active participation of the Dene in the Dene-controlled development process:

We have decided to once again become the subjects of our own development, rather than the objects of someone else's decisions (...) The experience with non-renewable resource development has convinced us that we must have control over decisions concerning further developments on our land, not only to set the conditions which will control the impact of such activities but also to reap the benefits which the right of ownership entails.⁴⁹

Statements like these in the land claims emphasized the dissonance between the depictions of a traditional and anti-modern Indigenous way of life as presented in the southern and formal hearings by outsiders—as part of a national Canadian discourse—and the reality of continuing Indigenous struggle for the resurgence of their sovereignty over their lands. In effect, the Dene claim asserted in the 1970s was one that explicitly abrogated the Canadianist myth of the North: as a static and non-modern wilderness. Northern Indigenous peoples refused the development proposals that aimed to consolidate the settler state's control over Indigenous land according to the interests of fossil fuel

⁴⁹ Ibid., pp. 2, 7.

industry. This act of refusal represented the ongoing dynamism of the Indigenous presence in the North. The refusal of pipeline development without any land settlement, to revitalize Indigenous economic and political practices challenged the discourse of the southern and formal hearings that depicted a non-modern and static North.

Along these lines at one of the Rae/Edzo hearings, Georges Erasmus, who was a president of the Indian Brotherhood, challenged the discourse that depicted the Indigenous way of life as static:

As a people, we have decided for self-determination. We want to be our own boss. We want to decide on our land, what is going to happen. It's not as some people keep referring to as looking back. We are not looking back. We do not want to remain static. We do not want to stop the clock of time. Our old people when they talk about how the Dene ways should be kept by young people and they talk about stopping the pipeline until we settle our land claims. They are not looking back. They are looking forward. They are looking as far ahead in the future as they possibly can and so are we all.⁵⁰

In the discourse of the formal hearings and the southern hearings, some witnesses argued that northern Indigenous peoples opposed the development of the North to protect their non-modern way of life. But the Dene objected to such a simplistic and binary reading of the question.⁵¹ For the Dene, development needed to be conducted on their terms and following their traditions, because Dene-controlled development was a key plank in their struggle for decolonization. In this regard, the land claim of 1976 sought to establish Dene control over development on their own land to protect their land-based practices and implement their alternative development objectives:

⁵⁰ The Mackenzie Valley Pipeline Inquiry, Rae/Edzo, Vol. 72, August 11, 1976, p. 8068. George Erasmus later became the national chief of the Assembly of First Nations between 1985 and 1991. He was born in Denendeh and took his high school education in Yellowknife. He was one of the leading political leaders of Indigenous peoples in Canada.

⁵¹ See Chapters three and four.

We must have control over decisions concerning further developments on our land (...) We must develop our own economy, rather than depending on externally initiated development. Such an economy would not only encourage continued renewable resource activities, such as hunting, fishing and trapping but would include community-scale activities designed to meet our needs in a more self-reliant fashion. *True Dene development* will entail political control, an adequate resource base, and continuity with our past [emphasis added].⁵²

By defining “true Dene development,” the Dene expressed that their political, economic, and cultural claims were entwined and inseparable. For the development of their land, the Dene aimed to revitalize their political and economic traditions maintain their way of life by rejecting development plans formed by the federal state to protect southern industry’s economic interests.

The 1976 land claim asserted that the Dene struggle “is not separatism.” Rather, it was geared toward “self-reliance and self-determination as people within Canada.”⁵³ This conceptualization of their political project acceded to the authority of the settler state by positioning Dene self-determination within Confederation.⁵⁴ This was a statement formed by the IB-NWT to counter criticism of the Dene Declaration of 1975 as a “separatist” document. In comparison to the Dene Declaration of 1975, the land claim of 1976 reframed and expanded the meaning of self-determination by addressing the recognition of the right of non-Dene peoples to self-determination: “The Dene agree that non-Dene have the right to self-determination and the use and development of their own institutions; and the Dene pledge their support to the non-Dene in the pursuit of their rights.”⁵⁵ The

⁵² Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], p. 2.

⁵³ Ibid., p. 4.

⁵⁴ Ibid.

⁵⁵ Ibid., p. 6.

Agreement in Principle also expressed the hope that a negotiated deal would “benefit” both parties to the agreement. This reflected the IB-NWT’s response to the critiques of the federal government on the Dene Declaration of 1975. The federal government had countered the Declaration by arguing that it was against national interests. Buchanan’s statements of September 1975 and February 1976 on behalf of the federal government about the Declaration and the settlement of the land claims pointed out that the government’s policies on the comprehensive land claims—announced in 1973—aimed to achieve “mutually satisfactory settlements.”⁵⁶ In short, in the land claim of 1976, the IB-NWT tried to accommodate some points made in the statements of federal government.

Sarah Nickel’s critique of the changing position of Indigenous groups in the claiming of Indigenous sovereignty in the early 1980s helps to explain the IB-NWT’s position in the proposed Agreement of Principles of 1976. Nickel describes how the position of the Union of British Columbia Indian Chiefs (UBCIC) changed in addressing Indigenous sovereignties at the beginning of the 1980s. The UBCIC started to address Indigenous sovereignty by situating it in the “state-recognized structures.”⁵⁷ This position of the UBCIC contradicted the understanding of Indigenous sovereignty that was independent of any state forms of recognition. Nickel also notes that the changed position of UBCIC in the context of Indigenous sovereignty was different from the political anthropologist Audra Simpson’s theory of “embedded sovereignties” which requires the rejection of state forms of recognition.⁵⁸

⁵⁶ The Statement by the Honourable Judd Buchanan, Minister of Indian and Northern Affairs, Yellowknife, February 13, 1976.

⁵⁷ Knickerbocker and Nickel, 2016, p. 76.

⁵⁸ Simpson, 2014.

Similar to UBCIC's changed stance in addressing Indigenous self-determination, the IB-NWT's position with regard to the assertion of Dene self-determination in the Agreement of Principle of 1976 differed in some aspects from the Dene Declaration. As a response to the critiques mentioned in the statements of the federal government on the Dene Declaration and land claims in 1975 and 1976, the IB-NWT emphasized that the Dene claim for recognition was not separatism. Rather, the IB-NWT legitimized the political jurisdiction of the settler state in the Agreement of Principle of 1976 by placing Dene self-determination within Confederation and the constitution: "It means a reclarification of our rights and a negotiation of our place in Confederation in the context of a Dene Government. We know that it is in the spirit of the Canadian constitution."⁵⁹

On the other hand, still, the land claim of 1976 underlined the Dene opposition to the extinguishment of Dene rights and land titles: "There is no reason why the tradition of extinguishment has to be followed. We can never agree to the extinguishment of ourselves as a people."⁶⁰ Indeed, the Agreement in Principle of 1976 refused the negation of Dene rights on their own land by claiming the recognition of Dene political institutions and alternative economic objectives. In the statements of the federal government in 1975 and 1976, Buchanan addressed the James Bay Agreement as a model for Indigenous land settlements as in accord with the federal government's policies on the comprehensive land claims.⁶¹ In opposition to the federal government's policies, the IB-NWT declared in the Agreement of Principle of 1976 that the Dene refused any land claim policy based on

⁵⁹ Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], p. 4.

⁶⁰ Ibid.

⁶¹ *Native Press*, November 18, 1974, Vol. 4, Iss. 8, p.

the extinguishment of Dene rights. As stated in the proposed Principle, the lessons from Treaty 8 and Treaty 11 directed the Dene towards a negotiated agreement that was based on the recognition of the Dene rights instead of extinguishment of the Dene interests:

“This is why recognition, not extinguishment, of rights in the form of an exclusive Dene jurisdiction or government is the first principle of our position.”⁶²

The IB-NWT particularly criticized the government’s position on the James Bay Agreement and the land settlement proposal of the Yukon Council of Indians. As stated in the Agreement in Principle of 1976, the federal government’s policies on the comprehensive land claims structured in the early 1970s were not different from the treaty making tradition of Canadian state that aimed to extinguish the Indigenous land titles and rights. In addition to emphasizing the opposition of the Dene to the land claim policies of the federal government, the IB-NWT underlined in the land claim of 1976 that a constitutional recognition would not be sufficient for the Dene’s achievement of “political independence” without transforming the ongoing colonial economic relationships.⁶³ The purpose of Dene claims was specified as an attempt to transform and decolonize political and economic relationships in the North: “We are turning our attention and efforts to decolonization.”⁶⁴ The land claim of 1976 that challenged the federal state’s policies on the cultural recognition, the idea of northern development, and the extinguishment of Indigenous land titles.

⁶² Agreement in Principle between The Dene Nation and Her Majesty the Queen, in *Right of Canada*, 1976 [Proposal], p. 3.

⁶³ *Ibid.*, p. 4

⁶⁴ *Ibid.*, p. 7.

The Agreement in Principle of 1976 was criticized as being against minority rights in the NWT by the Government of the Northwest Territories (GNWT). In the position paper of the Northwest Territories Legislative Assembly titled as *Priorities for the North* and adopted on 18 May 1977, the GNWT emphasized that “any modification of existing political institutions” must take place within the framework of the Confederation.⁶⁵ “The ‘native state’ concept” was “totally unacceptable.”⁶⁶ The GNWT also declared its opposition to any political formation based on “race” in the North: “The creation of separate enclaves, which divide people on the basis of race alone and which deny minorities and their political rights, is a concept that is contrary not only to Canadian political tradition but repugnant to the Canadian constitution.”⁶⁷ One member of the NWT Council extended this argument to accuse the Dene land claim position as being “a form of self-imposed apartheid.”⁶⁸ The territorial government’s objection suggested the growing divides accompanying reassertion of Indigenous nationhood and self-determination. For its part, the GNWT perceived the claims of the Indigenous peoples as a threat to its political authority in the territory.

In *Priorities for the North*, the territorial government pledged its support for the preservation of the Indigenous languages and cultures of the North. The territorial government aimed to consolidate its political position by disregarding the Dene drive for autonomy and placing all such political claims in a cultural context. The mainstream

⁶⁵ *Priorities for the North*, the Northwest Territories Legislative Assembly, 18 May 1977, p. 260.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ Metro Proposal, July 1977, p. 266; Working Group Report, Political Development in the Territories, p. 258.

discourse of the 1970s on the recognition and the protection of minority rights—as an objective of the multicultural policy—was deployed in this GNWT position paper to criticize the political claims of the northern Indigenous peoples by raising the rights of the non-indigenous minority of the NWT:

Of parallel importance to the realization of native goals is the recognition and protection of minority rights. There can be no institution of government in Canada which denies minorities that freedom of movement within and without the Territories which Canadians enjoy in other parts of the country.⁶⁹

Indigenous peoples make up the majority of the NWT population. In this instance, the recognition rhetoric of the 1970s was presumed to eliminate political claims of Indigenous peoples in the North by claiming minority rights of the non-Indigenous population of the NWT. Glen Coulthard stresses that *Priorities for the North* critiqued the Agreement in Principle of 1976 as a violation “the liberal value of equality” that raised the specter of “racial intolerance.”⁷⁰ The territorial government of the NWT asserted its position as being consistent with the federal government policy of multiculturalism in the 1970s. As a result, it highlighted the ways it judged Indigenous land claims ran afoul of the federal concept of multiculturalism. In short, the position paper stated the GNWT's opposition to the Agreement in Principle by criticizing it as “discriminatory” and “race-based.”⁷¹ *Priorities for the North* dismissed Indigenous political claims on the grounds that the Indigenous population was the majority and that their Agreement in Principle was discriminatory and racially intolerant.

⁶⁹ *Priorities for the North*, the Northwest Territories Legislative Assembly, 18 May 1977, pp. 259-260.

⁷⁰ Coulthard, 2014b, p. 79.

⁷¹ Coulthard, 2014a, p. 70.

1.3. The Metro Model: Reframing the Political Claims

One of the enduring strategies involved in retarding progressive change is to haggle over the small print. Here, charges of discrimination meant a revision of the land claim and a further delay in the process. A second land claim—the Metro Proposal—was proposed by the IB-NWT in July 1977, addressing and pushing back against the charges of discrimination levelled in the territorial government’s position paper.⁷² The IB-NWT responded that the purpose of the Dene struggle was to stop the “oppression of one race over another.”⁷³ In this manner, the land claim of 1977 reframed the Dene struggle. The IB-NWT rejected the GNWT’s criticisms by depicting the Dene claims as a struggle against not only the ongoing colonial establishment but also against a larger array of discriminatory relationships in the North. This position could be criticized as one that minimized the continuing struggle of the Dene against colonial dispossession and exploitation. However, the Metro Proposal still noted that, although the members of the Territorial government had concerns about infringement on their political rights by a revitalization of a Dene government, “with the present system this is exactly what is happening to the Dene, and has been for generations—decisions made by non-Dene which affect the Dene but which they had no part in.”⁷⁴

The IB-NWT insisted that their position in the Metro Proposal was structured “around the same fundamental principles” as the 1976 land claim. While the meaning of

⁷² Metro Proposal was proposed after Berger submitted Inquiry’s final report.

⁷³ Metro Proposal, July 1977, p. 266.

⁷⁴ Ibid.

the Dene struggle was reframed in the Metro Proposal, the concept of self-determination was similar to that outlined in the proposed Agreement in Principle of 1976:

Our concern is self-determination of all people, be they Dene or otherwise (...) we are not interested in imposing a Dene system of government on non-Dene citizens; nor are we interested in encroaching on the rights of non-Dene (...) We propose a solution which will recognize our self-determination as a nation, and also the right to self-determination of the Inuit Nation, and the remaining non-native people.⁷⁵

Yet, what was new was that the principles of Dene and Inuit self-determination, stemming fundamentally from traditional land-based practices and experienced by Indigenous peoples in the North from time immemorial, were supplemented by a more Euro-centric interpretation that worked on the basis of international law. Although the self-determination in the Dene Declaration of 1975 presupposed Dene nationhood and the recognition of the Dene nation as a distinct people, the Agreement in Principle of 1976 and the Metro Proposal addressed self-determination as one of the “human and universal rights” of all people of the North.⁷⁶

Although the Metro Proposal reoriented the meaning of the Dene struggle and the Dene self-determination movement in response to the GNWT position paper, it declared Dene nationhood and Inuit nationhood by demanding the recognition of Dene self-determination and Inuit self-determination as nations. This indicated that the Dene and Inuit struggles for their respective lands was also a continued assertion for Indigenous nationhood in the 1970s. The Metro Proposal also still clearly asserted a Dene refusal of the existing governmental system of the settler state in the North by envisaging a Dene

⁷⁵ Ibid., pp. 265, 266.

⁷⁶ Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal], p. 2.

government. Similar to the Agreement in Principle of 1976, the Metro Proposal also challenged the ongoing colonial political structures of the North by advocating the revitalization of Dene political practices: “What we propose will be a method to government of all the North while recognizing the aboriginal rights of the Dene and the Inuit—not only land rights but political rights as well.”⁷⁷ The Dene position insisted that the Dene land claim constituted an inextricable braiding of political, economic, and cultural principles. The Metro Proposal also declared that the Dene struggle “in the past few years has been misinterpreted by many non-Dene as a simple claim for land ownership.”⁷⁸ This statement on land rights suggested that the Dene land claim went far beyond ownership over particular land. In the claims, the land, as a source of identity of Indigenous peoples, represented the resurgence of cultural, economic and political practices of Indigenous peoples.

The Dene defined the Indigenous political system as “a democratic form of self-government” that was “based on personal responsibility for the collective interests” in the Metro Proposal of 1977.⁷⁹ They also emphasized that they had never extinguished their “right to exist and be a self-determining people.”⁸⁰ According to the Metro Proposal, this governmental system could only be ensured by the recognition of Dene rights “through a negotiation of new relationship with Canada” and a “drastic revision of the government

⁷⁷ Metro Proposal, July 1977, p. 266.

⁷⁸ Ibid., p.265.

⁷⁹ Ibid., p.265.

⁸⁰ Ibid.

system that now exists in the North.’⁸¹ This statement demonstrated that the Dene struggle was based on the transformation of colonial relationships in the North.



Figure 3.3: A Public Notice at Fort Good Hope airstrip.⁸²

The proposed governmental system for the North in the proposal of 1977 was expressed as a type of “Metro” or “United Nations” government structures.⁸³ This system would require the division of the NWT into “three separate geographical boundary territories” according to the population distribution of the Dene, the Inuit, and the non-

⁸¹ Ibid.

⁸² *The Energy File*, 1978, September, Vol. 1, No. 5.

⁸³ Ibid., p.266. See also Coulthard, 2014, p. 71.

native communities.⁸⁴ While the non-native government “would continue along the lines of the Territorial Council,” the Dene and the Inuit governments would be based on traditional forms.⁸⁵ According to the proposal, to discuss common concerns, these three territorial governments would organize a Metro or United Nations model of government for the whole of the North. Under the roof of a UN-like government, the representatives of each territorial jurisdiction would ‘meet as equals’ to negotiate their concerns.⁸⁶ The IB-NWT noted that “each territory would recognize the political rights of all its citizens, regardless of race,” which seemingly came in response to the GNWT’s earlier insinuations about racial discrimination.⁸⁷

While the third clause of the proposal supported a province-like relationship between these three territories and the federal state, the fourth clause proposed a “federal/provincial division of powers” between each new territory like that in Canada’s South.⁸⁸ The Dene Declaration and the Agreement in Principle of 1976 indicated a Dene governmental system based on the refusal of the federal and provincial governments and the political institutions of the settler state. On the other hand, the Metro Proposal depicted a province-like government system of the Dene and the Inuit. It rejected the authority of the territorial government and proposed a “direct relationship with the Federal Government.”⁸⁹ Although the Metro Proposal rearticulated the meaning of the

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid. Coulthard conceptualizes the proposed government system as “a decentralized federative structure.” Coulthard, 2014a, p. 71.

⁸⁷ Metro Proposal, July 1977, p. 266. See also Coulthard, 2014a, pp. 70-71.

⁸⁸ Metro Proposal, July 1977, p.266.

⁸⁹ Ibid.

Dene political claims, it still constituted a challenge to the settler state's aspiration to control any political changes in the North.

1.3.1. *A Response to the Metro Proposal: Strengthening Settler State
Sovereignty and Ignoring Indigenous Political Practices*

In response to the Metro Proposal, the federal government aimed to reassert its influence over political changes in the North by appointing Charles (Bud) Drury as a special government representative for constitutional development in the NWT in August 1977.⁹⁰ Drury was expected to investigate a division of the NWT and the distribution of the responsibilities between the federal state, the territorial government, and local level governments by consulting the public, organizations, and leaders in the North. Drury's appointment demonstrated that the challenges created by the Indigenous claims—as a revitalization and decolonization movement in the North—had spurred the federal government into action. The revitalization of Indigenous traditional political practices in the region was perceived to be inevitable. The policies of the settler governments aimed to reinforce its sovereignty in the North by intervening in and shaping the immanent processes of change rather than ignoring or suppressing them.

Drury's appointment reflected federal worries about the increasing political claims in the North. The federal government aimed at redesigning settler state institutions and thereby neutralize the movements for Indigenous self-determination:

Quite apart from the special interests of the native groups, (...), are the quite special conditions that exist in frontier society and should be taken into

⁹⁰ Ottawa adopted the *Political Development of the Northwest Territories* paper in August 1977. By this paper, the federal government appointed Charles M. Drury as a special representative for Constitutional Development in the Northwest Territories.

account in deciding how to move on constitutional issues. It is equally important for native and non-native members of such a society that there be some stability in the political situation at Territorial and local levels.⁹¹

The federal government—in its statement on Political Development in the Northwest Territories (1977)—criticized the use of “extreme terms” by “political leaders on all sides” that drove “the racial groups farther apart” during the discussions of the political future of the North.⁹² In the paper, one of the main objectives of the federal government, which had “full constitutional responsibility” for the political development of the NWT involved “fulfilling the needs of all northern peoples.”⁹³ The emphasis on “all northern peoples” reflected and reinforced criticisms that the first two land claims of the Dene were discriminatory. The federal government aimed to separate the negotiations on the land claim settlements and the constitutional changes in the North by adopting the political development paper and appointing a special representative.⁹⁴ A report, prepared in 1985 by the task force of the Department of Indian Affairs and Northern Development on the comprehensive land claims, pointed out that “the federal government has taken the position that political development should not be a part of claims negotiations or agreements” in the North.⁹⁵ In this manner, the federal government aimed to prevent any “political disorder” that might unsettle the settler state in the North.

Echoing *Priorities for the North*, the position paper from the GNWT, the federal government’s 1977 opinion paper also indicated that the Agreement in Principle of 1976

⁹¹ The Political Development of the Northwest Territories, August 3, 1977, p. 9.

⁹² Ibid.

⁹³ Ibid., p. 3.

⁹⁴ Jorden, 1978, p. 202.

⁹⁵ Living Treaties: Lasting Agreements, Report of the Task Force To Review Comprehensive Claims Policy, December 1985, p. 24.

and the Metro Proposal both rested on race-based claims. According to the position paper, a proposed government model in the North “should strike a fine balance between minority and majority rights.”⁹⁶ The government argued in the paper that the legislative authority and governmental jurisdiction in Canada had never been allocated “on grounds that differentiate between the people on the basis of race.”

Authority is assigned to legislatures that are representative of all the people within any area on a basis of complete equality. Jurisdiction is placed in the hands of governments that are responsible, directly or indirectly, to the people—again, without regard to race. These are principles that the Government consider it essential to maintain for any political regime or governmental structure in the Northwest Territories.⁹⁷

In this opinion paper, the federal government rejected the proposed governmental system of the Metro Proposal by arguing that the proposal demanded the division of the NWT according to distinctions of race. The report’s authors critiqued the Metro Proposal’s proposed political system by invoking, as had the Territorial government, the spectre of race. Perhaps the establishment of more reserves under the Indian Act, as in the South, might be considered, but not the envisaged political division of the Territory.⁹⁸ In the paper, the idea of dividing the NWT was stated as a possibility only in case of the differences caused by geography, culture, and economy:

Such division would take into account common interests such as distinctions of language, culture and way of life; economic needs and opportunities; transportation and communication facilities; potential resource revenues. In this way, for instance, the Eastern and Central Arctic area might be divided from the Mackenzie Valley and Delta area along a line determined after full consultation. Among other variants could be that of dividing the predominantly mainland, inhabited areas from the larger uninhabited Arctic

⁹⁶ The Political Development of the Northwest Territories, August 3, 1977, p. 8

⁹⁷ Ibid., pp. 11, 12

⁹⁸ Ibid., p. 12.

Island area, with the latter forming a third, essentially Federal territory for resource exploration and development.⁹⁹

In the opinion paper, while the government clearly stated its support for “cultural diversity,” a core aspect of Canadian society, demarcations in the North seemingly based on race were regarded as unacceptable. In its imagined North, different cultures would all work together to enrich the social mosaic of Canada and provide a place from which wealth-generating resources could be extracted. Coulthard remarks that the territorial and federal governments intended to address “cultural rights” instead of “political rights” in the settlement of the land claims.¹⁰⁰ In the opinion paper, while the government clearly stated its support for “cultural diversity,” a core aspect of Canadian society, in the North, political formations based on race were regarded as unacceptable.¹⁰¹ In its imagined North, different cultures would all work together to enrich the social mosaic of Canada and a place of resources that enhance the economic development of the country. This culture and resource base perspective on dividing the North ignored the traditional governance practices of Indigenous peoples.

The federal government also sought to reinforce its political authority in the region by itself assuming the mantle of “achieving self-government in the North.”¹⁰² Its policy statements tended to rule out political proposals emerging from the NWT and the Yukon themselves, and instead emphasized those emerging from within the settler state. They imagined, in essence, the northward extension of existing precepts of responsible

⁹⁹ Ibid.

¹⁰⁰ Coulthard, 2014a, p. 72.

¹⁰¹ The Political Development of the Northwest Territories, August 3, 1977, p. 11.

¹⁰² Ibid., p. 15.

governments under federal government control. The purposes of this extension were said to be “the transfer and delegation of the Federal responsibilities and progress to the Territorial Government” and “the devolution of responsibilities, powers and functions from Territorial Government to communities with the suggested community option for creating regional institutions.”¹⁰³ While the federal government objected to the provincehood claim of the Territorial Council by arguing that the Indigenous leaders saw this “as a threat to their special identity and political position,” it desired to transfer “further jurisdictions and authority to the Territorial Governments.”¹⁰⁴ This policy formulated “the decentralized levels of governments” in the North by “devolution of responsibilities, power and functions” from the federal state to the territorial governments.¹⁰⁵ All in all, the *Political Development of the Northwest Territories* paper was formulated by the federal government as a response to the political claims of the northern Indigenous peoples, to consolidate Canadian sovereignty and maintain the power of the settler state institutions in the North. This policy also aimed to alleviate the concerns about threats to Canadian unity expressed during the Inquiry process.

2. *A Unified Refusal of the Settler State’s Commission: The Land Claim of 1981*

Drury’s report was published in 1980. In its concluding note, he supported the continuation of a united NWT and voiced scepticism about any future plans for dividing it. Any division of the NWT would have to be the result of more work.¹⁰⁶ Drury recommended a more responsible government in the North by a devaluation of more

¹⁰³ Ibid.

¹⁰⁴ Ibid., pp. 14, 15.

¹⁰⁵ Ibid, p. 17.

¹⁰⁶ Purich, 1992, p. 68.

responsibility and authority to the NWT government from the federal state. By such a devolution of responsibilities, an increasing role for the local and regional governments could come to play more prominent roles.¹⁰⁷ Drury also recommended that the ownership of natural resources and Crown lands should be transferred to the NWT with some conditions and restrictions.¹⁰⁸ The IB-NWT and the ITC refused to join the consultation process of Drury on the land settlements and constitutional development of the NWT.¹⁰⁹ While Drury was appointed to control the political changes and direct the claims in the North, the Dene Nation and the Métis Association of the NWT prepared another joint claim in 1981 entitled *Public Government for the People of the North*, which became known as the Denendeh Proposal, to decide their own political future.¹¹⁰

Drury's report reinforced southern discourses about the North by stating that "the relationship of native peoples to the land and its wildlife resources is not only economic but also mystical."¹¹¹ The Denendeh Proposal pointed out the significance of the traditional entwined relationship with the environment: "all environmental laws will be based on continuing the harmonious relationship the Dene have traditionally had with the physical environment."¹¹² Although Drury's report supported a united NWT, the Denendeh Proposal challenged the special representative's report by claiming a separate Denendeh Territory. The Proposal demanded the division of the NWT into three

¹⁰⁷ Katherine and Anne B. McAllister, 1981. p. iv.

¹⁰⁸ *Oilweek*, March 17, 1980, p. 27.

¹⁰⁹ Jorden, 1978, p. 210.

¹¹⁰ The Indian Brotherhood of Northwest Territories was re-named as *The Dene Nation* at the Dene National Assembly in 1978.

¹¹¹ The Report of Drury Commission, 1979.

¹¹² *The Native People*, April 2, 1982, p. 10.

territories. In the proposal, the Denendeh Territory was claimed as a province-like jurisdiction that was derived from traditional political practices of the northern

Indigenous peoples:

We seek, as essential to a just settlement of our rights, a political system that will embody Dene values, that will reflect the Dene style and form of political organization, and that will provide a just and efficient government for both Dene and other Canadians in the Western part of the NWT. As in the past, we still make decisions today according to our own rules of order and conduct (...) Our proposal builds on these traditions to create a modern democratic political structure suitable the needs of the Dene and other Canadians.¹¹³

The emphasis of the Proposal on the “protection of the individual and collective rights of both Dene and non-Dene” worked to rebut earlier critiques of Dene demands as discriminatory and narrowly focused on the Dene alone.¹¹⁴ Similarly, the Dene Nation responded to criticisms that their land claims would tend to undermine the property rights of non-Dene in the region: “Existing private property titles will be respected. Future property interests will be by way of long term leaseholds in which a Dene collective or the government of Denendeh as lessor maintains land and resource ownership.”¹¹⁵

Territorial government officials took up a range of views with respect to the Dene claims. A speaker of the legislative assembly, Don Steward, for instance, contended the Inuit claims for the Inuvialuit government and the Dene claims for the Denendeh government were “oriented to see the white man leave the North.”¹¹⁶ He further argued that the “ordinary Indian” could “neither support nor understand the Denendeh and

¹¹³ Cited, Asch and Smith, 1992, p. 104.

¹¹⁴ *The Native People*, March 26, 1982, p. 9.

¹¹⁵ Ibid., p. 11.

¹¹⁶ Ibid., p. 4.

Nunavut proposals.”¹¹⁷ Echoing the language used by the council of the GNWT about the Metro Proposal, Steward contended that Dene claims resembled what was happening in “South Africa” and amounted to a form of apartheid.

The core economic objective of the Dene in the Proposal was to create development projects that would ensure the “continuing viability of the traditional economy.”¹¹⁸ To protect their rights in the future, the Dene would have

exclusive ownership, use, control, occupancy and resource ownership over a larger area or areas of land within Denendeh, which will not be subject to expropriation. Management of these lands and of the revenue generated by their development are to be the sole responsibility of the Dene, *through whatever agencies and institutions they collectively decide to create for this purpose* (...) The Dene will have exclusive rights to hunt, fish and trap on much of the land in *Denendeh*, and *the government will manage non-exclusive lands* on the basis of criteria which stress human growth, not economic expansion [emphasis added].¹¹⁹

As these statements demonstrated, the Dene economic objectives were structured through the revitalization of Dene political practices and Dene institutions.

The Dene Nation noted that they would negotiate claims for a regional government of the Inuit—Inuvialuit—within Denendeh.¹²⁰ As a consequence of the claims raised by the Inuit, the Dene, and the Métis for dividing the NWT as regional governments and jurisdictions, a plebiscite on a division of the NWT—not constitutionally binding upon the federal government—was held by the legislative assembly of the territorial government in April 1982.¹²¹ By this plebiscite, the government aimed to ensure that any

¹¹⁷ Ibid., p. 4.

¹¹⁸ Ibid., p. 10.

¹¹⁹ Ibid.

¹²⁰ Public Policy and Aboriginal Peoples 1965-1992 Volume 2, Summaries of Reports by Federal Bodies and Aboriginal Organizations, Royal Commission on Aboriginal Peoples, 1994, p. 240.

¹²¹ Abele and Dickerson, 1985, p. 2.

political change in the North would be formed under the control of the government. The majority voted for the division of the NWT. In response, the federal government announced its agreement for the division of the NWT on the condition that the northerners reach an agreement on the settlement of the comprehensive land claims, the division of powers, and jurisdictional boundaries. The plebiscite and the position of the federal government shaped the discussions among northern Indigenous peoples on the division of the NWT.

3. *Métis Opposition: A Depoliticized Economic Claim?*

The presence of distinct regional Indigenous communities, the Dene, the Inuit, the Métis, and Yukon Indigenous peoples added different wrinkles to the land claim discussions of the 1970s in the North. Although these different Indigenous communities occasionally emphasized the need for political unity to discuss land claims, their positions often diverged from each other.¹²²

The Métis' position on land claims was oriented in a distinctive direction by late 1976. After the proposal of the Agreement in Principle of 1976, the Métis Association of the Northwest Territories withdrew from a joint land claim with the IB-NWT and asked the federal government for a separate federal loan to prepare their own land claim. The Métis claims were different from those of the Dene, particularly in their political aspects. In his presentation to Berger in November 1976, Rick Hardy, the president of the NWT Métis Association, expounded the Métis' distinctive stance:

¹²² Russell, 1978, p. 334. A formal settlement with the federal government required a joint claim for the commonly used land areas.

In the area of political development we have not joined with the Indian people in their quest for the establishment of a Dene government (...) We are not able to agree on the most fundamental terms (...) We are therefore looking at other alternatives. We are taking a serious look at the present system of government in the North that is the Northwest Territories Legislature and administration. Our present thinking is that our land claims submission to the Federal government will likely include provisions which will guarantee in terms of numbers of seats and numbers of positions in the administration, our participation in this form of government.¹²³

The Métis differed with the Dene with respect to politics. Hardy also noted in the report of the working group on *Political Development of the Territories* that although “the Métis favour the political division” of the NWT, they did not oppose the territorial government.¹²⁴ The land claim of the Métis Association of the Northwest Territories, based on the existing institutions of the settler state, was contrary to the Dene’s efforts to decolonize the political institutions of the North. Indian Brotherhood president Georges Erasmus argued that the federal government would choose the Métis claim “for the basis of the settlement” because the claim did not include “the political ramifications” found in the core Dene documents.¹²⁵ While Hardy acknowledged the differences between the Métis and the Dene political claims, he stressed that the Métis land claim would aim to “take part in the [economic] development occurring in the North today and in the future” in a manner similar to the Alaskan settlement.¹²⁶

¹²³ Rick Hardy’s speech to Judge Berger, November 19, 1976, Prince of Wales Northern Heritage Center, Berger Inquiry Educational Resource Archive, p. 20.

¹²⁴ Working Group Report, *Political Development in the Territories*, pp. 256, 258.

¹²⁵ *The Native People*, 17 December 1976, p. 8.

¹²⁶ Rick Hardy’s speech to Judge Berger, November 19, 1976, Prince of Wales Northern Heritage Center, Berger Inquiry Educational Resource Archive. For the Indigenous land claim settlement in Alaska in the early 1970s, see Chapter One.

The main media story, then, was that the Métis would support the pipeline construction after a land settlement had been signed.¹²⁷ Hardy's testimony to Berger corroborated this; he declared that Métis peoples "wish to take part in" the economic development that would be created by pipeline construction, on condition that a land settlement was in place before the pipeline.¹²⁸ Hardy mentioned that they would set up a Métis development corporation in order to prepare the Métis people to take part in the pipeline development.¹²⁹ In his speech, he rejected the idealist perspective that depicted the northern Indigenous peoples as totally attached to the land in their economy and also highlighted that most Métis people had small businesses and participated in the wage economy. Hardy further argued that the Indigenous peoples who were working hard for their living—in the wage economy or in small businesses—were not represented sufficiently during the Inquiry hearings. He stated that these Métis peoples wanted the pipeline development; in contrast, the naysayers were older people who didn't work in the bush anymore and younger people under the influence of the IB-NWT. According to Hardy, northern Indigenous peoples depended on the land only in a subsidiary way. Métis in a modern society needed economic development in order to survive.

Similarly, in his speech on the behalf of the Métis Association of the Northwest Territories of which he was a founder, Joe Mercredi outlined Métis objectives for the development of the Mackenzie Corridor: "We are not blind to the needs of the modern world (...) We want to share what we have, and ask only that we be given the opportunity

¹²⁷ *The Native Press*, November 26, 1976, p. 9.

¹²⁸ Rick Hardy's speech to Judge Berger, November 19, 1976, Prince of Wales Northern Heritage Center, Berger Inquiry Educational Resource Archive.

¹²⁹ *Ibid.*

to become effective participants in any development ventures or decisions which affect our life.”¹³⁰ The objectives of the Métis Association of the NWT on a land settlement were proposed as an Agreement on Objectives, *Our Land, Our Culture, Our Future* in September 1977. According to Peter H. Russell, while the style of the Indian Brotherhood’s proposal was “like the manifesto of a radical and belligerent political movement,” the Métis proposal resembled the “brochures put out by business corporations.” Yet, he added, “when one reads the fine print” of the Métis and Indian Brotherhood proposals, that of the Métis Association of the NWT constituted “a more radical political demand than any other native groups have made in the North.” The Métis proposal demanded “a restructured territorial government in which a *Native Senate* would control land use through the territory.”¹³¹ Russell added that unlike most other Indigenous land claim proposals, “the Metis proposal does not seek any securing of aboriginal land ownership in modern legislation.”¹³² Russell’s interpretation suggested that the Métis land claim, contrary to Hardy’s position, did in fact encompass radical political demands.

In the social and cultural claims part of his speech, Hardy stated that the Métis are a “distinct recognizable group of people.” He added that the Métis regretted the reports of the Inquiry that did not mention Métis people beyond “the Riel Rebellion and Métis fight for land and political rights in Western Canada in the late 1800s.” According to Hardy, in these reports, Indian and Métis people “are lumped under one umbrella of Native people.”

¹³⁰ Native Land Claims Plenary Session, p. 103.

¹³¹ Opinion Paper, An Analysis of the land claims position of the Métis Association of the Northwest Territories, Peter H. Russell, p. 333.

¹³² Ibid.

In this manner, the staffs of the Inquiry seemed “either blind” to the existence of the Métis people or resistant to the recognition of “a significant aspect of native society exists today in the North.” “We are not Indian, we are not whites,” declared Hardy, who added that the Métis should be “recognized as a distinct part of a Native society.”¹³³ All in all, Hardy’s statements in his speech to Berger sought recognition for the Métis peoples as a distinct society and declared that they wanted to be active participants of the pipeline development after the land settlement without any claim for a political autonomy in the North. Through the end of 1976, the Métis positioned their land claims within the state form of structures by reframing their political claims after the Métis Association of the NWT withdrew from the joint land claim with the IB-NWT. In 1981 and 1988 the Métis Association and the IB-NWT strove in vain to craft a joint land claim. The Métis clarified their position in the land claims finally in the early 1990s by preparing a joint land claim with the Sahtu Dene. This comprehensive land claim, which they signed with the federal government in 1993 “included an extinguishment clause but excluded a self-government component.”¹³⁴

4. Other Land Claims in the Era of the Mackenzie Valley Pipeline Inquiry

Besides the discussions around the land claims in the western Arctic region that were mostly influenced by the proposals of the Indian Brotherhood of the Northwest Territories in the era of the Mackenzie Valley Pipeline Inquiry, the land claims of the Yukon Native Brotherhood and the Council for Yukon Indians in Yukon and the land

¹³³ Rick Hardy’s speech to Judge Berger, November 19, 1976, Prince of Wales Northern Heritage Center, Berger Inquiry Educational Resource Archive.

¹³⁴ Coulthard, 2014a, p. 76.

claims of the Inuit Tapirisat of Canada and the Committee for Original People's Entitlement (COPE) in Inuit territory were also significant contributions to debates about the North in the 1970s.

After the establishment of the Yukon Native Brotherhood by all Indigenous communities of Yukon in 1968, negotiations for the settlement of land claims in Yukon intensified. As a consequence of this negotiation, a land claim entitled *Together Today for Our Children Tomorrow* was presented to the federal government in February 1973. In this land claim, "a strong unified Indian identity" was hailed as the "only defence against assimilation."¹³⁵ The Council for Yukon Indians—the Yukon Native Brotherhood and the Yukon Association of Non-status Indians—prepared another land claim with the federal government in 1977. This land claim was released as *Yukon Claims Settlement Model* in July 1977. As opposed to the Dene and the Inuit, Indigenous peoples in the Yukon worked on the land claim with a government negotiator.¹³⁶ The statements of the land claim were not independent of the settler state discourse that was structured around the idea of rejecting any Indigenous political formation in the North: "the Yukon Indian people shall be provided with incentives and guaranteed opportunities for their participation in the political and administrative institutions of a one-government structure, and in the decision-making process."¹³⁷

In the land claim of the Inuit Tapirisat of Canada (ITC) submitted to the federal government in February 1976, the Inuit claimed a territorial government responsibility—

¹³⁵ *Together Today for our Children Tomorrow*, January, 1973, p. 19.

¹³⁶ Opinion Paper, *Native Claims: Policy, Process, and Perspectives*, Office of Native Claims, Department of Indian Affairs and Northern Development., p. 289.

¹³⁷ *Ibid.*

in a new territory called Nunavut—that was similar to the responsibility of the existing territorial government of the NWT and Yukon.¹³⁸ ITC removed the 1976 claim after a few months of launching of their proposal and decided to reformulate it. The presidents of COPE stated their opposition to the withdrawal of the land claim and argued that ITC didn't consult them about withdrawal.¹³⁹ In the proposed land claim of December 1977, the Inuit claim for self-determination and a new government was reiterated as they argued for: “constitutional recognition and continued assurance of the right ... to exist as an independent culture within Canada (...) the formation of a new territory and government within Canadian Confederation along the lines of Inuit political institutions.”¹⁴⁰ In 1979, the ITC prepared a position paper titled *Political Development of Nunavut* and proposed a fifteen-year process for a division of the NWT and the realization of provincial status for the new Nunavut Territory.¹⁴¹

Another land claim of the Inuit of the western Arctic was submitted by the COPE on May 13, 1977—the day Berger's report was released.¹⁴² In this proposed special land claim, entitled Inuvialuit Nunangat, the COPE demanded the formation of a Western Arctic Regional Municipality to ensure the self-development of the Inuit and the control

¹³⁸ Ibid.

¹³⁹ COPE: Original Voice for Inuvialuit Rights, Inuvialuit Regional Corporation, p. 29. COPE was formed by some Inuvialuit elders, youth, harvesters, civil servants, broadcasters, and politicians in January 28, 1970 as a first Inuvialuit political organization particularly aimed to engage with increasing fossil fuel exploration on their land in the Western Arctic (<https://www.irc.inuvialuit.com/>; Inuvialuit Regional Corporation, Inuvialuit Final Agreement 25th Anniversary, p. 16).

¹⁴⁰ Opinion Paper, Native Claims: Policy, Process, and Perspectives, Office of Native Claims, Department of Indian Affairs and Northern Development., p. 289.

¹⁴¹ Kerry M., 1993, p. 261.

¹⁴² COPE: Original Voice for Inuvialuit Rights, Inuvialuit Regional Corporation, p. 29.

of the Inuit over the institutions governing them.¹⁴³ COPE stated that this municipality would serve as a part of Nunavut, in replacement of the Government of NWT, if ITC's proposal for the recognition of a new territory be accepted.¹⁴⁴ After a negotiation period, a final agreement between the Inuit and the federal government was signed in June 1984 as the first "comprehensive land claims settlement north of the 60th parallel."¹⁴⁵ By this agreement, the Inuit extinguished their claims, rights, title, and interests to the Territory.¹⁴⁶ Some Inuit organizations, such as Tunngavik Federation of Nunavut (TFN), KIA, the Town Council of Inuvik, the Inuvik Chamber of Commerce, and the Inuvialuit Action Group, were opposed to the agreement. They argued that "claim was between the Inuvialuit and the federal government" and had overlooked the Inuit that they represented.¹⁴⁷ Following the agreement of 1984, an Agreement in Principle was signed in 1990 and a final agreement was achieved in 1991 by the Inuit of the Nunavut Settlement Area and the federal government.¹⁴⁸

Although the land claims of the Council of Yukon Indians, the Métis Association of NWT, and the COPE in 1977 were based on the extinguishment of their Indigenous title, the IB-NWT's land claims in the 1970s and ITC's claim for the establishment of Nunavut Territory demanded the recognition of Indigenous rights to their lands.¹⁴⁹

¹⁴³ Opinion Paper, Native Claims: Policy, Processes, and Perspectives, Office of Native Claims, Department of Indian Affairs and Northern Development, p. 290.

¹⁴⁴ Ibid.

¹⁴⁵ <https://sites.ualberta.ca/~walld/nunavut3.html>, The Canadian Aboriginal Issues Database, Nunavut, Canada, significant events in the development of Canada's newest Territory, 1982 to 1985.

¹⁴⁶ Western Arctic (Inuvialuit) Claims Settlement Act, 1984, <https://laws-lois.justice.gc.ca/eng/acts/W-6.7/index.html>

¹⁴⁷ For details see COPE: Original Voice for Inuvialuit Rights, Inuvialuit Regional Corporation, p. 37.

¹⁴⁸ <https://sites.ualberta.ca/~walld/nunavut4.html>, The Canadian Aboriginal Issues Database, Nunavut, Canada, significant events in the development of Canada's newest Territory, 1982 to 1985.

¹⁴⁹ *Oilweek*, 1978, p. 35.

To address the changing position of Indigenous peoples in the process of land claims in the North, it is significant to recall Sarah Nickel and Glen Coulthard's arguments. Nickel's discussion of the UBCIC's changed position on the assertion of Indigenous sovereignty is analogous to Coulthard's arguments on the shifting land claims of Dene in the late 1980s. After the era of the Dene Declaration and the first three land claim proposals of Dene, the federal government required the dropping of political claims from the land claim negotiations and the surrendering of Indigenous land rights and land titles as a condition to sign an Agreement in Principle in the late 1980s.¹⁵⁰ After their withdrawal from the general assembly of the Dene Nation, the Gwich'in Dene in 1992 and the Sahtu Dene with the Métis in 1993 signed comprehensive agreements with the federal government that extinguished their political rights and land titles.¹⁵¹ These land claim settlements indicated the changed position of Dene communities in the assertion of Dene rights and Dene self-determination as well as the changed perspectives of Dene communities with respect to economic development.¹⁵² In *Red Skin, White Masks*, Coulthard notes that after the late 1980s the Dene self-determination struggle was "reoriented" into a struggle "for land" as a material source instead of "informed by the land as a system of reciprocal relations and obligations."¹⁵³

I argue that the IB-NWT's land claim proposals and the changed position of the Indigenous communities on the Indigenous land claims in the North shaped the meaning of the concepts of the Indigenous self-determination and Indigenous sovereignty in the

¹⁵⁰ Coulthard, 2014a, p. 75.

¹⁵¹ Ibid., p. 76.

¹⁵² Ibid.

¹⁵³ Ibid., p. 78.

1970s and the early 1980s. I also discuss in the following chapter how the Indigenous testimony in the northern community hearings also contributed to the ways in which these concepts evolved.

Chapter Four

Rethinking the Inquiry Hearings as Forms of Indigenous Refusal

In August 1975, Chief Jim Antoine declared at the Nahanni Butte hearing: “This land still belongs to the Dene. This is still our land.”¹ Many Indigenous people agreed. They transformed the pipeline discussions from ones focused on Canadian national identity to ones that critiqued to their ongoing dispossession of their own lands. By using the Inquiry hearings, northern Indigenous peoples revitalized the decolonization process of the north and demonstrated that Indigenous cultural, economic, and political claims were inseparable. Indigenous speeches in the northern community hearings were acts of refusals, rejecting the dispossession and depoliticization of the Indigenous presence in the North.



Figure 4.1: A northern community hearing, Fort Norman, August 9, 1975: “Our Land, Our Life.”²

¹ The Mackenzie Valley Pipeline Inquiry, Nahanni Butte, Vol. 24., August 24, 1975, p. 2457.

² Martin O'Malley, “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976, p. 7.

In this chapter, I focus on the speeches of Indigenous witnesses in the northern community hearings of the Inquiry to discuss how Indigenous claims on land settlement were oriented to the revitalization of cultural, economic, and political practices. They entailed the refusal of the policies of the settler state and the economic objectives of the energy industry in the 1970s. I argue that, by using the community hearings of the Inquiry, the Dene, the Inuit, and the Métis challenged the depoliticization of Indigenous claims and federal efforts reconsolidating state policies in the North. Of critical importance to the larger history I seek to interpret in this dissertation, the statements from Indigenous peoples during the community hearings often directly contradicted the discourses presented in the southern hearings and formal hearings. The northern community hearings challenged many of the nation-building narratives found in their southern counterparts, particularly those that imagined the North to be the embodiment of a distinctively Canadian moral order.

In the southern hearings and the formal hearings, the North was also lauded for its pristine environment. This inspired both pro- and anti-pipeline advocates: the North's unblemished nature should be rigorously preserved, but it also offered up untapped resources begging for the kinds of development suggestive of a modern, forward-looking Canadian state. In the 1970s, federal policy became more and more enamoured of expansive energy development in the North. It seemed the Trudeau government saw northern development as a key plank in its project of developing a new Canadian national identity. If to some extent the southern hearings had prompted a reformulation of some of its policies, the community hearings, with their heavy emphasis on Indigenous economies

and attachment to the land, challenged them directly. These policies shaped the discourse of the formal hearings and the southern hearings, and the policies were also reformulated by the discourse of the hearings. But the community hearings introduced Indigenous assertions regarding the revival of their continuing relationship with the land through the strengthening of their alternative economies and the resurgence of their political practices that fundamentally challenged and undermined the settler state's vision and rhetoric. While statements by Indigenous communities differed according to their historical, economic, political, and environmental experiences in their own land as a part of the western Arctic region of NWT and the northern Yukon, most Indigenous peoples expressed some form of opposition to the new order of colonial dispossession of Indigenous land since 1950s in the North.

1. Reiterating the Truth: Land as an Identity

The Inquiry commission conducted the northern community hearings of the Mackenzie Valley Pipeline Inquiry from April 2, 1975, to August 26, 1976, on the lands of thirty-five northern Indigenous communities of the western Arctic region that would be directly affected by the construction of a pipeline and the establishment of an energy corridor.³ The first community hearings were initiated by Thomas Berger in Aklavik which is on Gwich'in, Inuvialuit, and Métis land located at 68 degrees North latitude of

³ The formal hearings were held between March 1975 and November 1976 in three different northern centres to discuss the engineering and construction issues and the impact of a pipeline and Mackenzie Corridor on the living, physical and human environment. The community hearings of the Mackenzie Valley Pipeline Inquiry consists of southern community hearings and northern community hearings. Southern hearings took place between August 11, 1975, and June 8, 1976, in ten Canadian cities; Calgary, Charlottetown, Edmonton, Halifax, Montreal, Ottawa, Regina, Toronto, Vancouver and Winnipeg.

the western part of the Mackenzie Delta.⁴ The community hearings ended in Detah. The Inquiry commission also visited the Old Crow and Whitehorse communities in northern Yukon.

While the community hearings were mostly focused on the testimonies of members of Indigenous communities in the NWT and the northern Yukon, during them non-Indigenous residents of the region were also witnesses and expressed their ideas about the energy development of the north. Speeches by the Dene, the Inuit, and the Métis in their own languages or English were broadcasted regularly by the CBC across the country. The live broadcasts of the hearings were in Dogrib, Chipewyan, Loucheux (Gwich'in), Inuktitut, Slavey, and English. In the hearings, translating machines were used by the attendants to make the presentations accessible to those who spoke a different language. While the evidence of the witnesses at the community hearings was not cross-examined, some representatives and lawyers of the Arctic Gas and the Foothills Pipeline attended the community hearings to answer questions regarding the proposed pipeline projects. Some representatives of the Canadian Arctic Resource Committee, Council for Yukon Indians, Committee for Original People's Entitlement, Indian Brotherhood of NWT, and Métis Association of NWT also made appearances.

⁴ The community hearings continued in several regions of the Northwest Territories, such as Hay River, Fort Franklin, Brackett Lake, Fort McPherson, Fort Liard, Fort Good Hope, Norman Wells, Trout Lake, Fort Simpson, Wrigley, Jean Marie River, Pine Point, Fort Resolution, Fort Smith, Yellowknife, Inuvik, Holman, Sachs Harbour, North Star Harbour, Tuktoyaktuk, Paulatuk, Arctic Red River, Fort Providence, Kakisa Lake, Rae Edzo, Lac La Martre, Rae Lakes, Colville Lake and ended in Detah.

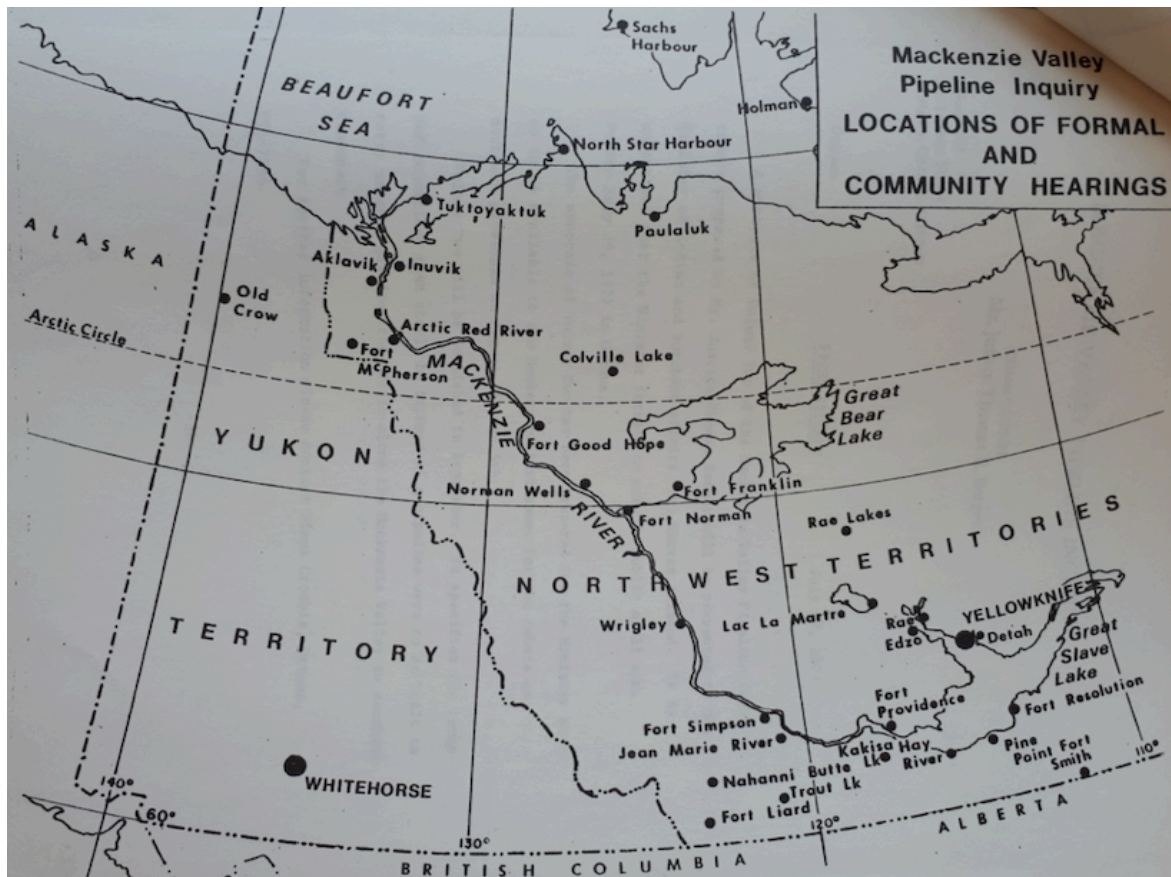


Figure 4.2: The Map of the locations of formal and community hearings.⁵

There is a bit of muddiness in the record of the Inquiry hearings. The intent behind some testimonies was lost in translation, and the hearing itself was a state-funded and state-driven organization, whose hearings were far from the kind of format used by Indigenous groups for expressing their opinions and concerns. During the northern community hearings, some Indigenous witnesses objected to the Inquiry commission's

⁵ Library and Archives Canada, Government, Archives/ Collections and Fonds, RG 126, Vol. 76.

protocols and practices. For example, Jim Lamalice, whose evidence was translated by the interpreter, revealed at the Hay River hearing that he was uncomfortable with them: “We don't know what they are trying to do with the Indian. We don't know half what they're trying to do.” With respect to Berger, he remarked: “Sometimes I feel I shouldn't talk to him.”⁶ In a similar vein, in the Fort McPherson hearing, John Blake explained why the Inquiry did not offered an effective way of understanding the Indigenous way of life:

There are thousands of people been talking to you, Mr. Berger, since you started, what they tell you and what I tell you wouldn't understand what we mean. You must, you, and the pipeline outfit, must live with us out in the bush for three or four years before you understand what we mean by ‘our living’. We say ‘our land’, ‘our living’, it don't mean a darn thing to you people. I am sorry for the language, but that is the way I put it. You must live with us three or four years before you understand what we mean by ‘our way of life.’⁷

Some Indigenous witnesses pointed out that the Inquiry hearings were distant from Indigenous traditional gathering practices used in deciding the future of their land. They utilized the Inquiry hearings to challenge the attempts made to eliminate their cultural, economic, and political presence on their own land. During the hearings, they expressed their perspectives and claims on the land by asserting the resurgence of their cultural and political practices and the strengthening of their alternative economies. In this way, northern Indigenous peoples refused the settler state’s northern policies and their opinions diverged from the mainstream discourse prominent at formal hearings and southern hearings.

⁶ The Mackenzie Valley Pipeline Inquiry, Hay River, New Indian Village, Vol. 6, May 30, 1975, p. 486.

⁷ The Mackenzie Valley Pipeline Inquiry, Fort McPherson, Vol. 11, July 8, 1975, p. 1023.

In their evidence during the northern community hearings, Indigenous peoples addressed the entwined cultural, economic, physical, and political meanings of the land. Their speeches presupposed a land-based outlook underlying their cultural, economic, and political convictions. The evidence of the northern community hearings opened with the speech of Lazarus Sittichinli, a Gwich'in Dene, in Aklavik on April 2, 1975. Sittichinli started his speech with a statement on the land:

I know all this land, I know all the land of the Fort McPherson area, the land from away back, and how the people live on it. I know this land from a long time ago and then we move here to Aklavik, and I know how to make my living from this land. I know for a long time how to make living off this land we have always lived peaceful.⁸

Sittichinli was not alone; the testimonies of Indigenous peoples in northern community hearings were frequently based on a narrative of their relationship with their land. In the community hearings of Fort Franklin in late June, 1975, a common refrain was apparent. The Dene opened with an assertion about the relationship between land, identity, experience, and truth: “when we talked about the land and how important it is to us, and why don’t want any damages, we are speaking the truth (...) because we have experienced it.”⁹ In a similar vein, the Dene witnesses Isadore Modeste and Dore Gully declared in the Fort Franklin hearings that “when we talked about our land (...) it is serious” and “we know what we are talking about.”¹⁰ As these statements evidenced, the

⁸ The Mackenzie Valley Pipeline Inquiry, Aklavik, Vol. 1, April 2, 1975, p. 3.

⁹ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 9, June 26, 1975, p. 814; Fort Franklin, Vol. 7, June 24, 1975, p. 606.

¹⁰ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, p. 725; Fort Franklin, Vol. 9, June 26, 1975, p. 780.

speeches of northern Indigenous people in the hearings were deeply structured by their ongoing experiences and relationships with their land.

The Tlicho witnesses from Rae Lakes—Antoine Wetarde, Liza Mantla, Francis Quitte, and Frank Arrowmaker—stated in the community hearings that “we love our land ... this is why we talk about it.”¹¹ Similarly, the Dene witnesses from Lac la Martre, Louis Wedewin, Joe Roamie, Jimmy Nitsiza, and Marie Moosenose, mentioned why they “love” their land: “We love our land because we survived with it. It gives us life.”¹² Alfred Tanoton said in a hearing that “the people love their land with their mind, their soul, with their hearts, they love their land (...) when they speak about the land, how they used to live, they are really speaking the truth.”¹³ An Inuit witness, Noah Elias, from Sachs Harbour, stated “he always be glad when people come up and talk about their land because everybody respects it, and they really want to keep it good (...) because that’s what they live off.”¹⁴ Another Dene witness from Fort Franklin underscored the importance of their land for the survival of northern Indigenous peoples without depending on the money from the industry by concluding that defending the land means defending oneself.¹⁵ Similarly, another Dene witness from Lac la Martre declared that when they “do not say something or do anything to protect it,” the land would destroy them.¹⁶ Most of the Indigenous witnesses also emphasized that their relationship with their land had entailed so much more than merely the practicalities of living in a

¹¹ The Mackenzie Valley Pipeline Inquiry, Rae Lakes, Vol. 74, August 13, 1976.

¹² The Mackenzie Valley Pipeline Inquiry, Lac la Martre, Vol. 73, August 12, 1976, pp. 8167, 8186, 8226.

¹³ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, pp. 731, 732.

¹⁴ The Mackenzie Valley Pipeline Inquiry, Sachs Harbour, Vol. 42, March 4, 1976, p. 4066.

¹⁵ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 9, June 26, 1975, p. 809.

¹⁶ The Mackenzie Valley Pipeline Inquiry, Lac la Martre, August 12, 1976, Vol. 73. p. 8197.

particular physical landscape. In this sense, the land was addressed by Indigenous peoples as their “life,” “father,” “mother,” “family,” “home,” “blood,” “country,” “independence,” “industry,” “food bank,” “bank,” and “money” in northern community hearings.¹⁷

These statements on the meaning of the land demonstrated that the land claims of northern Indigenous peoples were political and economic as well as cultural. Joe Bistatpe from Fort Franklin mentioned the land as a source of life and a way to survive by defining it as blood: “We don’t want damage done to our land. This land is our blood. We were born and raised on it. We live and survive by it.”¹⁸ Charlie Chocolate, a Dene witness from Rae Lakes, also interpreted their land as an economic source of their life in the North: “the land is sort of our industry, providing us with shelter, food, income, similar to the industries down South supporting the White peoples.”¹⁹ As, Paul Baton from Brackett Lake remarked that “we call this land of ours our money because we live out of it, we make money out of it, we fish and we eat.”²⁰ As these statements demonstrated, the meaning of the land as a source of survival constituted the basis of the claims for the accommodation of Indigenous economic alternatives based on the strengthening of traditional land-based economic practices. The essence of traditional economic practices of northern Indigenous peoples on their land was different from the meaning of any

¹⁷ The Mackenzie Valley Pipeline Inquiry, Rae Lakes, Vol. 74, August 13, 1976, pp. 8288, 8289; Lac la Martre, Vol. 73, August 12, 1976, pp. 8189, 8197, 8201; Fort Franklin, Vol. 7, June 24, 1975, p. 618; Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, p. 757; Colville Lake, Vol. 75, August 21, 1976, p. 8329; Brackett Lake, Vol. 10, June 26, 1975, pp. 844, 862, 886; Fort McPherson, Vol. 11, July 8, 1975, p. 984.

¹⁸ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, p. 757.

¹⁹ The Mackenzie Valley Pipeline Inquiry, Rae Lakes, Vol. 74, August 13, 1976, p. 8288.

²⁰ The Mackenzie Valley Pipeline Inquiry, Brackett Lake, Vol. 10, June 26, 1975, pp. 861, 862.

economic source acquired by the welfare policies, land settlement payments, or a wage economy. As declared by Indigenous witnesses during the northern hearings: their “land is not for sale;” it “means more” to them “than any money.”²¹ For instance, Raymond Yakeleya stated in a hearing at Normal Wells that “I remind everyone in this room this is Dene land. It is not to be bought, it's never given away, it shall never be sold. That just happens to be the way it is.”²² Therefore, they declared that they wouldn't accept any cash compensation for their land. Similarly, Philip Nitsiza, a Dene witness from Lac la Martre, addressed the sources of the land as sacred to them:

The animal that exists in our land is somehow sacred to us, he said. We depend highly—on it highly, he said, for clothing, for food, for the money. We depend on these things very much, he said. It is somehow sacred to us. And this is the reason why we are struggling against the pipeline.²³

Similar to Nitsiza's statement, Indigenous evidence in the northern hearings indicated that the meanings of the land—cultural, economic, physical, political, and spiritual—could not be separated from each other.

Another Dene witness from Fort McPherson said of the land that it was his people's economic source of survival: “we depend on our land for hunting and fishing, and trapping. For most of us, the land is our bank. When the peoples go out trapping and hunt and fish we don't try and clean the country, we always leave little for next year, and this

²¹ The Mackenzie Valley Pipeline Inquiry, Brackett Lake, Vol. 10, June 26, 1975, p. 961; Colville Lake, Vol. 75, August 21, 1976, p. 8309. Thomas King mentions that “for non-Natives, land is primarily a commodity, something that has value for what you can take from it or what you can get for it.” King also points out the colonial discourse on the effective land use that portrayed the Indigenous peoples as were not capable for knowing what to do with land or “using the land to its full potential” (King, 2012, pp. 2871, 2990, 2896, 2897).

²² The Mackenzie Valley Pipeline Inquiry, Norman Wells, Vol. 21, August 9, 1975, p. 2174.

²³ The Mackenzie Valley Pipeline Inquiry, Lac la Martre, Vol. 73, August 12, 1976, p. 8193.

has been going on for the last hundred years.”²⁴ This statement revealed that the traditional practices of northern Indigenous peoples on their land were based on the continuation of their relationship with it to ensure their survival. As stated by an Indigenous woman, Mary Kendi, in one of the Aklavik hearings, their traditional hunting practices had persisted since time immemorial because these practices were driven by a deep knowledge of the land that was transferred from generation to generation:

I remember my dad used to trap and hunt. I remember my uncles done the same, and our grandfathers, they always warned the people when this caribou migrate, they always tell the people not to shoot the first caribou that one trying to cross the river or anywhere because if you don't interfere they are just like what you call leaders, they go ahead and then if we don't bother them, these caribou go right ahead and migrate, and then the main herd comes after them.²⁵

Indigenous traditional practices on their land structured a sustainable relationship with it. George Barnaby in the Fort Good Hope hearing mentioned that “people have lived on this land for thousands of years, but still there is very little sign of them having passed through. They have looked after the land and used it without destroying it. We want the land to remain clean and natural.”²⁶

Besides the increasing opposition during the hearings to the destruction of the land, some Indigenous witnesses underscored the economic significance of their land by demanding control over pipeline development via the settlement of land claims. As Gerry Cheezie, Chief of Fort Smith, said at Fort Smith hearing, “the feelings of the people say that they don't want the development of the pipeline to stop; all they're saying is we want

²⁴ The Mackenzie Valley Pipeline Inquiry, Fort McPherson, Vol. 11, July 8, 1975, p. 984.

²⁵ The Mackenzie Valley Pipeline Inquiry, Aklavik, Vol. 40, February 23, 1976, p. 3861.

²⁶ The Mackenzie Valley Pipeline Inquiry, Fort Good Hope, Vol. 18, August 5, 1975, 1779.

control over the things that happen there (...) they want some kind of development but a controlled development, not something that is imposed on them by somebody else.”²⁷ The statement of Cheezie was a call for the decolonization of economic practices in the Indigenous land. In the same hearing, George Caduski also underlined what the development could mean for northern Indigenous peoples:

I think in order for any project that is happening up here to be termed a developmental project, the project first has to be approved by the people that it's going to affect directly and the people who own the land that it's going to affect, and the people whose lives it's going to affect (...) I think beyond the economic development of the north what's at stake today also has to do with the political and social development of the north (...) They're talking about the political development of the Northwest Territories too, and that gets back to how much control northern people do have over any type of project that is initiated up here by a company or a multi-national corporation or whatever.²⁸

Caduski's statement suggested that genuine development required the political and economic revitalization of the North's Indigenous peoples.

2. *Decolonizing the North: Resurgence of Cultural, Economic, and Political Practices*

The narratives of the land as a source of independence and freedom in the community hearings challenged the arguments raised in the formal hearings that the state policies of the 1970s would enforce individual rights and toleration to assure cultural freedom in the North. In this manner, Indigenous peoples in the northern community hearings declared that the primary sources of their freedom and independence in the North were their traditional practices on the land, not the policies and traditions of the settler state. Their struggle for decolonization on their land had been an ongoing process

²⁷ The Mackenzie Valley Pipeline Inquiry, Fort Smith, Vol. 33, October 9, 1975, pp. 3229, 3230.

²⁸ Ibid. pp. 3220, 3221. George Caduski involved in the preparation of the Dene Declaration of 1975.

and they had implemented their traditional practices as a nation from time immemorial.

As declared by Chief T'seleie in a hearing at Fort Good Hope,

For the Dene people, it was nothing very new or different to declare ourselves a nation. We have always seen ourselves in these terms. We have our own land, our own languages, our own political and economic system. We have our own culture and traditions and history, distinct from those of your nation.²⁹

Similar to T'seleie's statement, Georges Erasmus also underlined the fact that nothing was new in their struggle against the ongoing colonial impositions on their land: "What we want is self-determination. In our eyes, we never ever gave that away. That position has been consistent. The Dene Declaration was not dreamt up last summer. It's a position that represents the actions of our people consistently throughout our history."³⁰ Erasmus also challenged the suggestion that the Dene Declaration didn't represent the Dene perspective because it was written by the radical leftists who came from the South. He argued that the claims in the declaration had always been asserted by the Dene as a part of their identity.

Dene land claims were never just about property. They aimed as well to influence the region's economic and political trajectory. As stated by Jim Thom in the Fort Providence hearing, the Dene land claims challenged the imposed state policies and programs: "We have yet to learn the wisdom of our older people when they make it clear for us each day that we must act now to have a good Dene land claim, rather than have the government to decide our fate and our future."³¹ By stating their land claims in the era

²⁹ The Mackenzie Valley Pipeline Inquiry, Fort Good Hope, Vol. 18, August 5, 1975, p. 1771.

³⁰ The Mackenzie Valley Pipeline Inquiry, Rae/Edzo, Vol. 72, August 11, 1976, p. 8065.

³¹ The Mackenzie Valley Pipeline Inquiry, Fort Providence, vol. 68, July 16, 1976, p. 7830.

of increasing attempts in the exploitation of non-renewable resources in the North, northern Indigenous peoples intended to direct the changes on their land to ensure the revitalization of their traditional practices and decolonization of the existing territorial economic and political systems.

The resurgence of Dene resistance by using the Inquiry hearings as a tool for decolonization of the North was evident in the northern community hearings. George Erasmus declared in one of the Rae/Edzo hearings that the “Inquiry has been a process in which we have been decolonizing ourselves. Our struggle is for self-determination. We want to be in charge of our lives and our future.”³² In this manner, their claims challenged the policies of the federal government that aimed to eliminate the political claims of Indigenous peoples through the rhetoric of cultural recognition and also restructure the governance system of the territory to control the resource development process of the North. For instance, Raymond Yakeleya stated that “we want to decide our own future” and quoted from the statement of James Wah-Shee—a Councillor in the NWT—“We are all aware of being manipulated by the colonial arm of the Federal Government which is the government of the Northwest Territories. We cannot pretend it is our government, for it is not. The Council is an institution imposed on us without our consent.”³³

In addition to its meaning as a source of life framed by Indigenous traditional economic practices, the land was also addressed by Indigenous witnesses as a basis of

³² The Mackenzie Valley Pipeline Inquiry, Rae/Edzo, Vol. 72, August 11, 1976, p. 8063.

³³ The Mackenzie Valley Pipeline Inquiry, Norman Wells, Vol. 21, August 9, 1975, p. 2176. James Wah-Shee was a Tlicho from Fort Rae former president of the Indian Brotherhood of Northwest Territories. When he acted against the policy of boycotting the NWT Council by running for a seat in the Council, George Erasmus replaced his position in the IB-NWT in 1975 (Kerry, 1993, p. 255).

their entire culture. As mentioned by Gregory Shea from Fort Good Hope, the land had long been the source of the practice of sharing in Indigenous communities in the North.³⁴ Most Indigenous peoples in the community hearings talked about the sharing in their communities as a part of their hunting practices on their land. In the Fort Good Hope hearing, George Barnaby mentioned that “we share everything, our whole culture is based on people and (...) since we share everything there is no need to cheat each other, exploit each other.”³⁵ They also declared that they had practiced sharing in their communities from time immemorial, as taught by their ancestors. As one of the oldest residents of Holman Island put it, when his uncle went out hunting and came back “with a caribou, everybody was glad in the cold weather to share that caribou meat.”³⁶ Rosie Savi from Fort Franklin was concerned that any damage caused by the pipeline to the land would affect the Indigenous way of life based on sharing practices:

The Indian people here, when they catch any sort of animal, they usually distribute it amongst themselves. They have those who need something (...) When you are talking about the pipeline and the dam and the highway, you know, and the effect it will have on us, well that kind of relationship we have within the community will be destroyed.³⁷

In the Brackett Lake hearing, Isadore Zoe addressed their land as a part of being a Dene: “the land and the earth which is our mother. Our father is the spirit of what comes to protect our mother earth, because the mother earth and us Dene people are the natural things together.”³⁸ In one of the hearings of Hay River, Ray Sonfere, a Slavey Dene

³⁴ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 9, June 26, 1975, p. 803.

³⁵ The Mackenzie Valley Pipeline Inquiry, Fort Good Hope, Vol. 18, August 5, 1975, p. 1779.

³⁶ The Mackenzie Valley Pipeline Inquiry, Holman, Vol. 41, March 2, 1976, Vol. 41, p. 3905.

³⁷ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 610, 611.

³⁸ The Mackenzie Valley Pipeline Inquiry, Lac la Martre, Vol. 73, August 12, 1976, p. 8197.

witness, mentioned the meaningfulness of the land as a physical and a spiritual entity in addition to its being an economic source of the life for the Dene:

Many people find meaning in different things in life. Native people find meaning in the land, and they need it and they love it. They love not only the land but the things God put on it. Sometimes you stand on the shore of the lake, you see high waves rolling onto shore and it's pushed by winds you can't see. Soon it's all calm again. In the winter you see flowers, trees, rivers and streams covered with snow and frozen. In the spring it all comes back to life. This has a strong meaning for my people and me, and we need it.³⁹

Sonfere was describing the land as a source of the meaning of the Indigenous way of life: this meaningfulness was the source of Indigenous peoples' love for their land.

In the northern community hearings, Indigenous witnesses asserted their rights to land. They saw the land as the source of their traditional practices, inherited from their ancestors. In the first Aklavik hearing, Peter Thrasher noted that he had so inherited the land and his way of life, and added that, like him, future generations “should have the right to inherit this country.”⁴⁰ Their land claims required the revitalization and strengthening of these age-old traditional practices. Because of colonialism, Northern Indigenous peoples were only too aware that Indigenous self-determination was not a thing ensured, given, or gifted by the settler state's recognition policies. In the hearings, their assertions on the behalf of the resurgence of their land-based cultural, economic, and political practices challenged state policies on the constitutional development of the NWT and the recognition of cultural diversities. In the statement of Chief George Kodakin from Fort Franklin, the Indigenous relationship with their land was addressed as a basis of their traditional governance practices:

³⁹ The Mackenzie Valley Pipeline Inquiry, Hay River, Vol. 6, May 30, 1975, p. 549.

⁴⁰ The Mackenzie Valley Pipeline Inquiry, Aklavik, Vol. 1, April 2, 1975, p. 14.

Our ancestors in the past have really taught us how to live off of the land, and they lived very well (...) We are still carrying on those traditions today (...) With living in the traditional ways, getting their own animals to survive (...) They really led a good life. And they sort of governed themselves in that way (...) They are the owner of the land and that what they decide should happened on the land, should be the statement.⁴¹

He also added that the ancestors gave “us advice of how to survive, how to maintain sort of a levelling off of survival” and “taught the younger people the traditional way of life” that enabled them to keep the food good: “If you treat your food good, the food in return will treat you good (...) When they refer to food, it means the land.”⁴² These statements of Kodakin suggested that the land was a life demanding cultural, economic, and political practices with respect to it, to ensure the survival of the community. In Kodakin’s speech, the cultural practice appeared in the statement on the transmission of the knowledge between the generations. His statement on obtaining, protecting, and then sharing the food evoked the economic aspects of their activities on the land. The statement on the governance of all these processes to ensure the maintenance of their relationship with the land demonstrated a part of their political practices on the land.

The land claims of northern Indigenous peoples at the time of the Inquiry were structured on these entwined and inseparable cultural, economic, and political practices. For instance, Robert Andre in the hearing at Arctic Red River declared that their claims were based on the revitalization of their system of governance and accommodation of their economic interests:

We want to be again a solvent people. We want to survive as a people, therefore our stand for maximum independence within your society. We want to develop our own economy. We want to acquire political independence for

⁴¹ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 601, 602.

⁴² The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 601, 602.

our people within the Canadian Constitution. We want to govern our own lives and our own lands and its resources. We want to have our own system of government by which we can control and develop our land for our benefit. We want to have the exclusive rights to hunt, to fish, and to trap. We want as the original owners of this land to receive royalties from cash developments and for future developments which we are prepared to allow.⁴³

In this statement, Andre demonstrated that Indigenous economic interests could not be defended without a resurgence of Indigenous political practices. Indigenous people claimed in the northern community hearings that they had been following these traditional political norms since time immemorial and had never surrendered control over such practices. For example, Georges Erasmus stated in one of the Rae/Edzo hearings that “our people have never given up the right to govern themselves. Our people have never given up this land. We had never given up the right for another institution, another government to make decisions on this land that was being continually done.”⁴⁴

Similar to Erasmus, Roddy Peters at one of the Fort McPherson hearings declared that Indigenous peoples had their “own government” and “great chiefs” before the Treaty.⁴⁵ In the same hearing, Philip Blake also noted that “we are a nation. We have our own land, our own ways and our own civilization.”⁴⁶ These statements were a refusal of the discourse that reduced the Indigenous relationship with their land to cultural and environmental aspects alone and eliminated political claims. As Nickel asserts, “this inability or unwillingness to hear Indigenous political demands is a dominant thread running through the history of Indigenous settler relationships and promoted strong

⁴³ The Mackenzie Valley Pipeline Inquiry, Arctic Red, Vol. 47, p. 4546.

⁴⁴ The Mackenzie Valley Pipeline Inquiry, Rae/Edzo, Vol. 72, August 11, 1976, p. 8064.

⁴⁵ Fort McPherson, Vol. 12, July 9, 1975, p. 1125.

⁴⁶ Ibid., p. 1075.

resistance.”⁴⁷ In this context, the northern community hearings became a critically important place for the northern Indigenous peoples to assert their right to the land and to record once again their resistance to recurring and intensifying attempts to exploit non-renewable resources within Indigenous land in the North. Although the mainstream discourse of the southern hearings and formal hearings in addition to government positions were structured by the idea of cultural recognition, Indigenous witnesses during the hearings challenged these discourses and the policies by stating that land meant more to them than symbolizing their culture.

3. *Seismic Work: Ongoing Colonial Dispossession in the North*

Throughout the community hearings, Indigenous peoples expressed their environmental concerns about the protection of their land in the context of ongoing seismic explorations. Large-scale seismic explorations had been undertaken since the 1960s by energy companies to find oil and gas resources in the region.⁴⁸ Indigenous witnesses refused pipeline construction on their land by referencing their experiences with seismic work. The evidence of Indigenous witnesses about seismic work was based on their entwined economic and environmental concerns about their land. The witnesses argued that the seismic work on their land had been initiated without consulting them. Although Land Use Regulations required the consultation of Indigenous communities when an oil company applied to the federal government for implementing the seismic

⁴⁷ Nickel, 2019, p. 39.

⁴⁸ Seismic survey in oil industry, as a part of onshore exploration, based on sending seismic waves underground to locate oil and gas reserves.

work in the region, Indigenous witnesses complained that “the communities can only advise. Even the right to advise proved, more often than not, to be illusory.”⁴⁹

Northern Indigenous peoples demonstrated how seismic work caused environmental degradation on their land and how they experienced these environmental changes. As Pat Bughhins remarked at the last Hay River hearing: “how about those drillings been going on around Pine Point (...) I don't know how many miles around there, all the trees are dead (...) it's no good. That pipeline is going to be worse yet.”⁵⁰ They argued that seismic work damaged the land, caused oil spills on the lake and the shortage of animals and plants, and affected bush wildlife. They affected all manner of life-forms dependent on the bush. The Indigenous presenters bolstered their case by using photographs of the damaged terrain, and they also submitted letters—as a response to Land Use applications of oil companies—that conveyed their complaints through vivid first-person narratives.

Joe Naedzo testified in one of the Fort Franklin hearings that “Alfred Tanoton was on the seismic line and saw a beaver there. But the beaver was so sick that they had to kill it (...) since all kind of oil companies works around there, there is a scarcity of animals.”⁵¹ Alfred Tanoton reported that “after he ‘saw all those lines, the oil spills, there are not half as many ducks here anymore.’”⁵² Naedzo believed that because of seismic work, “hunting is becoming more difficult these days.”⁵³ By this statement, Naedzo

⁴⁹ Berger, 1977, p. 178.

⁵⁰ The Mackenzie Valley Pipeline Inquiry, Hay River, Vol. 6, May 30, 1975, p. 492.

⁵¹ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 604, 607; Fort Franklin, Vol. 8, June 25, 1975, p. 732.

⁵² The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, p. 708.

⁵³ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, p. 608.

underlined the effects of environmental changes on the resources and traditional economic practices that enabled Indigenous survival. He added that seismic work was not the only thing that damaged their land: “The ways of life in those days have really changed (...) Because there is highways now. There is poisoning, the governments puts some poisoning on the land. And there is fires, a lot more fires than there ever have been in the old days.”⁵⁴ Fred Wolkie, Sandy Wolkie, Dolly Carpenter, and Jonah Carpenter from North Star Harbor argued that dynamiting in nearby lakes had reduced the fish population and frightened the polar bears. Oil spills and seismic disturbances also scared the caribou and killed or sickened the seals. They added that all these changes in the environment affected their hunting practices. For example, Fred Wolkie talked about the impacts of spills caused by the seismic work on the seals:

There have been some changes and one of the things that he really recognizes is the fact that the seal doesn't normally sink in the wintertime or in September because of all the fat, but now he finds out that when he shoot a seal it sink and that's an indication that the seal hasn't had enough to eat or is not healthy enough or something. It have to have lots of fat to float.⁵⁵

Bella T'seleie, a Sahtu Dene witness, mentioned in the Colville Lake hearing that the land symbolized the independence of the Dene: “the land is our home. We feel comfortable in that place and that's the kind of independence we have. That independence, you know, is the independence that the government is taking away from us.”⁵⁶ Similar to the meaning of the land as a source of independence, Louis Blondon, a

⁵⁴ Ibid. p. 604.

⁵⁵ The Mackenzie Valley Pipeline Inquiry, North Star Harbor, Vol. 43, March 7, 1976, p. 4147.

⁵⁶ The Mackenzie Valley Pipeline Inquiry, Colville Lake, Vol. 75, August 21, 1976, p. 8329.

witness in the Brackett Lake hearing, described their free way of life on their land by contrasting it with his experience in Edmonton:

Mr. Berger, you can go jaywalking for hundreds of miles and nobody would say anything to you. Us Native people call it free country and freedom (...) When I was in Edmonton last year I was walking down the street. I decided to take a shortcut across the street. The police stopped me and asked me, 'What is your name?' And then another police stopped me and said, 'What is your name?' I said that I was from the North. He told me, 'I don't want to see you walking across the street no more or I will put you in jail or pay a fine.'⁵⁷

In a similar vein, another Indigenous witness, Chief Gerry Cheezie, addressed the land as a source of free life. In this sense, he mentioned in the hearing of Fort Smith how the Dene family “was independent and free to pursue their chosen lifestyle” and “the Dene were happy to live as they always had, free from outside influences” by living off the land since time immemorial.⁵⁸ The land was as a place that ensured independence and freedom to northern Indigenous peoples. Yet their vivid praise of a “True North Strong and Free” was directly opposed to Ottawa’s vision.

4. *“As long as the Mackenzie River flows in one direction:” Manifesting the Meaning of Treaty 8 and Treaty 11*

The traditional government practices of the Dene, before the coming of the colonial order, were described as a “collective agreement” by Georges Erasmus in one of the Rae/Edzo hearings. He added that as a part of this collective system, “we did not have people, leaders sit by themselves somewhere and make decisions and come back and impose them on our people.”⁵⁹ Erasmus also mentioned that the reason for the

⁵⁷ Ibid., p. 962.

⁵⁸ The Mackenzie Valley Pipeline Inquiry, Fort Smith, Vol. 48, April 30, 1976, p. 4659.

⁵⁹ The Mackenzie Valley Pipeline Inquiry, Rae/Edzo, Vol. 72, August 11, 1976, p. 8066.

establishment of the Indigenous organizations in the NWT in the era of increasing attempts for oil and gas development in the Mackenzie Delta region was to regain their traditional authority and system of governance.⁶⁰ He argued that the Indian Brotherhood and other Indigenous organizations were formed to advance the argument that Indigenous peoples had never given up their lands and rights to the government. On the other hand, Canadian history books, when they came to Treaty 8 and Treaty 11, claimed that Indigenous peoples had “sold their land” and had given up “the right to govern themselves.”⁶¹

Erasmus also believed that the Indigenous vision of the Treaty could be realized by the formation of Indigenous organizations. Indigenous peoples, he reasoned, could use the establishment of these organizations and the Inquiry hearings themselves to publicize their land claims:

It is true that the Inquiry has played an important role in the history of the Dene nation. But I think that really you are not our only hope (...) Those people that say that this Inquiry is our last hope are accepting the fact that the Dene have been colonized and they believe that only the colonizers can act and that the hopes of the Dene are in those same people who have colonized us. That is not true. That can never be true of any oppressed people. It is only we, the Dene, that can guarantee our future. It's only by our actions that we can get the kind of settlement we want, that we can develop the kind of communities in the North that we want.⁶²

Erasmus centred the role of the Dene themselves in their struggle for the resurgence of their traditional practices. In this manner, he subverted the Inquiry process into a Dene tool to advance their decolonization movement. This was an unequivocal challenge

⁶⁰ Ibid., p. 8064.

⁶¹ Ibid.

⁶² Ibid., p. 8062.

against the state-centred narratives of Indigenous struggles. Erasmus asserted that the Dene were the only actors with power to determine their own future. It is important to recognize and reiterate the extent to which this position was not just an argument for Indigenous rights and land claims. It was a much more radical rejection of the idea that Indigenous struggles were legitimate only if they were formed through state policies and state-centred formations.

In the northern community hearings, Indigenous peoples asserted their land claims by refusing the assumption that Indigenous peoples of the North had already extinguished their land rights and titles by signing Treaty 8 and Treaty 11. The Dene took advantage of the Inquiry hearings to declare the real meaning of Treaty 8 and Treaty 11 to their communities and their ancestors. Their speeches rejected the meaning of the treaties assigned by state formations, and also underlined the intention of their ancestors in signing the treaties. As Chief James Antoine, a young Dene witness, declared in one of the hearings of Fort Simpson, the Dene never ceded their land when they signed Treaty 11. He also argued that the signing of Treaty 11 between the Dene and the Canadian government suggested a nation-to-nation relationship:

I feel that my people were a nation at that time and today we're still saying that we're a nation. We're the Dene nation. We are the Slavey people here and we're part of this nation. I think we were a nation at the time because the country of Canada in 1921 signed a peace treaty with us, Treaty 11, and there are still old members of my Band today who were alive at that time and who are still alive today, who tell me that that first treaty was a peace treaty, and now the government is saying that the land was ceded over to the Crown as the result of the signing of the treaty. But I say that the government is lying and the government has cheated the people, and now they're stealing the land. We all feel as Dene people that this land is still our land, and since 1921 as Chief and Band Council we speak for the people, the treaty people, and a lot

of the non-status and Métis, because they are our relatives, they are our brothers and our sisters.⁶³

In effect, the Dene chief objected to ongoing colonial dispossession by claiming the land of the Dene and asserting Dene nationhood had existed since time immemorial. Similarly, Kodakin pointed out that the Dene government and the Canadian government together “made a law” when they signed the Treaty.⁶⁴ Antoine’s statement was also a refusal of the historical narrative that distorted the meaning of Treaty 11 to the Dene: “The treaty was signed 54 years ago, and on the Dene side we respected and honoured this treaty. That is why there are so many white people here today, because we respected and honoured that treaty, But it's like a history that you never hear of or read in the history book.”⁶⁵

In the Wrigley hearing in September, Antoine declared that Treaty 11 was signed as a peace treaty: “Our elders have said time and time again that the treaties were signed in good faith as peace treaties. We have not given up our land. We therefore cannot accept compensation as a just land settlement.”⁶⁶ Antoine rejected the idea that the treaties were signed by the Dene to surrender their land. The intention of their ancestor in signing the Treaty was to ensure peace and friendship, not to extinguish their rights or titles to their land. In this sense, Chief Paul Andrew also noted in the Brackett Lake hearing that “the treaties were not regarding the land; they were peace and friendship treaties.”⁶⁷ Similarly, Chief Joe Charlo stated in the Detah hearing that the Treaty was signed to pursue the friendship:

⁶³ The Mackenzie Valley Pipeline Inquiry, Fort Simpson, Vol. 26, September 9, 1975, p. 2620.

⁶⁴ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 9, June 26, 1975, p. 823.

⁶⁵ The Mackenzie Valley Pipeline Inquiry, Fort Simpson, Vol. 26, September 9, 1975, p. 2620.

⁶⁶ The Mackenzie Valley Pipeline Inquiry, Wrigley, Vol. 28, September 10, 1975, p. 2807.

⁶⁷ The Mackenzie Valley Pipeline Inquiry, Brackett Lake, Vol. 10, June 26, 1975, p. 876.

When the first government got to this lake, this Great Slave Lake, and came here with money (...) they made a treaty with the native people, we didn't know what we signed the treaty for. We didn't know that we signed a treaty for our land. When the treaty was signed it was for the white and the native people to be friends and work together, this is what we—this is what we've been told.⁶⁸

In the Jean Marie hearing, also in September, Louis Norwegian narrated the Treaty by telling his grandfather's stories. He argued that his old grandfather, as a kind of spokesmen, and the others—except one “greedy” old man from the community—had never signed the Treaty at Fort Simpson. Norwegian added that when the white people came to make the Treaty, his grandfather and others “never mentioned the land or the country.”⁶⁹ In the Detah hearing, Alexi Potfighter said that he was there at the time of the first Treaty and recalled a saying from that time: “we’re going to be friends from now on.”⁷⁰

Frank Norn, a Slavey Dene witness from Hay River, noted the promise of the government that was given to his grandfather by the first treaty: “As long as the sun comes up west and sets in the east, and as long as the Mackenzie River runs one way and it doesn't start flowing back, this promise will never be broken.”⁷¹ Similarly, Joe Naedzo stated that “the White people concluded that making a law for themselves that as long as the Mackenzie River flows in one direction, that the sun rises and sets, we will not bother you about your land or the animals. We will have absolutely nothing to do with it.”⁷²

Most northern Indigenous witnesses underlined the given promises and the meaning of

⁶⁸ The Mackenzie Valley Pipeline Inquiry, Detah, Vol. 76, August 25, 1976, p. 8359.

⁶⁹ The Mackenzie Valley Pipeline Inquiry, Jean Marie, Vol. 29, September 12, 1975, p. 2881.

⁷⁰ The Mackenzie Valley Pipeline Inquiry, Detah, Vol. 77, August 26, 1976, p. 8420.

⁷¹ The Mackenzie Valley Pipeline Inquiry, Hay River, Vol. 6, May 30, 1975, p. 524.

⁷² The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, pp. 603-604.

the treaties to them. They pointed out that these promises had been broken by the Canadian government. They also addressed the government's initiative for the construction of the pipeline as a broken promise during the northern community hearings: "The first treaty the government promised and Dene Chiefs say, okay, the river runs and the sun rises and sets, but it seems to me right now, the river's going to run backwards now if the pipeline comes through."⁷³ The evidence of the Dene about the treaties in the northern community hearings challenged the written clauses of Treaty 8 and Treaty 11 which stated that the Dene surrendered their land.

5. Mapping as a Refusal of Indigenous Dispossession

In the hearings, most Indigenous witnesses refused Gemini North Ltd.'s report entitled *Social and Economic Impact of Proposed Arctic Gas Pipeline in Northern Canada*.⁷⁴ The Gemini North was a consulting firm employed by Arctic Gas to examine the probable social impact of the energy development in the Mackenzie Delta region.⁷⁵ The social impact study was managed by Patricia Carney who was a former journalist and a former economic consultant in the Northwest Territories and Yukon and a vice-president of Gemini North. She was the M.P. for the constituency of Vancouver Center in 1980 and appointed as Minister of Energy, Mines, and Resources in 1984 under the Progressive Conservative government. The report of the Company was prepared in 1973 by Carney after she visited Indigenous communities to investigate possible socio-economic impacts of the energy corridor. She noted that the pipeline construction "would

⁷³ The Mackenzie Valley Pipeline Inquiry, Detah, Vol. 77, August 26, 1976, p. 8388.

⁷⁴ Berger, 1977, p. 151.

⁷⁵ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, June 25, 1975, Vol. 8, p. 741.

be good” in the end for Indigenous communities of the region.⁷⁶ Carney also criticized the Inquiry hearings and argued that “Berger hearings have been exploited by militant leftists.”⁷⁷

The report argued that Indigenous peoples of the region were “not using very much of the land,” young Indigenous peoples had not continued land-related practices, and the Indigenous economy was dying.⁷⁸ Her perspective in the report was challenged by the evidence of Indigenous peoples during the northern community hearings. They emphasized that they still were living off the land. The maps of land usage that were prepared by the Indigenous organizations—as a part of the Land Use and Occupancy Study of IB-NWT, ITC, and COPE’s land use and occupancy maps—were used in the Inquiry hearings to refute Carney’s arguments.⁷⁹ These maps were developed according to evidence from Indigenous hunters and trappers about their use of the land. The maps showed the hunting and trapping areas of the land actively used by Indigenous peoples and were exhibited as a part of the Inquiry. The maps of the land usage were act of refusals against the discourses that depicted Indigenous traditional economic practices as “a dying thing.”⁸⁰ These maps also challenged the reports of the institutions of the settler state and the industry that aimed to ignore ongoing Indigenous traditional practices.

⁷⁶ Hamilton, 1994, p. 143.

⁷⁷ Martin O’Malley, “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976, p. 7.

⁷⁸ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, p. 606; Berger, 1977, p. 104.

⁷⁹ For details about the projects on the maps of land use and occupancy; see Stoller, 2019.

⁸⁰ The Mackenzie Valley Pipeline Inquiry, Fort Smith, Vol. 33, October 9, 1975, p. 3197.

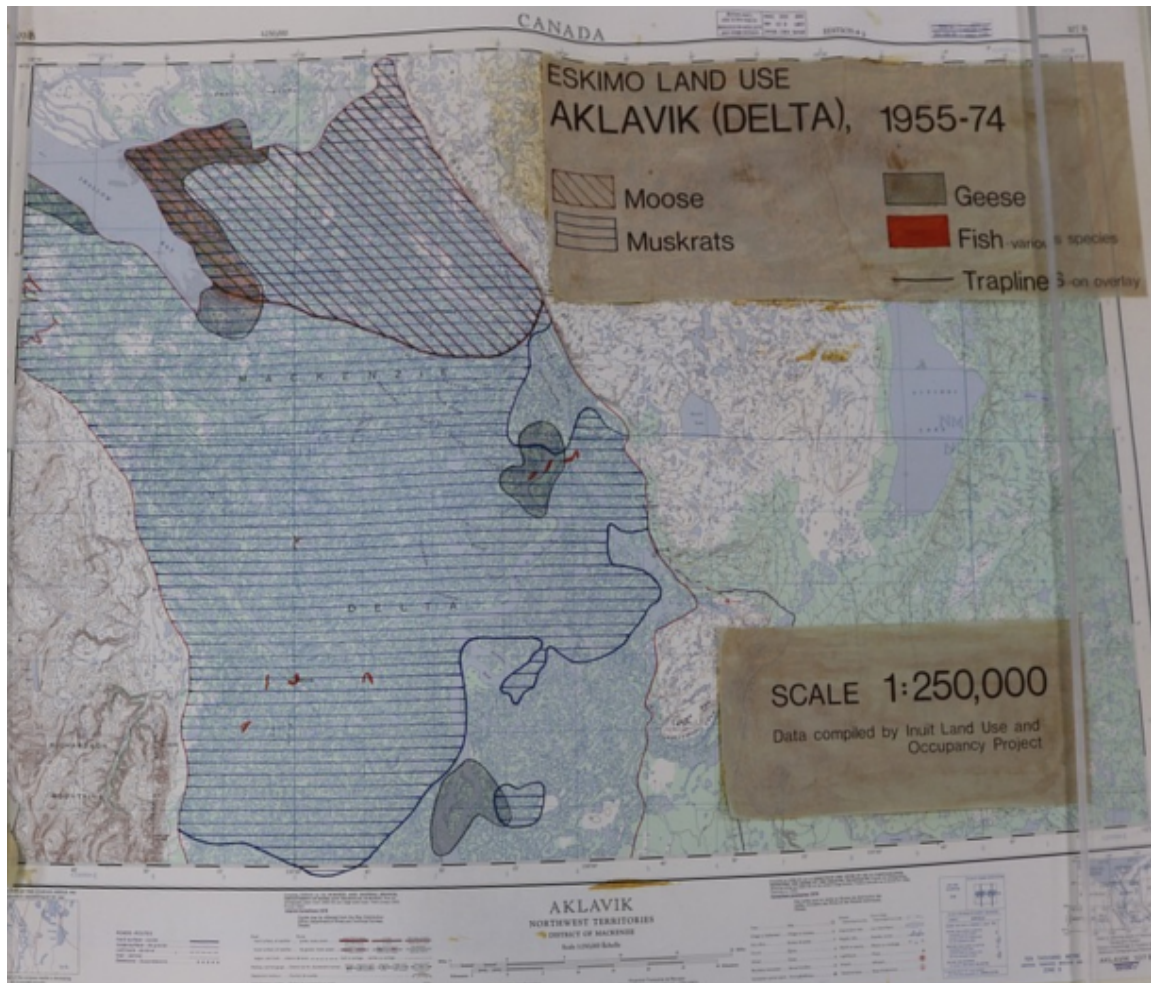


Figure 4.3: A map of Inuit traditional land use and occupancy in Aklavik—Inuit Land Use and Occupancy Project (ILOUP) by ITC, 1973-1975.⁸¹

In addition to such land use maps, the speeches of the Indigenous witnesses in the hearings were a kind of land manifesto against Gemini North's report. The report had claimed that "A survey made in 1972 revealed that only 96 persons, out of a study region

⁸¹ "The research for Aklavik was done in January, 1974, and consisted of interviews with 51 Eskimo men who were resident here at that time. Each was asked to mark on maps similar to these all their past traplines, hunting areas, and fishing areas from the time that they were old enough to engage in these activities on their own. These maps show the sum of all these men's land use." Peter Usher, *The Mackenzie Valley Pipeline Inquiry, Aklavik*, Vol. 40, February 23, 1976, pp. 3821-3822.

population of 23,600 and a male working age population of 7,830 were engaged in full-time and regular part-time trapping.”⁸² Joe Naedzo objected to this representation at one of the Fort Franklin hearings. According to Naedzo, “that woman that made the report, on Gemini North, probably didn't even go, you know, a couple of yards into the bush to make that kind of a report.”⁸³ He also added that when Indigenous peoples talked about their way of life, “it’s the truth because they have experienced it.”⁸⁴ In another hearing, Chief George Kodakin also contradicted to the report: “There was a report made by a woman and he says that woman didn't even have a meeting with us, and she practically didn’t see anybody (...) that woman has not even gone as far as Little Lake with anybody (...) Why did she come here to make reports like that which are false?”⁸⁵ In addition to the evidence of Indigenous peoples, *The Land Use and Occupancy Study* of the IB-NWT also reported that

There are 1,075 persons actively engaged in trapping in the Mackenzie District (...) the evidence given in the communities by hundreds of native witnesses and the Land Use and Occupancy Study maps, all indicate the extent to which the native people are still engaged in hunting, fishing and trapping.⁸⁶

⁸² Berger, 1977, p. 100.

⁸³ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 7, June 24, 1975, p. 606.

⁸⁴ Ibid.

⁸⁵ The Mackenzie Valley Pipeline Inquiry, Fort Franklin, Vol. 8, June 25, 1975, pp. 741, 742.

⁸⁶ Berger, 1977, p. 100.



Figure 4.4: Mapping of the Dene land-use.⁸⁷

In the context of this chapter, it is important to recall Sarah Nickel's argument on public hearings—not only those of the Mackenzie Valley Pipeline Inquiry—as a political middle ground that enables Indigenous peoples' strategic participation to use the space to raise their claims and form their strategies against settler-colonial projects.⁸⁸ Northern Indigenous peoples utilized the Inquiry process and established Indigenous organizations to resist changing government policies in the era of increasing initiatives for the energy development of the North.⁸⁹ In doing this, Indigenous peoples converted the Inquiry process into a refusal of the state policies and a refusal of the exploitation of their non-

⁸⁷ "The NWT Indian Brotherhood panel explains Dene use and occupancy of land. From left: Fred Greenland, Charlie Snowshoe, interpreter Louis Blondin, Wilson Pellissey, Betty Menicoche and Phoebe Nahanni. (D. Gamble)" (Berger, 1977, p. 176).

⁸⁸ Nickel, 2019, p. 40.

⁸⁹ The northern Indigenous peoples asserted their land claims and formally proposed them by utilizing the role of the Indigenous organizations, such as the IB-NWT, the ITC, the Métis Association of the NWT, and the Council for Yukon Indians in the 1970s and the early 1980s. The establishment of Indigenous organizations followed the new policies and emerged from discussions on the northern development and the idea of opening the northern resources to the south (Coulthard, 2014a, p. 57).

renewable resources on their land. The Indigenous resistance against energy development—by claiming the revitalization of their traditional practices during the hearings—frustrated state policies informed by the high modernist ideal of transforming the North into a repository of resources for southern capital.

While Indigenous refusal of the ongoing land dispossession orchestrated by the settler state and fossil capital was becoming ever more evident, the mainstream discourse of the southern and formal hearings conversely proceeded by largely disregarding the Indigenous political movements in the North. The following two chapters is focusing on how this mainstream discourse was structured by non-Indigenous witnesses in the southern and formal hearings of the Inquiry through a rhetoric of cultural recognition rhetoric and state-driven development.

Chapter Five

Reimagining the North: The Discourse of Culture, Nature, and Violence

1. *The Imagery of the North: A Nation's Identity, Pristine Wilderness, Unique Culture*

In the opening remarks of the southern hearings of the Inquiry, Berger emphasized that the hearings were organized because the future of the North concerned Canadian collective identity as a nation:

*We Canadians think of ourselves as a northern people. So, the future of the north is a matter of concern to all of us. In fact, it is our own appetite for oil and gas, and our own patterns of energy consumption that have given rise to proposals to bring oil and gas from the Arctic. It may well be that what happens in the north and to northern peoples will tell us what kind of a people we are. That is why we are here to listen to you [emphasis added].*¹

In some southern hearings, he also added to this opening statement the declaration, “what happens in the North will be of great importance to the future of our country.”² In a similar vein, the issues of the North in ways centred on the South: “The southern hearings are crucial for the process of the inquiry, for any substantial changes in the north, because any ‘northern problem’ really is a problem of southern attitudes. For better or worse, the south still controls the destiny of the north.”³ The opening statements of the southern community hearings differed from the opening remarks of the northern community

¹ The Mackenzie Valley Pipeline Inquiry, 1974-1976.

² Martin O'Malley, “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976.

³ Martin O'Malley, “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976. Martin O'Malley was assigned by the *Globe and Mail* to attend the Inquiry hearings as a journalist. In addition to his reports in the *Globe and Mail*, he published a book of the records he obtained during the hearings of the Inquiry; *The Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline* (Toronto: Peter Martin Associates, 1976).

hearings. While an emphasis on the North as a matter of the whole country was situated in the beginning of the formal and southern hearings, Berger stated in opening remarks in the northern community hearings that the government wanted to hear the thoughts on the pipeline construction from people “who make the North [their] home.”⁴ The mainstream discourses of the southern hearings were structured in the opening statements in ways that perpetuated the idea of the North as an imaginary place entwined with Canadian national identity.

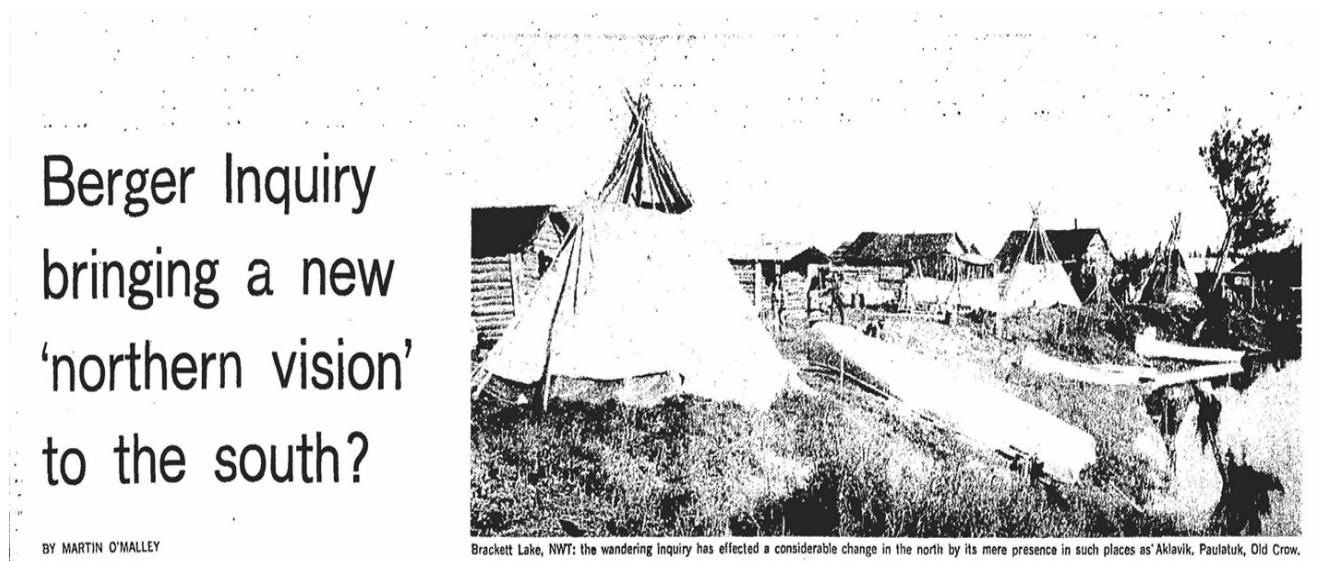


Figure 5.1: Thomas Berger: “Emotional hearth-land of Canadians”⁵

The southern hearings as a part of the community hearings of the Inquiry took place between May and June in 1976, in ten Canadian cities; Calgary, Charlottetown, Edmonton, Halifax, Montreal, Ottawa, Regina, Toronto, Vancouver and Winnipeg. Much as Berger had acknowledged the South’s influence on the North in his preambles, the

⁴ The Mackenzie Valley Pipeline Inquiry, 1974-1976. The opening remarks of the formal and southern hearings were different from the opening statements of the community hearings in the North.

⁵ Martin O’Malley, “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976, p. 7.

importance of the southern hearings also highlighted the need for a national consensus and the awareness that the large part of the Canadian population hugged the US-Canada border. In addition to Indigenous and non-Indigenous spokespeople from the South, there were also witnesses as representatives from such organizations as the Canadian Labour Congress, Voice of Women, National Coalition Against Northern Pipeline, Project North (Aboriginal Rights Coalition), Sierra Club, Greenpeace Foundation and Northern Assessment Group (Canadian Nature Federation, the Federation of Ontario Naturalist, Pollution Probe, Society for Pollution and Environmental Control, and the Canadian Environmental Law Association). The testimonies of witnesses were not cross-examined during these southern hearings, as they had been in their formal counterparts.

The table below provides a list of southern hearings of the Mackenzie Valley Pipeline Inquiry held between May and June of 1976 in ten Canadian cities. This table also shows which organizations and institutions' representatives attended the hearings as witnesses.

Southern Hearings of the Mackenzie Valley Pipeline Inquiry

<u><i>Month- Day/Year</i></u>	<u><i>City</i></u>	<u><i>Organizations/Institutions Represented</i></u>
<i>May 10/1976</i>	Vancouver	The Inter-Church Committee for World Education Development, Greenpeace Foundation, the Society for Pollution & Environmental Control, the B.C. Federation of Labor,
<i>May 11/1976</i>	Vancouver	The Co-Operative Christian Campus Ministry, the Share Club Office of International & Environmental Affairs, the Creative Survival, the B. C. Confederation of the United Church of Canada, the Federation of British Columbia Naturalists, the West Coast Environmental Law Association, the First United Church, the International Development Education Resource Association, the committee for Justice and Liberty Foundation, the Sam Guthry Club, the Canadian University Service Overseas, the B. C. Confederation of the United Church of Canada
<i>May 12/1976</i>	Vancouver	The Northwest Development for the Anglican Church of Canada, the Tamahnous Theatre Workshop, the Downtown Eastside Residents Association, the Vancouver Downtown Eastside Women's Centre, the B.C. Environmental Council, the VOICE
<i>May 13/1976</i>	Calgary	The Canadian Artic Resource Committee, Mayor of Calgary, the Canadian Petroleum Association, Sierra Club, Council of Social Affairs for the Roman Catholic Diocese of Calgary, the Science Advisory Committee, the Christian Action Committee of Calgary, Arusha Cross-Cultural Centre
<i>May 14/1976</i>	Calgary	Calgary Chamber of Commerce, Committee for an Independent Canada, Southern Support Group for Native Land Claims
<i>May 17/1976</i>	Edmonton	Mayor of Edmonton, the Association of Professional Engineers, Geologists and Geophysicists of Alberta, the Diocese of Athabasca of the Anglican Church of Canada, the Nechi Institute on alcohol and drug education, Save tomorrow, Oppose Pollution (S.T.O.P.), the Western Canada Synod of the Lutheran Church in America, Ten Days for World Development, Canadian Chamber of Commerce, the National Executive Council of the Anglican Church of Canada
<i>May 18/1976</i>	Edmonton	Canadians for Responsible Northern Development, the Catholic Women's League in the Archdiocese of Edmonton, the Edmonton and District Council of Churches, the Voice of Women, St. George's Anglican Church Study Group, St. George's Anglican Church Study Group, the Development & Peace Committee of St. Joseph's Cathedral Parish, the Committee for Justice and Liberty, the Lutheran Student Movement in Canada

<i>May 19/1976</i>	Regina	The Saskatchewan Association Human Rights, the Energy Secretariat, Department of Mineral Resources in the Government of Saskatchewan, the Regina Committee for World Development, the Social Action Desk of the Catholic Archdiocese of Regina, the Saskatchewan Federation of Labor, the Saskatoon Environmental Society
<i>May 20/1976</i>	Winnipeg	the Anglican Diocese of Ruperts Land, the Manitoba Naturalists' Society, the Manitoba Environmental Council, the Inter-Cultural Development Education Association Incorporated, the Interchurch Task Force on Northern Flooding, Archdiocese of Winnipeg, the Prairie Environmental Defence League, the Winnipeg Civil Liberties Association, the Social Action Committee of Fort Garry United Church
<i>May 25/1976</i>	Toronto	The Social Action for the Diocese of the Roman Catholic Archdiocese of Toronto, the Canadian president of the U.A.W, the International Union, United Auto Aerospace and Agricultural Implement Workers of America, the Ontario Natural Gas Association, the Energy Probe
<i>May 26/1976</i>	Toronto	The Pollution Probe, the Canadian Gas Association, the Ontario Chamber of Commerce, the Union Gas Limited, the Ontario Federation of Labor, the National and Provincial Parks Association, the Student Christian Movement of Canada, the Committee for Justice & Liberty Foundation, the Interchurch World Development Study Group of Brampton, the Core Committee for World Peace and Development
<i>May 27/1976</i>	Toronto	The Board of Trade of Metropolitan Toronto, the National Citizens' Coalition, the Divine, Word Centre, London, the Cross-Cultural Learners' Centre, London, the London & District Labour Council, as well as the United Auto Workers, Local 27, the London Association for International Development, the Scarborough Foreign Mission Society, Federal Chairman of the Canadian Federation of Communications Workers, the Thornhill United Church, the Labor Council of Metropolitan Toronto, the Newman Center of Toronto, the Canadian Environmental Law Association, the Concerned Citizens of the Guelph Community, Outreach & Action Committee, St. Matthews United Church
<i>May 28/1976</i>	Toronto	The Ontario Federation of Students, the Voice of Women, the Ryerson Polytechnical Institute, the Office and Professional Employees International Union
<i>May 31/1976</i>	Montreal	The National Assembly for Mount Royal, the Social Justice Committee
<i>June 1/1976</i>	Montreal	The Jewish Labor Committee, the Canadian Chamber of Commerce, the Centre Information Communautaire de Sainte Scholastique, the Office of Development of the Diocese of St. Jean de Quebec, the Anglican Diocese of Montreal, the Canadian Coalition for Nuclear Responsibility, the Social Justice Committee of Canada

<i>June 3/1976</i>	Ottawa	The Project North, the Canadian Nature Federation, the Civil Liberties Association of the National Capital District, the Canadian Wildlife Federation, the Committee for Justice & Liberty,
<i>June 4/1976</i>	Ottawa	The Science Council of Canada, the World University Service of Canada, the Ottawa Chapter of the Solar Energy Society of Canada, the National Association of Friendship Centres, the Steel Company of Canada, The Ten Thousand Days, the New Democratic Party, the Ecumenical Citizens Group, the Roman Catholic Archdiocese of Kingston, the Westboro United Church of Ottawa
<i>June 7/1976</i>	Charlottetown	The Anglican, United, Roman Catholic, Presbyterian and Christian Reform Churches of P.E.I, the Social Action Commission Roman Catholic Diocese of Charlottetown, the Rural Development Council, the Catholic Family Services Breau, the Social Action Committee, St. Paul's, Summerside, P.E.I., Sister Pauline Dalton of the Council of Religious Sisters of the Diocese of Charlottetown, the Youth of St. Anthony's Parish, Bloomfield, P.E.I., the Prince Edward Island Civil Liberties Association
<i>June 8/1976</i>	Halifax	The Dalhousie Faculty Association, the Halifax Field Naturalists, the Roman Catholic Archdiocese of Halifax, the Nova Scotia Federation of Labour, the Nova Scotia Federation of Labour, the Coalition for Development, the Pollution Probe, the Ecology Action Centre, the Voice of Women, the Halifax Citadel New Democratic Party, the Development and Peace, the Presbyterian Church of the Presbytery of Halifax and Lunenburg, the Development Education Resource Services, the Y.W.C.A. Cross-Cultural Study Group.

Table 5.1: Southern Hearings of the Mackenzie Valley Pipeline Inquiry.

In this chapter, I focus on how the discussions of the southern hearings framed the idea of the North and the perspectives on cultural recognition in the 1970s. The testimonies of non-Indigenous witnesses in the southern hearings mostly focused on the meaning of the North as a pristine environment symbolizing the Canadian national identity or a place of a unique culture contributing to the social mosaic of Canada. In the context of these testimonies, some witnesses addressed the North also as a place of

potential violence that could threaten Canadian unity.⁶ The witnesses argued that recognition of Northern cultural differences, by addressing Indigenous claims, would diminish the risk of any violent reaction and could strengthen the Canadian social fabric. As this chapter will explain, however, these references to cultural recognition were structured around a romanticized interpretation of the North that depoliticized the claims of the northern Indigenous peoples. In this chapter, I also discuss how the narrative of the southern hearings, driven as they were by a colonial legacy, structured an unsettled North by stressing a pristine wilderness and ignoring Indigenous presence on the land. This narrative was used for both pro-pipeline and anti-pipeline arguments.

One of the more salient features of the mainstream discourses in the southern hearings of the Inquiry was the construction of the idea of the North as an integral component of Canada's national identity. James Lotz, one of the witnesses of the southern hearings, had already expressed this imaginary meaning of the North in his writings: "the North is now inextricably tied up with the Canadian identity. It is like a vast screen upon which our being as Canadians is projected."⁷ In the context of imagination of the North as a national identity, some witnesses at the southern hearings addressed the northern environment as a Canadian heritage in need of protection. At the Halifax hearings, Paul Keddy, a member of the Halifax Field Naturalists, exemplified how the Mackenzie Valley pipeline development threatened the Canadians' "hereditary source" (the North):⁸

⁶ As previously discussed in Chapter Two.

⁷ Lotz, 1971, p. 154.

⁸ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, pp. 7253, 7260; Calgary, Vol. 52, May 13, 1976, p. 5369.

The first is that Canada's north is a part of our *heritage* as Canadians; it is *an integral part of the Canadian culture*. Now many Canadians will never see a seal, they will never see a polar bear, or a caribou, but they'll derive pleasure from these animals merely by knowing that they continue to roam free in our north. If these animals decline, *we as Canadians will have lost a little of ourselves*. As well, Canada has *global wildlife responsibilities*. People around the world know of our northern animals. Do we as Canadians have a right to threaten a wildlife heritage which is global in its importance? [emphasis added]⁹

This was not out of character. Throughout the southern hearings, representatives of the conservation organizations and other environmental groups warned of the pipeline's threat to the Northern environment, which they invoked as much as a national symbol as a physical place.



Figure 5.2: An image of Caribou herd in the Report of the Mackenzie Valley Pipeline Inquiry.¹⁰

In the Halifax hearing, a representative of Pollution Probe evoked the mystique of the environment as a pillar of Canadian nationhood by pointing out the country's environmental problems: "This is one country, from sea to sea, from north to south. As

⁹ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, p. 7723.

¹⁰ Berger, 1977.

citizens of it we are hurt when our environment is hurt wherever the hurt occurs.”¹¹

Martin Serediak, a representative of the Arusha Cross Cultural Center, stated in the Calgary hearing that “the time has come for this exploitation to stop if we are to have a true north strong and free.”¹² As Seredik’s statement demonstrated, the future of the North was discussed by referencing the national codes that symbolized a Canadian identity integrated with the North. A representative of the Canadian Nature Federation claimed in the Ottawa hearing that the very existence of Canada depended on its North: “There is no doubt it [the North] will always be there, and so long as it is there, Canada will not die.”¹³ In a similar vein, an engineer in one of the Vancouver hearings mentioned that “if the North is strong, then Canada will be strong.”¹⁴ As these statements demonstrated, the witnesses of the Inquiry hearings framed the meaning of the North as a deciding factor in Canada’s future as a country.

In addition to reinforcing the idea of “Canada of the North,” debates surrounding the recognition of Indigenous claims were interwoven with the relationship between the North and national identity.¹⁵ For instance, in one of the Toronto hearings, William Kashtan, a leader of the Communist Party of Canada, addressed Indigenous rights by framing them around discursive national symbols of Canada: “We are convinced that only

¹¹ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, p. 7776.

¹² The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5389. The Arusha Cross-Cultural Centre was “a non-governmental organization servicing the Calgary area as a developmental educational resource centre” (The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5380).

¹³ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7259.

¹⁴ The Mackenzie Valley Pipeline Inquiry, Vancouver, Vol. 49, May 10, 1976, p. 4834.

¹⁵ Prime Minister John Diefenbaker enjoyed great success of 1958 election with the slogan, “Canada of the North!” (Kaufmann, 1998, p. 689)

on such a basis can the national rights of the native peoples, their identity, language and culture be guaranteed within the framework of a true north, strong and free.”¹⁶

The mystique of Canada’s northern heritage also bolstered pro-pipeline arguments. In rhetoric that echoed the environmental claim for a national ethos, a president of an engineering company, John E. Rymes indicated that “all of the countries of the world recognize Canada as a winter or an Arctic-oriented country.” He added that, therefore, Canadian engineering companies had been recognized as “the leading authority on these cold weather operations” since Confederation.¹⁷ In this context, Rymes argued that Canadian engineers could build a gas pipeline in the Canadian Arctic without encountering any problems. Northern national identity cut both ways.

2. Depicting a Northern Environment and Structuring an Imagined Northern Culture

The northern way of life was imagined and mystified during the southern hearings. The non-Indigenous witnesses’ testimonies consistently constructed a discursive difference between the northern way of life and the southern lifestyle. The cultural recognition rhetoric followed this discourse to re-symbolize a Canadian national identity based on cultural differences. In this way, the witnesses aimed to redefine an idealized Canadian national identity through discussing oil development in the North.

The discourses of the southern hearings were structured around the ideal of “conflicting values” between southern Canadians and northern Indigenous peoples. This depiction of the differences represented a symbolization of the North through addressing

¹⁶ As stated in the anthem “the true North strong and free” (Kaufmann, 1998, p. 684); The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, May 26, 1976, p. 6456.

¹⁷ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, pp. 5366, 5372.

it as a “source of spiritual strength.” The witnesses argued that this spirituality made better Canadians as a people, or at least “give [Canadians] a future in which [they] might become better.”¹⁸ In particular, representatives of the Christian organizations and the churches united under the Project North, opposed the northern pipeline development as it could destroy the unique culture of the North. They argued that the continuation of the way of life and the culture of northern Indigenous peoples in the North needed to be ensured. Their presentations often conveyed a paternalistic and romantic take on Indigenous life in the North that was, notwithstanding their sympathetic stance, a continuation of colonial tropes.

Project North was an inter-church group established in 1975. It then became the Aboriginal Rights Coalition.¹⁹ The group represented “the collective voice of several of Canada’s churches on Aboriginal issues.”²⁰ In the southern hearings, the testimony from the Project North representatives was based on the idea of shifting values toward the environment among southern Canadians. They advocated cultivating an alternative way of life formed around “conservation rather than consumer attitudes.”²¹ The Indigenous way

¹⁸ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5354; Francis, 1997, p. 170; Krech III, 1999.

¹⁹ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, p. 7670.

²⁰ The Aboriginal Rights Coalition (Project North), Submission to the Royal Commission on Aboriginal Peoples, June 1, 1993, p. i.

²¹ The Aboriginal Rights Coalition (Project North), Submission to the Royal Commission on Aboriginal Peoples, June 1, 1993, p. 2, quoted from Project North, *A Call for a Moratorium: Some Moral and Ethical Considerations Relating to the Mackenzie Valley Pipeline*, 1976, pp. 1-2. See Hutchinson, 1992, p. 103. Project North (then known as Aboriginal Rights Coalition) was established in the fall of 1975 as “an ecumenical organization and concerned with native land claims and northern development” particularly after the proposal of energy projects in the North (The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, p. 6442; Hutchinson, 1992, p. 1). The organization represented the Roman Catholic, Anglican, United, Presbyterian, Evangelical Lutheran, Mennonite, and Christian Reformed churches, along with the Religious Society of Friends (Quakers), the Oblates of Mary Immaculate and the Society of Jesus (Jesuits). These churches and organizations sponsored Project North, (see Hutchinson, 1992, p. 15). The representatives of Project North recommended a moratorium on northern oil and gas development in the southern hearings.

of life in the North was situated as an alternative lifestyle for southerners by the witnesses of the Project North: “In the time of frenzied growth and consumption, the lifestyle priorities of native peoples have come to be an increasing alternative to our own lifestyles.”²² As in this statement, the witnesses addressed the northern Indigenous way of life as an ideal way that was needed to be adopted to abolish the “monolithic secular lifestyle” of southern Canadians.²³ In one of the hearings in Toronto, Frank Duerden, a member of the Department of Geography at Ryerson Polytechnical Institute, argued that the rejection of the proposed pipeline project would result in an “abandonment of the expansionist cowboy attitudes towards material sources” and would constitute “a forced and necessary change in lifestyle from one of expansion and consumerism to one of conservation.”²⁴

Discourses of the southern hearings on the northern way of life maintained a colonial legacy in structuring a meaning of the North in order to emphasize a necessity in shaping the attitudes in the South. Jake Binnema, a representative of the Calgary Christian Action Committee, mentioned that standing together with the Dene and Inuit would determine the future lifestyle of the whole nation: “Canada must listen to what the native people are telling us about the way we live and the need for us to change.”²⁵ In this

The organization argued that Indigenous land-claims and self-determination needed to be recognized by Canadian government as long as Indigenous peoples “express their cultural uniqueness” in a non-violent way (Submission to the Royal Commission on Aboriginal Peoples by the Aboriginal Rights Coalition (Project North), 1993, p. viii).

²² The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5358; The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, p. 5651.

²³ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5357.

²⁴ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 61, May 28, 1976, p. 6847.

²⁵ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5358, 5361.

recurring refrain from the southern hearings, the recognition of northern Indigenous cultures and their way of life was made contingent on their moral benefits not only for the lifestyles of southern Canadians but also with respect to the future of Canadian national identity: “We believe that the issue of northern development is an excellent sign-post of who we are and what we profess as a nation.”²⁶ A similar perspective could be found in Berger’s comment about the further discussions regarding the Alaska Native Claims Settlement Act of 1971:

My journey to the villages of Alaska was an *inner journey* as well. Any inquiry into the condition of the Native peoples, any discussion of their goals and aspirations, must also entail a consideration of *our own values*. What we learn in this process about Native society *should teach us much about our own society* [emphasis added].²⁷

Berger remarked on the Indigenous peoples’ discussions in Alaska on the issues related to their land and way of life as a leverage in the consideration of values in non-Indigenous society. Universalizing the discourse—reading the northern way of life as an alternative lifestyle for southern Canadians by emphasizing the “unique cultural entity” of northern Indigenous peoples—ignored the entwined political, economic, and cultural aspects of the Indigenous way of life in the North.²⁸

Statements from some environmental organizations in the southern hearings similarly framed the Indigenous life in “Canada’s glorious north” as an idealized lifestyle for Canadian citizens in the South.²⁹ For instance, in one of the southern hearings,

²⁶ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5353.

²⁷ Berger, 1985, p. viii, xi. Berger headed the Alaska Native Review Commission in 1983. He visited Indigenous communities and had meeting with them to listen their testimony about the effects of the Alaska Native Claims Settlement Act. The report of the Commission was published as a book titled *Village Journey* in 1985.

²⁸ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7337.

²⁹ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, pp. 7775, 7776.

Pollution Probe addressed the relationship between northern Indigenous peoples and their land as a right way to end harmful attitudes of “imprudent southerners” with respect to their environment:

Surely we’ve done enough to the Inuit and Indians in Canada’s north. Surely driving them to the point of extinction does us no credit (...) We are finally coming to see that their way was the *right way* after all, we need to emulate them, not annihilate them. Their ethics, their care for mother earth, their *innate wisdom* that let them live thousands of years in this land without causing it harm should be an example to those of us who have damaged this country serious[ly] within one lifetime [emphasis added].³⁰

In her statement, Anne Ottow, Pollution Probe activist and columnist, stressed the “innate wisdom” of northern Indigenous peoples in their relationship with the land. This approach exemplified the conservationist perspective based on the argument that Indigenous peoples are “essentially closer to nature and inherently environmentalists,” or “natural environmentalists.”³¹ As Paul Nadasdy and numerous other scholars have pointed out, the image of “original ecologists” is driven from the colonial perspective and popular view of “a pure natural race in tune with their environment.”³² This image was also based on the “the assumption that Indigenous people live in perfect harmony with the environment, more *of* nature than *in* it” and “can serve as an inspiration for those in industrial society.”³³

In addition to contributing to the colonial discourse of the “ecologically noble savage,” Ottow reinforced the “myth of Native extinction” and the assumptions of

³⁰ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, p. 7775. Pollution Probe, a Toronto-based environmental non-governmental organization, was established in 1969.

³¹ Sturgeon, 1999, p. 262; Curley, 2019, p. 158-60.

³² Lapier and Beck, 2015, p. xvii; Nadasdy, 2005, p. 292. See also Shepard Krech III, 1999.

³³ Nadasdy, 2005, p. 292.

“Native peoples are dying out” and “belong to a ‘dying race.’”³⁴ Ottow’s was a perspective common in conservationist circles: it constituted a legacy of colonial discourse that intertwined nature despoliation and rhetoric supposing “the end of a race” and “Indigenous absence.”³⁵ In both instances, industrialism was trespassing on, and laying waste to, nature. Ottow further implied that the “extinction” of Indigenous people in the North could be prevented by southern Canadians emulating the Indigenous way of life. In this sense, her narrative represented a popular interpretation of Indigenous peoples that has since been rejected by Indigenous scholars and communities alike. As Thomas King describes the common refrain in *The Inconvenient Indian*: Indigenous peoples “are on the brink of extinction, and if they’re going to be saved at all they’ll be saved by some white guy who comes in and saves the day.”³⁶

Numerous scholars discuss how Indigenous struggles against environmental injustices need to be framed in a broader context than environmental issues. As these discussions stress, the Indigenous struggle for their land extends beyond environmental issues and their struggle against environmental racism is “deeper than an Indigenous environmentalism.”³⁷ Or, as argued by the anti-colonialist scholar Jaskiran Dhillon: “a fight for environmental justice must be framed, first and foremost, as a struggle for Indigenous sovereignty.”³⁸ Dina Gilio-Whitaker makes a similar point when she insists

³⁴ Redford, 1991; King, 2012, pp.1177, 3608; Lapier and Beck, 2015, pp. xvi-xvii.

³⁵ Falzetti, 2014, pp. 134-7; Ellis, 2019, p. 185. John Hausdoerffer’s *Catlin’s Lament: Indians, Manifest Destiny, and the Ethics of Nature* addresses this question rather well from an American perspective.

³⁶ King, 2012, p. 3608.

³⁷ Curley, 2019, pp. 158-60.

³⁸ Dhillon, 2019, p. 235.

that environmental justice in the context of Indigenous struggles needs to be contextualized within the political objectives of Indigenous peoples:

EJ [environmental justice] for Indigenous peoples, therefore, must be capable of a political scale beyond the homogenizing, assimilationist, capitalist State. It must conform to a model that can frame issues in terms of their colonial condition and can affirm decolonization as a potential framework within which environmental justice can be made available to them.³⁹

Each of these scholars highlight the moral and intellectual cost of reducing Indigenous resistance to a type of environmental politics. As the geographer Andrew Curley points out, environmental organizations' tendency to associate "naturalism and environmentalism with Native American culture and spirituality" was not only stereotypically racist, but "also muted the political claims of Indigenous actors and activists."⁴⁰ Curley emphasizes that "reducing Indigenous nations to natural environmentalists leads to the misguided assumption that environmental justice will resolve legacies of colonialism."⁴¹ Dhillon notes that the broad context of environmental justice has a part to play in decolonization struggles: "environmental justice is firmly rooted in Indigenous political strategies advancing decolonization."⁴² As the broader contextualization of environmental justice demonstrates, Indigenous movements based on Indigenous place-based ethics and claims are beyond—and deeper than—the struggles driven by environmental concerns.⁴³

³⁹ Gilio-Whitaker, 2019, p. 31.

⁴⁰ Curley, 2019, p. 159.

⁴¹ Ibid., p. 158.

⁴² Dhillon, 2019, p. 239.

⁴³ Curley, 2019; Ellis, 2019.

The manner in which rhetoric praising “natural environmentalists” permeated the southern hearings in the 1970s offers abundant evidence of a colonial framework subsequent scholarship has sharply critiqued. In the southern hearings, conservationists and the representatives of church organizations further reinforced the widely-held belief that “the old way of life of the native people is in an intimate relationship to a healthy, natural environment.”⁴⁴ The idea that Indigenous peoples “belonged in the wilderness” and were “part of the wilderness” exemplified a legacy of colonial discourse.⁴⁵ In her analysis of “the making of Canadian nature,” Jocelyn Thorpe recorded travel writings from colonial settlers that depicted Indigenous peoples as “children of the wild,” “wild men of the woods,” and “children of nature.”⁴⁶ This is unsettling language, but it was not uncommon, and not far removed from similar discourse, which considered the Indigenous way of life similar to that of “a wild animal” by arguing that “the Indian occupied large areas of land.”⁴⁷ These discourses were especially pernicious in that they depicted the Indigenous way of life as “static” and “as fixed in the past.”⁴⁸ It also relegated Indigenous claims “to either a romanticized or ugly historic past.”⁴⁹ The travel writers that Thorpe studied aimed to address Indigenous peoples “in wilderness time, a time, (...) that was nearing its end.”⁵⁰ The narratives depicting Indigenous peoples “as savage and fixed in

⁴⁴ The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, p. 5733.

⁴⁵ Thorpe, 2012, pp.185, 191; Deloria, Jr., 1988, pp. 6, 8, 171, 196.

⁴⁶ Thorpe, 2012, p.185.

⁴⁷ Deloria, Jr., 1988, pp. 6, 8, 171, 196.

⁴⁸ Downey, 2018, p. 1639 [Kindle]; Thorpe, 2012, p.185

⁴⁹ Lapier and Beck, 2015, p. xvi.

⁵⁰ Thorpe, 2012, p.185.

time and space” often worked to promote the “civilized” and “progressive” identity of colonizers, and they worked to eliminate claims-defending Indigenous voices.⁵¹

Underlining this common discourse was the implication that northern Indigenous nations existed as “a no-growth society,” one equipped with innate capabilities to survive in the difficult environment of the North. Over and over again, Berger heard testimonies that presented images of the North as a “harsh,” “hazardous,” “hostile,” “remote,” “cruel,” “fragile and yet tough” place where even simple survival was a struggle:⁵²

Canadians must learn to live in balance with nature and their resources. We can learn a great deal from the Inuit and Indians who long ago developed a *no-growth society*, using almost no resource that was not renewable. Their food, clothing, fuel and shelter all were derived from renewable resources. In the case of the Inuit, they achieved this in *one of the harshest regions of the world* [emphasis added].⁵³

This brief from the executive director of the Canadian Nature Federation contributed to one of the dominant stereotypical discourses that assumed the “simple lives” of northern Indigenous peoples assure survival in “a harsh land.”⁵⁴ A similar narrative was outlined by Kathy Skerrett, a resident in Nova Scotia, at the Halifax hearing: “This is a harsh land. It is too cold, too empty, too cruel. White men have preferred the fertile south and forgotten the vast expanses of the sub-Arctic, but the native peoples have managed to survive and flourish in the Canadian north.”⁵⁵ This discourse depicted the North as an inhospitable place full of danger and also accommodated stereotypical images of

⁵¹ Ibid., p.186.

⁵² The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7336; Toronto, Vol. 61, May 28, 1976, p. 6842, 6846; Halifax, Vol. 67, June 8, 1976, p. 7707; Toronto, Vol. 59, May 26, 1976, p. 6484; Calgary, Vol. 52, May 13, 1976, p. 5389.

⁵³ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, pp. 7256, 7336.

⁵⁴ Grace, 2001, p. 158.

⁵⁵ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, p. 7707.

unchanging Indigenous peoples. The image was based on an assumption that the northern Indigenous peoples aimed at little more than mere survival in a hostile environment.⁵⁶

The discussions of the southern hearings also consolidated a northern image driven by a colonial legacy and nationalist myth that depicted the north as an empty and uninhabited place. These depictions of the North “erase the continued Native presence and reinforce a white settler imaginary of place.”⁵⁷ The discourse that situated the North as a bare place is based on “a technique that negated the Indigenous human presence.”⁵⁸ “The myth of the empty land” represents a colonial legacy that aimed to prevent the rising of Indigenous peoples’ land claims by discursive elimination of their presence from the land.⁵⁹

In the southern hearings of the Inquiry, conservationist groups and other environmental organizations reinforced the myth of empty north by emphasizing the idea of “uninhabited wilderness.”⁶⁰ This idea of northern wilderness structured the North as an untouched land and “undisturbed,” “unending and inexhaustible” natural area full of non-human species.⁶¹ According to Theodore Mosquin, a representative of the Canadian Nature Federation, in one of the Ottawa hearings:

Wilderness is the opportunity to become attuned to the realities of nature, far from the artificialities of modern life. Wilderness is the opportunity to put to *pit one’s self against primitive conditions*; and increasingly, wilderness is *a place for plants and animals* which have nowhere to go [emphasis added].⁶²

⁵⁶ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, May 26, 1976, p. 6488.

⁵⁷ Falzetti, 2014, p. 136.

⁵⁸ Sangster, 2016, p. 40.

⁵⁹ McClintock, 1995, p. 30.

⁶⁰ Cronon, 1996, p.15.

⁶¹ The Mackenzie Valley Pipeline Inquiry, Winnipeg, Vol. 57, June 3, 1976, p. 6157.

⁶² The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7257. Canadian Nature Federation was one of the conservative organization that formed the Northern Assessment Group in 1974.

In his brief, Mosquin quoted a wilderness traveler who depicted the North as “too barren ever to be thickly settled, too bleak to be popular.”⁶³ By structuring an idea of the primitive landscape of the North, he also described the northern wilderness as an opportunity “for challenge and adventure.”⁶⁴ The perspective of Mosquin on the behalf of the Canadian Nature Federation exemplified a common discourse that stated the North as a primitive place for southerners to experience adventure, exploration and excitement which could not be found in their modern life.

The thrust of the conservationists’ and other environmentalists’ testimony revolved around a conservation ethic. Their priority was to stress the importance of protecting northern wilderness and they did that by tying nature to the state. The “great North” and “glorious North” were common refrains.⁶⁵ For instance, representatives of the Society for Pollution and Environmental Control and the Greenpeace Foundation mentioned in one of the Vancouver hearings that: “We’d like to see Canada establish an energy policy with a view towards conservation. We see a conservationist ethic, a great necessity for Southern Canada in order to protect the north and to husband the remaining fossil fuels and other finite resources.”⁶⁶ The representatives of conservationist groups stated their opposition to the construction of a pipeline in the Mackenzie Delta region if the government would not ensure conservation programs based on the conservation ethics

⁶³ Blair Fraser, a wilderness traveler, quoted in *The Mackenzie Valley Pipeline Inquiry*, Ottawa, Vol. 64, June 3, 1976, p. 7259.

⁶⁴ Grace, 2001, p. 16.

⁶⁵ *The Mackenzie Valley Pipeline Inquiry*, Halifax, Vol. 67, June 8, 1976, p. 7728, 7775; *The Mackenzie Valley Pipeline Inquiry*, Calgary, Vol. 52, May 13, 1976, p. 5389.

⁶⁶ *The Mackenzie Valley Pipeline Inquiry*, Vancouver, Vol. 49, May 10, 1976, p. 4795.

to protect the “fragile” environment of “North America’s last great wilderness” and “the last almost natural biome left.”⁶⁷



Figure 5.3: “The continent’s last big untouched wilderness region;” “The Arctic is environmentally harsh and ecologically fragile.”⁶⁸

But the focus on conservation often came accompanied by colonialist tropes. Conservationists reinforced the colonial discourse based on the idea that Indigenous peoples were “natural environmentalists” and “inherently” protecting the environment as a part of their culture.⁶⁹ They also expressed their concerns about the conservation of the “sublime” environment of the North in order to hedge their bets in case Indigenous communities expressed a willingness to participate in the massive resource development

⁶⁷ The Mackenzie Valley Pipeline Inquiry, Halifax, Vol. 67, June 8, 1976, pp. 7728, 7775; The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5389; The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, p. 5686.

⁶⁸ *The Toronto Star*, September 27, 1972, p. 3.

⁶⁹ Sturgeon, 1999, p. 262; Curley, 2019, p. 158-60.

proposed for the Mackenzie Delta. Often these concerns were expressed in colonial images. In the words of the Society for Pollution and Environmental Control (SPEC), in one of the Vancouver hearings:

We hope that the native peoples themselves will not become the developers or promote the development of the north in the same manner that some of the developers have in the past and may do in the future. We are concerned that once the peoples get involved with royalties and participation in resource extraction, that *they may lose that feeling of culture and conservation and feeling of the environment that they have been with for so long*. So, we hope to work with them in the future as we have done in the past [emphasis added].⁷⁰

During the southern hearings of the Inquiry, SPEC and other conservation organizations discussed the Indigenous peoples' participation in the resource extraction in the North within a cultural context and ignored the entwined cultural, political, and economic aspects of Indigenous land claims. In this sense, conservationists argued that the settlement of Indigenous land claims in the North was necessary only insofar as Indigenous attitudes towards the environment did not conflict with the conservation ethic.

3. *Depoliticizing the Indigenous Land Claims and Structuring an Idea of Canadian Mosaic*

The southern hearings can often be mistaken for sessions preoccupied with multiculturalism through the rhetoric of cultural recognition. Canadian multiculturalism offered a place to recognize Indigenous cultural differences as a means of strengthening the state's social fabric. Ironically, the focus on difference advanced assimilationist goals and interests. The witnesses aimed to eliminate the political and economic claims of

⁷⁰ The Mackenzie Valley Pipeline Inquiry, Vancouver, Vol. 49, May 10, 1976, p. 4796. The Society for Pollution and Environmental Control was an environmental organization established in 1969 in British Columbia and one of the groups that formed Northern Assessment Group.

Indigenous peoples from the discussions of the hearings by their assimilationist discourse. Project North, conservationists, researchers and non-Indigenous witnesses addressed the Indigenous claims within the context of democracy, human rights, and citizenship rights. As underlined by some scholars, Indigenous land claims were not about asserting individual rights as settler states' citizens or as bearers of civil and human rights, but rather highlighted "their collective rights as the people of a specific autonomous Native nation."⁷¹

Indigenous claims did constitute a question of human rights in some circles, however. At the Vancouver hearings, Remi Deroo, the Bishop of Victoria, asserted that: "We commit ourselves here in the south to continue working for the promotion of human rights for all the peoples and racial groups who work together to develop a Canada proud of its multicultural origins and of the mosaic of peoples who enrich its fabric."⁷² A similar opinion was voiced by Gordon Harrison, a member of Pollution Probe, at one of the Ottawa hearings: "we respect this *human right* and support their desire for settlement of land claims before building a pipeline (...) We don't need a monoculture, but rather a Canada rich in color of many different peoples. The greater our diversity, the stronger we stand."⁷³ Deroo's and Harrison's testimonies discussed Indigenous claims within a cultural context emphasizing "the contribution which the native peoples make to the Canadian identity."⁷⁴

⁷¹ Ellis, 2019, p. 184. I examine the response to this rhetoric, with special reference to land claims in Chapter Three.

⁷² The Mackenzie Valley Pipeline Inquiry, Vancouver, Vol. 49, May 10, 1976, p. 4783.

⁷³ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7319.

⁷⁴ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, May 26, 1976, p. 6480.

But this, too, regularly turned into an outsider misrepresentation of Indigenous land claims. The narratives that framed the Indigenous claims as the rights of “first citizens of Canada” or “original citizens of the North” ignored the aspects of Indigenous claims that were derived from traditional cultural, economic and political practices on the land.⁷⁵ The political economy of Indigenous peoples could be erased in such treatments. Furthermore, some non-Indigenous witnesses at the southern hearings urged that the “citizenship claims of the Inuit and Dene people be honoured” before any pipeline construction in the region.⁷⁶ Mistaking Indigenous opposition as a desire for citizenship rights sought to frame Indigenous nationhood within Canadian citizenship and situated northern Indigenous peoples “as a distinct group within the Canadian mosaic.”⁷⁷ For instance, David Seaborn, a member of the Y.W.C.A. Cross Cultural Study Group, argued in his testimony that valuing the culture of Indigenous peoples would enhance Canada’s democracy in 20th century: “We value the native culture and we would like to see a society in Canada in which the contribution of minority groups can continue to enrich our society so that we may develop a way of living that builds on the strength of many cultures.”⁷⁸

The discussions on the contribution of Indigenous culture to Canadian society evolved through the legacy of “White Paper liberalism” of the late 1960s.⁷⁹ Under the Issues and Findings section of the Statement of the Government of Canada on Indian

⁷⁵ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7293; The Mackenzie Valley Pipeline Inquiry, Vancouver, Vol. 49, May 10, 1976, p. 4781.

⁷⁶ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, May 26, 1976, p. 6856.

⁷⁷ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 61, May 28, 1976, p. 6849.

⁷⁸ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, pp. 7337-7338.

⁷⁹ Turner, 2006.

Policy of 1969, the policy on Indian cultural heritage issue was summarized as: “Indian cultural heritage would be preserved and enhanced in order to recognize the unique contribution of Indian culture to Canadian society. It was felt that the enrichment of Canadian society through the celebration of cultural diversity was central to the policy.”⁸⁰ The 1969 White Paper proposed disposing of treaty rights and the special status of Indigenous peoples and assured them Canadian citizenship.⁸¹ The core perspective of the White Paper was based on the “assimilation of Indians into mainstream Canadian society.”⁸² In this way, the federal state aimed to redirect its “Indian policy” by the implementation of liberal ideals such as freedom, equality, progress, and individualism. Liberals could tell themselves that, in abolishing reserves, treaty rights, and the Department of Indian Affairs, they were striking a blow against racism and for individual equality. As the political scientist Dale Turner observed, the differences pointed out in the paper were not political differences: “The federal government was categorizing Indians by their ethnicity and not by their legitimate political status as Indigenous nations.”⁸³ Similarly, the narratives of the southern hearings emphasized the depoliticized cultural distinctiveness of northern Indigenous peoples while referring to Indigenous opposition to pipeline construction on their unceded land.

Liberalism remained the order of the day throughout the southern hearings. The witnesses at the southern hearings used the concepts of liberal ideals in the construction

⁸⁰ Royal Commission on Aboriginal Peoples, *Public Policy and Aboriginal Peoples 1965-1992, Summaries of Reports by Federal Bodies and Aboriginal Organizations Vol. 2*, 1994, p. 13.

⁸¹ The formal name of the White Paper of 1969 is the “Statement of the Government of Canada on Indian Policy, 1969.”

⁸² Turner, 2006, p. 16.

⁸³ *Ibid*, p. 22.

of cultural recognition rhetoric. Calgary mayor Rod Sykes, for instance, framed the discourse of the hearings around just such an emphasis on liberal ideals and structured an assimilationist narrative:

(...) all Canadians have *an equal and undivided interest* in all of Canada (...) Canada is *one nation*, and that is a *nation of immigrants*, and I believe that all are *equal* in all of their rights, no matter what the date on ticket may be (...) It is time to recognize that there is *only one kind of Canadian* in this *nation of immigrants* (...) Canadians have *tolerated* so far, and even financed the talk about land claims and compensation claims [emphasis added].⁸⁴

At best, this perspective overlooked the inequalities caused by the legacy of colonial dispossession.⁸⁵ The idea of dissolving Indigenous nationhood into the identity of a “nation of immigrants” was derived from the legitimization of the legacy of colonial dispossession and the rejection of ongoing colonial relations.⁸⁶

Indigenous rights and claims in the North could be recognized under the Constitution of Canada and within Confederation only insofar as cultural differences contributed to the character of a Canadian national identity based on cultural diversities. In the words of Manuel and Posluns, the aim of liberal diversity politics was to control Indigenous political claims within the ongoing colonial political structure of the government by brushing off Indigenous identities “with the multicultural broom to join the diverse ethnic groups that compose the Third Element of Canada.”⁸⁷ The policy of integrating Indigenous identities into the “Canadian mosaic” also aimed to legitimate the control and alteration of Indigenous economies. According to the assimilationist

⁸⁴ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, pp. 5223, 5229.

⁸⁵ Nickel, 2019, pp. 50-1.

⁸⁶ Bruyneel, 2019, pp. 320-2.

⁸⁷ Manuel and Posluns, 2019, p. 4079 [Kindle].

perspective of “white paper liberalism,” all Canadian citizens should be free to participate as equals in a society guaranteeing their individual rights. There was no room in this perspective for critical analyses of histories of dispossession, exploitation and alienation.⁸⁸

The idea of strengthening Canadian unity by recognizing Indigenous cultural differences was one of the core arguments stated during the southern hearings. In other words, northern Indigenous peoples’ claims were addressed only within a context that emphasized the contribution of the recognition of the claims to reinforcing Canadian unity. In the southern hearings, witnesses tended to acknowledge the rights of Indigenous people, but only “within a unified Canada.”⁸⁹ Indigenous land claims in the North were seen as acceptable only if northern Indigenous peoples would be “realistic” and their demands would become “reasonable.”⁹⁰ Across the southern hearings, there was sympathy for the land claims of the northern Indigenous peoples, but only insofar as they did not threaten or upset this notion of Canadian unity, which was itself as vague as the rhetoric around “wilderness” and “the North.” The subsequent rhetoric of recognition ignored political claims of northern Indigenous peoples by acknowledging their cultural distinctiveness to prevent any possible “social pathology” or “violent reaction” in the North.⁹¹ As the mayor of Calgary insisted, “attacking” from “political opportunists”:

⁸⁸ Turner, 2006, p. 29; Coulthard, 2014.

⁸⁹ The Mackenzie Valley Pipeline Inquiry, Ottawa, Vol. 64, June 3, 1976, p. 7296.

⁹⁰ The Mackenzie Valley Pipeline Inquiry, Montreal, Vol. 62, May 31, 1976, p. 6905; The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, p. 5590.

⁹¹ Berger, 1977, pp. 252, 261.

“there cannot be special political rights and privileges for some over the interests of all Canadians.”⁹²

Berger warned in his final report that if a pipeline were constructed before the settlement of Indigenous land claims, “there is a real possibility of civil disobedience and civil disorder” in the North.⁹³ In this regard, as discussed in chapter two, the southern hearings had a profound influence on Berger’s report. The discourse on “social unrest” and “threat of violence” in the context of Indigenous land claims began to be constructed in the southern hearings after the Dene declared their land claims with a manifesto in the time of Inquiry.⁹⁴ The Dene Declaration was referred to as a “separatist document” by Judd Buchanan, the Minister of Indian Affairs and Northern Development, and this sentiment drove much of the mainstream narrative surrounding fear of political unrest within Canadian unity throughout the southern hearings. Betty Noir, the nickname of a writer, argued in an anarchist periodical that “white emigration” to Dene land was galvanized and some training programs created in to handle “‘extremism’ in case Wounded Knee-style militancy began to take hold.”⁹⁵

Concern about possible violence and political unrest in the North was also stressed by a representative of the Diocese of Athabasca of Anglican Church of Canada at the Edmonton hearing:

We address the Commission on the basis of our concern for the development of Canadian society. In the past we experienced the *Red River Rebellion* or

⁹² The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, pp. 5224, 5226. See discussions on Quebec separatism in Chapter Six.

⁹³ Berger, 1977, p. 252.

⁹⁴ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5227; Dene Declaration, 1975.

⁹⁵ Open Road, 1977, p. 6.

Insurrection of 1869-70 and the Riel Rebellion in Saskatchewan in 1884-85. At the heart of these instances was the question of native rights and land claims. Largely as the result of these confrontations the native and Metis people were left alienated from the mainstream of Canadian society and this has contributed to the *identity crisis* that they are experiencing today. Are we preparing the way for another *Duck Lake*? The possibility of another *Wounded Knee* is always before us. Only good sense saved the problem in the park at *Kenora Ontario* from being more ugly than it was. Unless the native and Metis people of the Northwest Territories and northern Alberta feel that justice has been done and that their dignity and integrity has been preserved, we are going to face *social unrest* for years to come [emphasis added].⁹⁶

To prevent any possible action of northern Indigenous peoples, some witnesses in the southern hearings urged the federal government to settle the questions related to pipeline construction. They addressed the settlement of Indigenous claims only to prevent any “violent” reaction against the “legitimacy and integrity” of the Canadian state and society.

The mainstream discourse of the southern hearings voiced the increasing recognition rhetoric based on the embracing of the cultural differences and the rejection of the Indigenous claims for the resurgence of sovereign political practices. The settler state policy based on this cultural recognition rhetoric was a “violent way of managing Indians and their difference.”⁹⁷ As the historian Elizabeth Ellis points out: “by attempting to present and discuss Native peoples as cultural and ethnic rather than political groups, the settler government is able to undermine Indigenous claims to territory and political rights.”⁹⁸ The mainstream narratives of the southern hearings stressed the remedies for the concerns about the northern environment, Canadian unity and Canadian democracy

⁹⁶ The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, pp. 5606-7.

⁹⁷ Simpson, 2014, p. 20.

⁹⁸ Ellis, 2019, p. 184.

through a “colonial forms of recognition” of cultural differences and an elimination of Indigenous political assertions.⁹⁹

Canadian unity also called out for the North to be developed as a resource hinterland for the South. As one witness, D.M. Murray, in one of the Edmonton hearings, remarked, it was time to construct the Mackenzie Valley Pipeline to manage the modernization of the North: “We should not assume that we can isolate the north from the 20th century indefinitely. The modernization of the north must continue to be managed so that we do not destroy the native culture and way of life without replacing them with something better.”¹⁰⁰ Some witnesses referenced the Canadian Pacific Railway as a supposed nation-builder: “that railway welded this nation together with bands of steel.”¹⁰¹ The witnesses argued that a pipeline in the Mackenzie Valley region might offer modern Canada a parallel opportunity.¹⁰² In a similar vein, the chairman of the Canadian Arctic Gas Limited mentioned that “I am also thinking of our national unity. Almost 100 years ago, we reached across the prairies and over the Rockies to unite this land by rail (...) Can any of us imagine Canada today, without these bold investments in the future?”¹⁰³ When the Mackenzie Valley Pipeline Inquiry was initiated “the analogy often used was to the building of Canada's first railway in the late 1800s.”¹⁰⁴ Pierre Trudeau used it to

⁹⁹ The Mackenzie Valley Pipeline Inquiry, Edmonton, Vol. 54, May 17, 1976, pp. 5593-4, 5610; Simpson, 2014, p. 16.

¹⁰⁰ Ibid. p. 5670.

¹⁰¹ The Mackenzie Valley Pipeline Inquiry, Calgary, Vol. 52, May 13, 1976, p. 5221.

¹⁰² The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 59, May 26, 1976, p. 6496.

¹⁰³ Wilder, Canadian Arctic Gas Pipeline Limited to the Genesis Club of Toronto, Presentation, March 15, 1977, p. 12.

¹⁰⁴ Canadian Broadcasting Corporation (CBC), <https://www.cbc.ca/news/canada/pipe-dreams-the-mackenzie-valley-and-the-national-railway-1.1033239>

address the critiques of the Mackenzie Valley Pipeline Project and its cost to Canada: “It is expensive, but so was the Canadian Pacific Railway. Is it too big a project for Canada? Only in the view of those who have lost faith in what Canada is all about.”¹⁰⁵ The analogy was followed in the southern hearings by some witnesses. In one of the Edmonton hearings, for instance, John E. Barry, criticized the idea of rejecting the Mackenzie Valley Pipeline because of “social cost” and “the environmental costs” by referencing past development projects of Canada, including the railway.¹⁰⁶ According to Barry, quantifying “the social cost” of the pipeline is “a very subjective exercise.”¹⁰⁷ He argued that the railroads, airports, and highways across Canada would not have been constructed had the views of “every single person” been counted.

All in all, in the southern hearings, the meaning of the North was reframed as a place for a unique culture by so-called recognition of the northern cultural differences and rejection of the political claims of northern Indigenous peoples. It was true that this sometimes took the form of acknowledging their distinctive presence: “A solid land base is essential for their survival as a cultural entity.”¹⁰⁸ At the same time, Indigenous peoples’ “cultural self-determination was inseparable from economic and political autonomy.”¹⁰⁹ The critiques underlined by Coulthard assert that Indigenous self-determination is a cultural process that arose from the revitalization of traditional political practices and the “alternative political economies” of Indigenous peoples instead of

¹⁰⁵ Cited Laxer, *Ontario Waffle News*, Vol. 1, No. 1, February 1973.

¹⁰⁶ Edmonton, Vol. 55, May 18, 1976, p. 5775.

¹⁰⁷ Ibid.

¹⁰⁸ The Mackenzie Valley Pipeline Inquiry, Toronto, Vol. 61, May 28, 1976, p. 6837.

¹⁰⁹ Williams, 2014, p. 11.

implementation of the liberal ideals of Canadian political institutions on Indigenous territory.¹¹⁰ That is to say: Indigenous self-determination required a cultural decolonization process derived from place-based political, economic, spiritual, and social practices of Indigenous peoples rather than fulfillment of the liberal recognition politics based on the protection of the depoliticized distinct culture of the North—not the recognition of Indigenous nationhood and political self-determination.¹¹¹ As Coulthard argues, the essentialist cultural notions of Dene struggle—as the traditional base of the Dene claims—“transcend, not reinforce, oppressive structures and practices.”¹¹² In this context, Indigenous cultural practices which are maintained by mutual relations between Indigenous peoples and the land empowered the Indigenous struggle for their rights on their landscape.

The following chapter offers an examination of how the discourse of the formal hearings reinforced the construction of the ideas of the North in the context of northern development and cultural recognition.

¹¹⁰ Coulthard, 2014, p. 71.

¹¹¹ Ibid, pp. 64-5.

¹¹² Ibid., p. 103.

Chapter Six

The Discussions at the Formal Hearings: Development, Identities, and Policies

The preliminary hearings of the Mackenzie Valley Pipeline Inquiry opened in Yellowknife, Inuvik, Whitehorse and Ottawa in April and May 1974.¹ The purpose of these hearings was to determine the procedures of the Inquiry that would satisfy the different interest groups. The result of these initial hearings were the Preliminary Rulings, which were prepared by Thomas Berger in July and October 1974. They established the contexts and the procedures of the Inquiry to follow. A suite of opening statements from the participants of the formal hearings were presented during the week-long overview in 1975.² They were followed the first substantive and formal hearing, held in Yellowknife on March 11, 1975. Altogether, the formal hearings lasted 13 months and ended in November 1976.



Figure 6.1: A hearing of the Mackenzie Valley Pipeline Inquiry.

¹ Berger, 1977, Volume 1, p. 203.

² A Synopsis of the Mackenzie Valley Pipeline Inquiry, May 1976, p. 5.

The formal hearings were organized by the Inquiry commission to hear experts in all fields relating to the pipeline application in three different northern cities: Yellowknife, Whitehorse and Inuvik.³ The organization of the hearings, the participation of the Indigenous organizations, and the researches of the environmental groups, the N.W.T. Association of Municipalities and the N.W.T. Chamber of Commerce were all funded by the federal government. Approximately 320 participants attended the formal hearings, and 906 exhibits were submitted to the Inquiry Commission. While the witnesses of the community hearings were not subject to cross-examination, speeches and submissions during the formal hearings were subjected to greater scrutiny. The witnesses in the formal hearings were representatives or hired experts of the different fields. Their testimonies were presented on behalf of the participants in the formal hearings: Canadian Arctic Gas Pipeline Ltd., Foothills Pipe Lines Ltd., Imperial Oil Limited, Gulf Oil Limited and Shell Canada Limited, Canadian Arctic Resource Committee, Commission Counsel, Special Counsel, Committee for Original Peoples Entitlement (COPE), Inuit Tapirisat of Canada, Council for Yukon Indians, Indian Brotherhood of the N.W.T., Metis Association of the N.W.T., Environment Protection Board, Northwest Territories Mental Health Association, Northwest Territories Association of Municipalities and Northwest Territories Chamber of Commerce.⁴ Environmental organizations, such as the Canadian Nature Federation, the Federation of Ontario Naturalists, Pollution Probe and the Canadian Environmental Law Association, also participated in the formal hearings as

³ Ibid., p. 2.

⁴ Berger, 1977, Volume 1, pp. 203-4.

counsel of the Canadian Arctic Resource Committee (CARC).⁵ The record of the testimony of the formal hearings was transcribed as 32,353 pages in 204 volumes.⁶ The transcripts of the hearings were distributed daily to different regions across Canada.

1. *Formal Hearings of the Mackenzie Valley Pipeline Inquiry*

The table below shows some details, such as dates, places, number of witnesses, and divisions of the formal hearings of the Mackenzie Valley Pipeline Inquiry.

Formal Hearings of the Mackenzie Valley Pipeline Inquiry	
Date:	March 1975 – November 1976
Places:	Yellowknife, Whitehorse, Inuvik
Days of Evidence:	200
Witnesses:	317
Exhibits:	906
Division:	<i>Overview</i> <i>Phase 1: Engineering and Construction of the Proposed Pipeline</i> <i>Phase 2: The Impact of a Pipeline and Mackenzie Corridor Development on the Physical Environment</i> <i>Phase 3: The Impact of a Pipeline and Mackenzie Corridor Development on the Living Environment</i> <i>Phase 4: The Impact of a Pipeline and Mackenzie Corridor Development on the Human Environment</i> <i>Special Series</i>

Table 6.1: Division of the Formal Hearings of the Mackenzie Valley Pipeline Inquiry.⁷

⁵ Ibid., p. 204.

⁶ Ibid., p. 203.

⁷ This table provides some details about the formal hearings of the Mackenzie Valley Pipeline Inquiry. Along with the phases of the formal hearings, the table shows the places and the time period that the hearings were held and the amount of witnesses attended and exhibits submitted to the hearings.

Where the southern hearings discussed in the previous chapter presented an opportunity for Canadians to participate by articulating how they understood the idea of the North and the relative importance of energy development, the formal hearings allowed organizations to give evidence on three core aspects important to the Inquiry and the pipeline's future: technical, environmental, and socio-economic. In short, testimonies in the formal hearings sought to weigh the pipeline's technical and economic viability against its potential environmental, economic, and social costs. The first phase of the formal hearings focused on the engineering design, construction, operation, and maintenance processes of the proposed pipelines. In this phase, representatives and experts addressed technical questions regarding the timeline, construction stations and methods, employment process, location, geotechnical aspects, engineering designs, materials, as well as the size of the proposed pipelines.⁸

The second phase was initiated on October 23, 1975 in Yellowknife. Experts from Arctic Gas, Foothills, and representatives of the CARC discussed the possible regional impact of a pipeline and energy corridor development on the physical environment. The framework for this second phase of the formal hearings was shaped around debates concerning the degradation of permafrost and slope stability, the impact of aircraft and compressor station noise, and the fishing and hunting activities of workers. Another environmental phase of the hearings focused on the possible impact of the proposed pipeline on plants and animals of the region. The core interest around plant and animal impacts had to do with the potential harm the pipeline might cause Yukon's Porcupine

⁸ A Synopsis of the Mackenzie Valley Pipeline Inquiry, May 1976, p. 6.

Caribou Herd and the Arctic Wildlife Range, as well as the possibility of air pollution and the “disposal of toxic materials” during construction. The hearings also delved into the CARC’s concerns and recommendations about protecting wildlife in the case of pipeline development in the region.⁹

The final phase of the formal hearings addressed the social and economic impact of a pipeline on the human environment, particularly on how the introduction of the pipeline would affect the way of life of the Dene, the Inuit, and the Metis.¹⁰ Many discussions of the proposed pipeline’s impact focused on the impact of the wage economy that many believed would inevitably accompany such a development. The socio-economic phase of the hearings began on April 13, 1976, in Yellowknife. In these hearings, 158 witnesses shaped the discussions over 62 days.¹¹ The impact of the Alaska Highway and the pipeline development on the way of life of Indigenous peoples in Alaska was also addressed during the socio-economic part of the formal hearings.

This chapter focuses on the social and economic phases of the formal hearings. In this chapter, the testimonies of the non-Indigenous representatives of the participants in the formal hearings are examined through a discourse analysis.¹²

2. Depoliticizing Indigenous Claims by Structuring a Meaning of Self-determination and the Idea of Northern Development

2.1. A Discourse Centred on Human Rights

⁹ Ibid., pp. 6-8.

¹⁰ Preliminary Rulings, October 29, 1974, p. 3.

¹¹ Ibid.

¹² Although representatives of the Indigenous organizations, such as COPE., Inuit Tapirisat of Canada, Council for Yukon Indians, Indian Brotherhood, Metis Association also participated in the socio-economic part of the formal hearings, this chapter is mostly focused on the testimony of non-Indigenous participants.

In a formal hearing, Richard A. Falk, a professor of international law at Princeton University presenting on behalf of the Indian Brotherhood, addressed the question of self-determination through an examination of its principles in the international legal community structured within the United Nations after World War II. For Falk, the “self-determination of people” was an unbridgeable, unalterable and fundamental right.¹³ Falk further addressed the meaning of self-determination within a framework of individual rights. He stressed that the doctrine of self-determination pertained to human rights issues, and in this sense, Dene national self-determination was one of their basic human rights.¹⁴ On the other hand, some witnesses at the formal hearings underlined that “being a community” needed to be articulated in order to properly understand Dene self-determination. Dr. Peter J. Usher, who offering an environmental assessment on behalf of COPE, pointed out that Indigenous peoples in the north “have roots in a community” and “identify themselves by their community.” Their life, he contended, was built on “collective efforts.”¹⁵

During the formal hearings, the meaning of self-determination was mostly framed in language pertaining to international law. As a counsel for the Indian Brotherhood of the N.W.T. mentioned, Article 1 of the International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights of 1966

¹³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29079.

¹⁴ Ibid., pp. 29083, 29088.

¹⁵ Ibid., p. 25829. This receives greater attention in Chapter Three, but the Dene themselves—during the hearings and in the Dene Declaration of 1975—contended that the resurgence of Dene self-determination was based on their being a community that required Dene community rights as a nation and as a distinct community. In this sense, self-determination for Dene was a community matter more than being an individual matter.

affirmed the self-determination of Indigenous peoples by declaring that “all peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely determine their economic, social and cultural development.”¹⁶

Falk’s testimony also pointed out that Article 27 of the Covenant on Civil and Political Rights “recognizes the right of minorities to enjoy their own culture,” and that “the basic prerogative of a distinct people to maintain their cultural identity is also recognized in the Genocide Convention.”¹⁷ Falk argued that the “internal doctrine of self-determination” had been strengthened by human rights traditions and protection of minority rights that worked to ensure people “enjoy their own culture.”¹⁸ The discourse of the formal hearings addressed self-determination through the doctrines of international law that consolidated the fundamental rights of minority groups in preserving their cultural integrity.

On the other hand, Indigenous peoples’ “fights for justice” were part of their decolonization movement, and this muddled the debate.¹⁹ As Ellis notes in the context of justice, sovereignty, and decolonization movements at Standing Rock during the #NODAPL protests, which began in 2016, the Indigenous struggle was more than a straightforward claim for “minority rights” in North America. Rather, Indigenous opposition to the Mackenzie Valley Pipeline could be likened to the Standing Rock battle and understood as a struggle “against a colonial government for self-determination.”²⁰ In

¹⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32223-4; The Covenants are adopted by the United Nations General Assembly in 1966 and entry into force in 1976.

¹⁷ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32224.

¹⁸ Ibid., p. 29084.

¹⁹ Ellis, 2019, p. 174.

²⁰ Ellis, 2019, p. 174.

this sense, the meaning of self-determination for Dene was broader than the cultural convention enshrined in international law respecting any “ethnic, religious or linguistic minorities.”

Falk also argued that “the claim of Dene Indian has to be understood.” All governments of big states “have one or more problems with minorities within their own boundaries and they have often many nations and many nationalities.”²¹ Falk’s statement, drawing exclusively from the settler legal code, reinforced the colonial discourse that regarded Indigenous resistance as a “problem” that needed to be resolved by colonial and settler state authorities. There was a bounding of the debate in his statement that undermined Dene claims by establishing their opposition to the pipeline as a minority issue. In effect, Falk’s perspective on Dene claims ignored the legacy of colonial dispossession by framing Dene nationhood as a question of the different national identities of minorities. His argument may have been a shrewd battle tactic, but it overlooked the real and bigger objectives of Indigenous self-determination, of which the pipeline served as one small piece.

Addressing Indigenous resistance as one of the multicultural state’s “problems” with minorities also implied a kind of assimilationist perspective that aimed to blend Indigenous peoples into minority identities to annihilate such a “problem” by refusing to acknowledge its colonial origins. As Audra Simpson has argued, the settler states’ policies with respect to the recognition of cultural differences emerged as “a multicultural

²¹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29080.

solution to the settlers' Indian problem.”²² Alternatively, Sarah Nickel has posited that in the case of the achieving of unity as a response to the White Paper liberalism of 1969 and “emerging liberal discussions of multiculturalism,” Indigenous responses to the increasing settler state policies of the early 1970s enabled “Indigenous rights discourses and practices” and “new possibilities for Indigenous politics” to thrive.²³ In this sense, Indigenous people responded to settler policies by challenging and transforming them.

In his arguments about “national self-determination,” Falk underlined the difference between Third World liberation movements and Dene claims for self-determination. According to Falk, while in the Third World one found many projects to build “strong states” after they struggled against colonial structures for independence, national self-determination in the context of Indigenous claims “does not depend, for its validity, on the claim that the nation must seek to become a state.”²⁴ On the other hand, Falk added that a level of autonomy was needed by “nations” to protect their cultural integrity and survival.²⁵ He depicted an autonomy for Indigenous peoples limited to the freedom to maintain their culture. Falk also stated his opposition to the pipeline construction at the end of his speech by asserting that the construction of the pipeline “is incompatible with the maintenance of Dene culture.”²⁶ As this final statement also revealed, Falk was one of the formal hearings witnesses who discussed Dene claims within a cultural context by addressing the self-determination of Dene as a basic human

²² Simpson, 2014, p. 20.

²³ Nickel, 2019, p. 19.

²⁴ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29082.

²⁵ Ibid., pp. 29082-3.

²⁶ Ibid., p. 29086.

right of a minority group to protect their cultural entity without challenging the ultimate authority of the existing settler state.

Cross-examining Falk, Berger asked if there was any political initiative to establish “a separate category” for Black people and Indigenous peoples by the courts in the United States.²⁷ Identifying the Canadian corollary for his American interlocutor, Berger noted that “the French-speaking people as a province of Quebec have a very large measure of self-determination.”²⁸ Falk responded by mentioning President Richard Nixon’s new federal policy on the “recognition of cultural identity,” which was constituted as “a response to a lot of militancy,” particularly in the aftermath of Wounded Knee, where 200 Oglala Lakota occupied the South Dakota town for 71 days in 1973.²⁹ Falk’s response reflected the main characteristic of settler states’ recognition policies that aimed to manage the claims and prevent any political disorder against the hegemonic power of the state. Berger reiterated his question at the end of Falk’s cross-examination in the context of the policies of the other Arctic countries on the recognition of the rights of Indigenous communities to self-determination:

There are other peoples around the North Pole who share (...) the same situation as the Dene and the Inuit and do you know whether there has been any acceptance of these principles in the Soviet Union or in the Scandinavian Countries, in which I include Denmark which Greenland.³⁰

As Berger’s question suggested while Arctic countries aimed to strengthen their sovereignty in the Arctic by enhancing natural resource discoveries and initiating energy

²⁷ Ibid., pp. 29090-1, 29095.

²⁸ Ibid., p. 29095.

²⁹ Ibid., p. 29094.

³⁰ Ibid., p. 29111.

projects after World War II, they also implemented new policies to prevent any potential challenge—internal and external—to their sovereignties in the Arctic. Falk replied that he wouldn't be “optimistic” in the case of the Soviet Union's policies about Indigenous rights. He mentioned that “the Soviet Union has not been very kind to its nationalities.”³¹ Berger also endorsed Falk's perspective by stating that Indigenous peoples in Siberia—lyg'oravetl'a; “Chukchi”—“have not been accorded the right to self-determination, nor (...) even the right to urge it.”³² Resistance to independence for Chukotka's Indigenous communities, such as Chukchi, Yupik, Even, Kerek, Koryak, Yukagir, and Chuvan peoples had been constant throughout the history of the Russian Empire.³³ In the Soviet era, state control on northern regions and northern Indigenous peoples accrued through “sedentarization” and civilization policies, “bureaucratic paternalism,” and implementation of development programs.³⁴

Ian Roland, an assistant to the Inquiry counsellor, also cross-examined Falk after his presentation, asking him to clarify the meaning of self-determination and its difference from state sovereignty. Roland asked Falk if he recognized that “the state has its own unique and separate interest within the borders of that state that may be different than any particular nation within that state.”³⁵ As a response to Roland's question, Falk underlined that self-determination was not basically the pursuit of state sovereignty:

³¹ Ibid. For the history of northern Indigenous peoples in Russian Empire see Yuri Slezkine, *Arctic Mirrors: Russia and the Small Peoples of the North*; Alexander Pika, *Neotraditionalism in the Russian North: Indigenous Peoples and the Legacy of Perestroika*.

³² Ibid.

³³ Wilson and Kormos, 2015, p. 163.

³⁴ Ibid.

³⁵ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29106.

“Self-determination of peoples should be realized to [the] extent possible within the structure of existing states. Without dismembering states.”³⁶ Falk depicted Indigenous self-determination as an entity formulated within the hegemonic settler-state. This kind of self-determination was framed in the formal hearings as a limited autonomy similar to that of provinces, municipalities or regional governances. For instance, a staff member of the Indian Brotherhood of the N.W.T. prescribed a province-like autonomy for the Dene—later proposed as a model in the Metro Proposal of 1977 by IB-NWT—that “political powers roughly equivalent to those of a province, with control over the use of natural resources, and local governmental units devised by the Dene themselves in keeping with their traditions.”³⁷

The questions of Indigenous self-determination and Indigenous sovereignty were of pivotal importance to Indigenous land claims within the context of the new Canadian federalism. Indigenous self-determination and Indigenous sovereignty could exist within another self-determined and sovereign power, as theorized by Audra Simpson as “embedded sovereignties” or “nested sovereignties.” This kind of sovereignty required a refusal of the settler state’s politics of recognition, and a revitalization of Indigenous political-economic practices on their own land by assertion of Indigenous nationhood.³⁸ As Sarah Nickel underlines: “Indigenous peoples were not adopting settler concepts of sovereignty based on Western Enlightenment ideas of land ownership; rather they were trying to explain notions of sovereignty that they already knew and practised.”³⁹

³⁶ Ibid., pp. 29100-1.

³⁷ Open Road, 1977, p. 6.

³⁸ Simpson, 2014, p. 16.

³⁹ Knickerbocker et al., 2016, pp. 71, 75.

Similarly, George Manuel, the president of the National Indian Brotherhood from 1970 to 1976, stressed that Indigenous peoples “used to be able to control and exercise” sovereignty as a supreme right, and now “have to work to get that right back.”⁴⁰ Although Indigenous peoples argued that they “had a natural right to sovereignty” and self-determination, Falk’s perspective framed Indigenous self-determination as a claim of human rights that only existed within the ultimate authority of settler state.⁴¹ Falk’s approach to self-determination overlooked Indigenous refusal of ongoing colonial relationships and “state-driven forms of recognition.”⁴²

Falk also interpreted Dene claims as ones that were motivated by an intention to protect Dene culture instead of aiming to assert separate state sovereignty or threatening the existing state sovereignty. Falk’s arguments on Dene self-determination were structured around the direction of the mainstream discourse of the formal hearings and southern hearings that comprised concerns about any potential militancy against the unity of the existing settler state. Falk seemingly regarded Dene self-determination as an aspect of recognition of their cultural identity, within the boundaries of the Canadian state. In this sense, according to Falk, self-determination and a level of autonomy could be practiced by the Dene to maintain Dene culture within the integrity of the existing settler state. But Falk’s emphasis on self-determination as a human rights claim to protect Dene culture was incompatible with the Dene perspective that framed Dene self-determination

⁴⁰ Ibid., p. 67.

⁴¹ Ibid, p. 78.

⁴² Ibid., p.77.

as an entwined cultural, political and economic decolonization process. As George

Manuel remarked in one of the formal hearings:

The Declaration subscribes to the principles that aboriginal rights must not be extinguished but preserved, that the settlement be one of land and political authority over that land, not cash compensation for extinguishment. In other words, what is required is a new political system giving a degree of political sovereignty to the Indian people never before experienced in this country.⁴³

At the time of the Inquiry, the demands of the Dene Declaration were summarized as

“separatist” by some Canadian politicians. In one of the formal hearings, Judd Buchanan, the former Minister of Indian Affairs and Northern Development, denounced the Dene Declaration, stating that the Canadian government opposed any independence attempt of “any group within its borders.”⁴⁴ Buchanan stressed that the government’s political objective involved ensuring the continuation of the participation of all groups in the Canadian society and government system.⁴⁵ This perspective was also reinforced during the hearings by most of the witnesses who pointed out the fear of political unrest as a threat to Canadian unity.

2.2. Strengthening Canadian Unity by a Discourse of Violence

Similar to the settler-nationalist discourse of the southern hearings, some testimonies during the legal/technical formal hearings pointed out the potential “violent reaction” in the North and a threat to Canadian unity as a consequence of emerging discussions around the pipeline development. However, there were some early arguments that addressed the pipeline as “a unifying force.” Prior to the Inquiry, in September 1972,

⁴³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 21773.

⁴⁴ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 26784, 26785.

⁴⁵ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 26784, 26785.

Toronto Star staff writer David Crane asserted in a piece supporting the Arctic pipeline that the “pipeline represents the opening of Canada’s wealthy North, the world’s last great frontier, and hence is potentially a great unifying force for the country.”⁴⁶ Less than three years later, the main thrust of the popular discourse at the hearings was more cautious, fearing “concerns” about potential “threats” to Canadian unity.

At a formal hearing, Ron Veale, a counsel for the Council for Yukon Indians, warned that pipeline development could “trigger a violent reaction if native rights and title are not fully recognized.”⁴⁷ He also worried that “we fear that if the pipeline is constructed on the interior route, that many Indian people will be left no alternative but to react in a violent manner.”⁴⁸ Veale’s warning suggested that the recognition of Indigenous claims was a requirement for any prevention of violent reaction in response to pipeline construction. Similarly, Lloyd Barber, Indian Land Claims Commissioner appointed by the Indian Affairs and Northern Development, stressed that “white Canadians must start to listen now” and “natives must be heard,” since “violence was possible if we don’t take the legitimate concerns of native people seriously.”⁴⁹ Judd Buchanan criticized Barber’s speech and claimed that Barber’s argument on the matter reflected his own opinion and did not represent the Indian Affairs and Northern Development. Buchanan also added that there weren’t any special plans for the federal government to “give land claims any extra attention.”⁵⁰

⁴⁶ *The Toronto Star*, Sept. 23, 1972, p. 4.

⁴⁷ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32202.

⁴⁸ *Ibid.*

⁴⁹ *Native Press*, November 18, 1974.

⁵⁰ *Ibid.*

A growing sovereigntist movement in Quebec and the land claims of the James Bay Cree in the 1970s also framed these discussions. In his cross-examination of Falk, Berger pressed him on his emphasis on the Dene as a “nation” and the context of the meanings of “nation” and “state.” According to Berger, “nation” as a word risked causing some misunderstandings:

In Canada some of the difficulty arises from the use of the word nation: a word that was used by French speaking Canadian in the ‘60s and was thought to have different meanings in French and in English. [It] connoted, I think it still does to many people, the idea of a state, a political entity, a member of the international community of states.⁵¹

The impact of the idea of Quebec separatism all around Canada created concern among government authorities, particularly in the context of Canadian unity. Pierre Trudeau stated his opposition to any attempt for self-determination that was not formulated or controlled by the federal government: “In rejecting a Quebec claim for self-determination as based solely on ethnicity, Mr. Trudeau said: ‘That’s why I oppose the idea of certain Eskimos who want a nation of Inuit or certain Indians who want a nation.’”⁵² This era elevated the questions on biculturalism, bilingualism, pluralism, diversity and unity of Canada to a new level of intensity.

Berger’s notion of the state was grounded in Enlightenment thought, influenced by Eurocentric worldviews in the centuries that followed, and consolidated and legitimized under the League of Nations in the early twentieth century. He was scratching at the continuation of an idea that a nation—an “imagined community”—and a hegemonic state

⁵¹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 29075, 29101-2.

⁵² Legislative Assembly of the Northwest Territories, Library and Archives Canada, Canadian Labour Congress Fonds, MG28, I 103, p. 17.

were inseparable components and were to be found mostly within a nation-state form.⁵³

This perspective accepts one form of a nation that was imagined, structured, and institutionalized according to the norms of the hegemonic political power of a nation-state. However, there was nothing so unilateral about the construction of such imagined communities: the state was also a contact zone in which nation-building could be practiced by Indigenous peoples as well as by the settler state.⁵⁴ In this sense, the actors of the nation-building process can be various nations who envisioned very different kinds of outcomes and identities. In short, this was the crux of the problem facing Mackenzie Valley Pipeline Inquiry. Competing nation-building visions, claims, and practices in the same spaces were incommensurable, and they undermined the institutionalized and homogenized notion of a Canada that the federal government had committed itself to under the guise of multiculturalism. Whether Quebec, Cree, or Dene, such challenges to the hegemonic state questioned the legitimacy of the autonomy, sovereignty, and integrity of a “Canada.”

2.3. Strengthening Canadian Unity by a Discourse of Cultural Pluralism

Presentations premised on cultural pluralism essentially eliminated the political autonomies of Indigenous peoples. In that sense, they partook of the “logic of elimination” that scholars of settler colonialism have noted around the world.⁵⁵ In contrast, Dene self-determination claims presumed the resurgence of their cultural, economic, and political practices as a nation within their own political economic territory.

⁵³ See discussions on “imagined communities,” Anderson, 1991, p. 113.

⁵⁴ Downey, 2018, p. 2721 [Kindle].

⁵⁵ Wolfe, 2006, pp. 387-389.

As Glen Bell, a lawyer and a counsel for the Indian Brotherhood of the Northwest Territories, posited: “the Dene are a distinct people, a nation within the accepted meaning of that term, and they have occupied an identifiable territory since time immemorial.”⁵⁶ As the Dene argued at the time of the Inquiry, Dene practices could not be separated from the land: the entwined economic, political and cultural activities of the Dene, as a nation, needed to be practiced with an unlimited autonomy in a political territory formed by their own institutions on their own land. Mel Watkins, former Waffle leader and consultant to the IB-NWT, argued during the formal hearings that Indigenous self-determination in the North should ensure Indigenous economic independency:

They own 450,000 square miles of land, that their title to the land should be recognized rather than extinguished, that their aboriginal and human rights transcend property rights to include political rights, namely the right to self-determination as a nation; that their desire for economic independence can be met by creating alternative community-based economic development under their control, that further development and particularly the proposed pipeline threatens gravely to prejudice the land claim by eroding their aboriginal and human rights.⁵⁷

According to Watkins, Dene land claims—claim for their own territory—“apparently mean that Dene declared their right to self-determination.”⁵⁸ He also highlighted the manner in which renewed energy sovereignty interests had encouraged the fossil fuel industry to expand into the North. The construction of the pipeline, he contended, proposed to sacrifice Dene self-determination to a “higher national interest” that was “equated with the metropolitan interest.”⁵⁹

⁵⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32222.

⁵⁷ Ibid., p. 23576.

⁵⁸ Ibid., p. 23616.

⁵⁹ Ibid., p. 23579.

The state-based cultural recognition and pluralism policies that sought to ensure the maintenance of cultural practices and rights of different communities within a single state emerged as a new expression of ongoing colonial dispossession. They were, of course, derived from settler state policies based on liberal ideals such as multiculturalism, toleration, and cultural recognition.⁶⁰ These ideals aimed to solve the so-called “Indian problem” for settlers.⁶¹ In the early 1970s, the Liberal government’s designs of cultural distinctiveness structured the early multicultural policies that aimed to convince “newcomers” that Canada had been purified of the residues of its colonial past. On October 8, 1971, at the House of Commons, Prime Minister Pierre Trudeau implemented and outlined the government’s “policy of multiculturalism within a bilingual framework”:

A policy of multiculturalism within a bilingual framework commends itself to the government as the most suitable means of assuring the cultural freedom of Canadians. Such a policy should help to break down discriminatory attitudes and cultural jealousies (...) Government will support and encourage the various cultures and ethnic groups that give structure and vitality to our society. They will encourage to share their cultural expression and values with other Canadians and so contribute to richer life for us all.⁶²

The rhetoric concerning cultural recognition persisted through the 1970s as the Liberal Party sought to entrench its federalist and multicultural vision of Canada. In addition to the inequalities caused by colonial dispossession, Liberal multicultural policies—by directing cultural recognition policies to Indigenous peoples—aimed to bind Indigenous self-determination to settler-state recognition through framing Indigenous claims under the minority policies.⁶³ According to Audra Simpson, recognition was a “gentler form” of

⁶⁰ Simpson, 2014, p. 21.

⁶¹ Ibid., pp. 20, 21.

⁶² The House of Commons, October 8, 1971, p. 8545.

⁶³ Nickel, 2019, pp. 50-1; Knickerbocker et al., 2016, p. 78.

managing the Indigenous peoples and their differences. The multicultural ideal of the settler state, as an ideological basis for Liberal recognition policies, aimed to legitimize a new form of dispossession and occupation of Indigenous land by eliminating Indigenous political presence instead of using physical violence. However, rejection of the multicultural ideal has been the political alternative for Indigenous peoples to the state form of recognition policies and “gentler forms” of assimilation.

3. *Reframing the Indigenous Self-determination Claims: Resource Appetites, Conflict, and Citizenship*

In this part, I focus on the discourse of the formal hearings that addressed the Indigenous self-determination within a context of economic development of the North and political development of the Northwest Territories. I examine how this discourse reframed Indigenous self-determination as a state-centred process of political and economic development of the region. Moreover, I point out that the discourse aimed to underestimate the Indigenous self-determination claims as one of the local self-determination claims of the North.

Pierre Genest, who was a counsel of the Arctic Gas Pipeline Company, introduced another avenue of discussion surrounding Indigenous self-determination at the formal hearings. He proposed that the white population of the Mackenzie region had “political aspirations similar to those expressed by native population” and wanted “local self-determination.” Genest added that the “white population” would “welcome” energy development to “advance their social and political aspirations” in the North.⁶⁴ Arctic Gas’

⁶⁴ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 31654.

argument sought to further marginalize the Indigenous self-determination and downplay the legacy of colonial dispossession by suggesting that there were multiple self-determination claims in the North. The argument held fast to a legacy of colonial expansion by reasserting the self-determination of the white population of the North and conceptualizing Indigenous self-determination as a new form of dispossession. Genest also hazarded that if northern Indigenous peoples desired a “viable and creative economy in the renewable resource sector,” they needed the money that would flow from oil and gas development.⁶⁵ His perspective bound Indigenous economic development as a part of their self-determination to the federal state’s economic policies that were driven on by capital and aimed to eliminate the interests of the Dene, the Inuit and the Métis in the North.

According to Genest, the Canadian federal government should avoid the settlement of Indigenous claims without pipeline development. In the formal hearings, other Arctic Gas representatives also argued that a pipeline would contribute to the political development of the North and “support a process of decolonization.”⁶⁶ For Arctic Gas (and other industrial interests), decolonization meant unfettered access to the region’s environmental resources. Indeed, the consortium attempted to steer and control the discussions on “decolonization” and “self-determination” according to its corporate interests, instead of framing Indigenous claims in a “cultural recognition” context or clearly concealing the political claims of northern Indigenous peoples. In this sense, in the

⁶⁵ Ibid., p.31658.

⁶⁶ Ibid., p. 22027.

testimonies of the representatives of Arctic Gas, the energy development of the North was envisaged as a way to “settle” the Indigenous claims. This perspective eliminated the continual resistance of Indigenous peoples in the North against ongoing colonial dispossessions and ignored how Indigenous peoples have been struggling to redirect settler state economic policies into their interests to advance the economies of their communities on their own land. From Ottawa’s perspective, this was the dilemma. On the one hand, rapid fossil fuel development to ensure energy sovereignty was a critical plank in its federal vision of Canadian energy futures. On the other hand, the uncontrolled oil rush envisioned by the energy industry could be seen as anathema to that future.

Another perspective in the formal hearings addressed the self-determination claims in the context of *conflict* that was defined by one witness as an aspect of development likely to characterize the new society developing in the North after the pipeline proposals.⁶⁷ According to Howard C. McDiarmid, who was the head of the training section at the Research and Development Division of the Department of Local Government in Yellowknife, self-determination claims were raised as a part of the conflict in the North. He defined the self-determination as “the individual rights to exercise personal freedom and a racial group’s right to exercise a sense of racial freedom.”⁶⁸ McDiarmid defined the process after the emergence of pipeline discussions in the western N.W.T. as a period “characterized by conflict” and “tension” in the North:

⁶⁷ Ibid., p. 26803.

⁶⁸ Ibid., p. 26802.

“There naturally is a period of conflict because in every situation of social change conflict is very often the key element.”⁶⁹

One of the core aspects of McDiarmid’s testimony involved his reminding the Berger Commission of the recent history of the Advisory Commission on the Development of Government in the Northwest Territories. Also known as the Carrothers Commission, this similar inquiry was conducted in 1965 and 1966 to study the future of governance in the Northwest Territories. McDiarmid pointed out that the Carrothers recommendations had led to a political commitment to the “establishment of a participatory democracy” in the region (after a transition period between 1968 and 1970) to solve the social and economic challenges imposed by its size, its small population, and its distance from Ottawa.⁷⁰ McDiarmid further asserted that the Berger Commission could prompt “a program of social justice for Canada’s Indigenous peoples” as envisaged by the Carrothers Commission.⁷¹

The Advisory Commission on the Development of Government in the Northwest Territories was established by Prime Minister Lester B. Pearson in 1963, and began its investigations in 1965. The commission was created to discuss ideas surrounding dividing the N.W.T. into two territories and whether it was appropriate to transfer some federal responsibilities to the Territory.⁷² The commission visited fifty-one communities throughout the region to consider local and legal perspectives on the Territory’s political

⁶⁹ Ibid., pp. 26767, 26780, 26785, 26803.

⁷⁰ Ibid., pp. 26773, 26775.

⁷¹ Ibid., p. 26790. Carrothers Commission “initiated a program of political development of Indigenous peoples” in the mid-1960s.

⁷² Dickerson, 1992, pp. 83-84.

development. The commission's report, known as the Carrothers Commission Report, and its recommendations for a ten-year period were published in 1966.⁷³ The report noted that the communities demanded "local control of public decisions."⁷⁴ According to the commission, local control could be ensured by local government organizations that would improve a "sense of citizenship in a democracy."⁷⁵ McDiarmid reminded Berger that the Carrothers Commission report addressed the rights of Indigenous peoples of the region within a human-rights framework: "The Eskimos and Indians, as Indigenous minorities, should be free to maintain their cultural and ethnic identities subject to fundamental human rights as recognized by the Canadian Constitution."⁷⁶ This approach of the report eliminated the possible political claims of Indigenous peoples within the anticipated political development of the region. In this way, the federal government ensured control over the Territory's political future by ignoring ongoing Indigenous political practices and their attempts for the revitalization of these practices.

As a response to the Carrothers Commission's report and recommendations, the administration of the N.W.T. was decentralized, and Yellowknife became a territorial capital by transferring the bureaucrats concerned to the N.W.T. from Ottawa. The outcome, as McDiarmid reported to Berger, was that "the expectation began to move from political development to that of preparing people to participate in the wage economy and individually to become economically independent."⁷⁷ After the Territory's

⁷³ Burkhardt, 1975, p. 171; The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26786.

⁷⁴ Dickerson, 1992, p. 84.

⁷⁵ Ibid., p. 85.

⁷⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26772.

⁷⁷ Ibid., p. 26777.

bureaucratic centre was moved from Ottawa to Yellowknife, non-renewable resource exploration and attempts to extract these resources to stimulate the region's economy fostered an increase in the Territory's non-Indigenous population. In addition, growth prompted an inflow of more bureaucrats and their families into the region. In 1972, Pierre Trudeau anticipated a resource development-oriented system in the western Arctic region of Canada as being of "immense benefit to Canadians"; it "would encourage the outflow of resources and the inflow of people."⁷⁸

Mel Watkins, drawing on Innis's "staples approach," saw things differently. The North, Watkins observed at the formal hearings, was "experiencing the shift to a new staple, the result is a period of crisis and of painful adjustment."⁷⁹ Elsewhere and later, Watkins reflected that "the highly capital-intensive exploitation of non-renewable resources" that constituted the main thrust of his interpretation of Innis's staples thesis had left its stamp in the North. Indeed, the region's colonial history could be read through fur, mining, and petroleum, just as early phases of these staple exports left "their peculiar imprint on [the] economy and society" of the whole country.⁸⁰

As Glen Coulthard has pointed out, the federal program for resource development in the region did not arise by chance: one of the core recommendations of the Carrothers Commission in the mid-1960s concerned the economic development of the Territory.⁸¹ The Commission, for instance, had recommended the establishment of territorial

⁷⁸ Ibid.

⁷⁹ Ibid., p. 23579.

⁸⁰ Watkins, 1991, p. 82.

⁸¹ Coulthard, 2014, pp. 56, 82.

development programs to support industry.⁸² As reported by the Commission, although strong welfare policies were implemented in the North after World War II, the northern economy still needed more aggressive development:

The Department of Northern Affairs since 1953, and other federal government departments, have accomplished much to their great credit in developing the present educational system, including the creation of hostels, in providing housing, in establishing and staffing hospitals and nursing stations, in administering welfare, in encouraging industry among the Indigenous peoples, and in many other respects. But the fact remains that the people of the north are economically depressed virtually to a subsistence level; yet the land harbours wealth in natural resources. This is one of the major paradoxes of the north.⁸³

As a response to the Commission's recommendations, Jean Chrétien, the Minister of Indian Affairs and Northern Development, presented the White Paper on Development of Government in the Northwest Territories in 1969, which asserted that "the ownership and management of natural resources in the NWT would remain with the federal government for the foreseeable future."⁸⁴ He also opposed the idea of dividing the territory, and interpreted notions of granting provincial status to the N.W.T. as unrealistic.⁸⁵

The programs that were accelerated after the mid-1960s to consolidate the idea of economic development of the North were grounded in the Liberal Party's emerging federal vision, and built on the work and recommendations of experts and bureaucrats from government institutions and agencies. In the formal hearings, Watkins argued that Northern development for the Dene should be based on the Dene drive to pursue their

⁸² Burkhardt, 1975, p. 173.

⁸³ Burkhardt, 1975, pp. 2-3; quoted from Carrothers, 1966, pp. 172-173.

⁸⁴ Burkhardt, 1975, pp. 172-173.

⁸⁵ Ibid., p. 172.

own economic development.⁸⁶ However, as Watkins stressed, the pipeline proposal advocates asserted that “their obligation is to serve the public interest or national interest.”⁸⁷ As Trudeau also mentioned at the time of the Inquiry, the economic development of the North should, in the “national interest,” be based on co-operation between government and industry.⁸⁸ This discourse ignored the legacy of a colonial past based on the dispossession of the Dene land.

Arguments for encouraging extractive economies were presented during the formal hearings. Jim Robertson, a witness for the Association of N.W.T. Municipalities, highlighted John R. Wolforth’s 1965 research paper, “The Mackenzie Delta, Its Economic Base and Development,” which had counselled further stimulation of new economic activities based on non-renewable resource extraction in the North.⁸⁹ Wolforth’s paper was based on the Mackenzie Delta research program (MDRP-1) that attempted “to describe and analyze economic factors related to development in the Mackenzie Delta.”⁹⁰ This paper pointed out the existing oil activities and 1960s oil and natural gas explorations in the Mackenzie Delta. Although Wolforth regarded the energy resources as the “greatest potential for development in the Delta,” he doubted whether processing oil products would contribute to the region’s economic development.⁹¹

⁸⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 23575.

⁸⁷ Ibid., p. 23575.

⁸⁸ In 2018, similar rhetoric is used by Canadian Prime Minister Justin Trudeau in the case of the Trans Mountain Pipeline which is designated to transport fossil energy from Alberta to the Pacific coast for new markets.

⁸⁹ Ibid., p. 29708.

⁹⁰ Wolforth, 1965, p. ii.

⁹¹ Ibid., p. 72.

Wolforth had also argued that “the human and material resources of the Mackenzie Delta” had not been exploited fully and efficiently “due to both environmental and cultural constraints.”⁹² He advised some future research directions and policy goals for the region to overcome these “constraints.”⁹³ As one of these policy goals, the paper recommended out-migration “as a long-term policy” in the Mackenzie Delta.⁹⁴ According to Wolforth, this policy would require:

An educational program which would prepare young people for easy assimilation into the wider Canadian community; the reduction of the influence of geographic barriers in the form of reduced air fares in order to encourage more frequent contact with the outside; and an adult training program related to the employment needs of Canada as a whole rather than those of the North.⁹⁵

All these stated policy goals of the 1960s aimed to prepare the North and its peoples for future energy developments. The paper’s suggestions that were related to population movement aimed to meet the labour demands of future industry. Wolforth argued that the private sector would prefer recruiting “employable whites” in the North because of their “unfortunate” experiences with Indigenous workers in the past.⁹⁶ He added that the policy goals of the government would avert “unfortunate experiences” of the private sector with “unreliable” workers.⁹⁷ Wolforth’s arguments were based on the assimilationist perspective. Indigenous communities needed to be educated and prepared for the interests of the private sector and the industry in the North-that, was the gist of them.

⁹² Ibid., p. 74.

⁹³ Ibid., pp. 6, 58

⁹⁴ Ibid., p. 79.

⁹⁵ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29708; Wolforth, 1965, p. 79.

⁹⁶ Wolforth, 1965, pp. 48-49.

⁹⁷ Ibid., p. 49.

3.1. Settler Concerns about Linguistic, Cultural and Political Survival

Such energy development visions for the region, many of which left little room for any substantive Indigenous presence, introduced “concerns” over Indigenous survival to the formal hearings. Michael Krauss, a professor of linguistics at the University of Alaska and the chairman of the Alaska Native Language program, warned that Canada needed to guarantee thinking and communication in mother languages as human rights for Indigenous peoples in the North. According to Krauss, language and culture were inseparable aspects of Indigenous society and need to be preserved by rights, policies and programs to “ensure that native languages remain viable.”⁹⁸ Krauss argued that Indigenous cultural survival depended on linguistic survival.⁹⁹ He added that loss of these languages “surely cannot be tolerated by a multicultural society, such as Canada claims itself to be.”¹⁰⁰ This discourse of the formal hearings signified the state’s programs and policies that would aim to “prevent” the loss of Indigenous languages as a requirement of a multicultural society.

While Krauss framed “linguistic survival” in a cultural context, John T. Ritter, the co-ordinator of the Yukon Territory Native Language project, reinforced the notion that the meaning of language for Indigenous peoples was not just related to “cultural survival”; it was also entwined with Indigenous political presence. “When we speak of the possible loss of X language in the Mackenzie Valley,” Ritter intoned, “we are rather concerned with the ramifications of this loss in terms of cultural identity, cultural

⁹⁸ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 29969.

⁹⁹ Ibid., p. 29970.

¹⁰⁰ Ibid., p. 29976.

preservation and ultimately political self-determination.”¹⁰¹ As Eve Tuck has explained, Indigenous languages constitute a “power of the words,” which had been instrumental in ensuring self-determination and wellbeing to Indigenous peoples since time immemorial. There is power that comes from the “rootedness of the Indigenous languages in the land,” and the “intimate relationships” between language, land, and self-determination demonstrate that Dene land claims declared at the time of the Inquiry were beyond the discourse of depoliticized cultural survival framed during the formal and southern hearings.¹⁰² Although the discussions about the “preserving” Indigenous languages were mostly contextualized as “cultural survival” in the formal hearings, Indigenous claims to ensure the continuation of their languages was also related to their political presence.

Much of this rhetoric could be read within a much larger and not uniquely Canadian context. Another feature of the discourse in the formal hearings framed Dene nationhood and Dene claims through the context of increasing nationalism and self-determinism in the Third World. Glen Bell, a counsel for the Indian Brotherhood of the NWT, addressed the Third World as an example in providing “support for the Dene position.”

The period since World War II has seen the dramatic rise in nationalism in the Third World. The concept of the nation and the political reality of nationalism have proved to be the most effective tools for resisting continued European hegemony in colonized areas of the world. The nation seems to provide a framework large enough and focussed enough within which to realize the goals of people.¹⁰³

¹⁰¹ Ibid., p. 29996.

¹⁰² Tuck et al., 2014, p. 12.

¹⁰³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 32227-8.

The counsel also questioned “the vision of the future” after the self-determination was achieved by Dene: “what would the Dene do with it?”¹⁰⁴ In his response, Bell exemplified the Third World economic and political initiatives that were based on the new form of nationalism and derived from former colonial institutional practices. Although Bell addressed self-determination as something the Dene could achieve or gain by imitating the national movements of the Third World, as some Indigenous witnesses declared in the hearings, Dene self-determination had already existed in their community since time immemorial. George Manuel declared in one of the hearings that Indigenous peoples’ rights to self-determination needed to be addressed in the context of *the fourth world* realities:

While we identify in many respects with the third world community, we are not of the third world community. We are of the fourth world, the forgotten world; the world of aboriginal peoples locked into independent sovereign states but without an adequate voice or say in the decisions which affect our lives (...) The African and Asian peoples; the peoples of the third world have fought for and won the right to self-determination, the right to recognition as a distinct peoples and the recognition of themselves as nations. But in the New World, the native peoples have not fared so well. Even in countries in South America where the native peoples are the vast majority of the population, there is not one country which has an Amerindian government for the Amerindian people. Nowhere in the New World have the native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as nations.¹⁰⁵

3.2. Reframing the Indigenous Self-determination within a Third-World Context

Although Manuel's statements at the formal hearings and in his work with journalist Michael Posluns (which was published in 1974 under the title *The Fourth*

¹⁰⁴ Ibid., p. 32228.

¹⁰⁵ Ibid., pp. 21769-71.

World: An Indian Reality) underlined the unique character of Indigenous self-determination, some evidence from the southern hearings and the formal hearings addressed Indigenous claims within the intellectual and political framework of Third World liberation. At the formal hearings, for example, John Shannon Saul, an Associate Professor of Social Science at Atkinson College at York University, raised Third World nationalism and concluded his testimony by linking Dene claims to the Third World experience as an anti-colonial struggle.¹⁰⁶ For Saul, national pride, although key to liberation struggles against colonial powers, was insufficient. Economic autonomy was a prerequisite for “real freedom.”¹⁰⁷

Without a national focus and a national presence Third World people would be entirely defenseless against imperial dictate and subordination, as defenseless as they were under colonialism. Crystallization of a nation has proven to be necessary though not sufficient condition for economic development in the modern world.¹⁰⁸

Saul’s “particular area of expertise” traced liberation struggles in sub-Saharan Africa, such as Namibia, Tanzania, Zaire, Mozambique, Ghana, and Zimbabwe. His 1979 book would expand on decolonization in the Third World in a manner consistent with his testimony. *The State and Revolution in Eastern Africa* argued that when colonial authorities attempted to cede “the formal political power to Africans” within a colonial state structure, they aimed to reverse “mass resistance to colonialism,” maintain the

¹⁰⁶ Ibid., p. 21991.

¹⁰⁷ Ibid., p. 21984.

¹⁰⁸ Ibid., p. 21983.

“imperial game,” and enhance the multinational corporations’ control over Third World economies.¹⁰⁹ For Saul, this process was a kind of false decolonization.¹¹⁰

In the formal hearing, Saul outlined the political economy of Third World liberation with reference to Frantz Fanon’s perspective on political independence, cultural integrity, and economic control. The discussions on Third World liberation pointed out that although national culture was at the heart of the struggle for freedom and political independence, the new nation-state’s economic challenges had to be overcome before a self-reliant economy could establish itself and prosper.¹¹¹ Fanon had further argued that under economic challenges, “the national middle class” would take a role as an “intermediary between Western capitalism and the domestic social formation,” serving, in other words, as a “transmission line between nation and capitalism, rampant though camouflaged, which today puts on the masque of neo-colonialism.”¹¹²

According to Saul, Third World experiences were “the lessons” that could inform “the case of the Dene.”¹¹³ The following year, one member of the Indian Brotherhood of the NWT told *Open Road* that, at the time of the Inquiry, “the Dene have the same problems as other Third World peoples. They are going to need outside investment.”¹¹⁴ Following his comparative analysis with Third World nationalism, Saul argued that Dene

¹⁰⁹ Saul, 1979, pp. 2-3.

¹¹⁰ Ibid., p. 3

¹¹¹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 21980, 21988, 21997.

¹¹² The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 21986. Saul also opened his book with this premise; see Saul, 1979, p. 2.

¹¹³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 21989.

¹¹⁴ *Open Road*, 1977, p. 6.

claims were not based on aspirations of separatism or independence, but mostly on a “sufficient autonomy” to ensure economic development:

For people like the Dene who have been defeated and colonized, the claim to nationhood has been a necessary, though not sufficient condition to their reclaiming the political, cultural and economic autonomy which they require in order to achieve development. In light of Third World experience of the weaknesses as well as the strength of nationalism, the refusal of the Dene to fetishize formal independence or “separatism” (as some hostile critics have attempted to portray their position) and instead to concentrate their attention upon the winning (and institutionalizing) of sufficient autonomy to guarantee cultural integrity, economic power and the basis for the genuinely democratic control over their own lives by the peoples concerned is completely logical and fully justified.¹¹⁵

While Saul underlined the significance of political economy as the basis for the region’s struggles, he also pointed out the “concerns” that were raised about the threat of separatist attempts to Canadian unity during the hearings of the Inquiry. Similar to Saul, some other witnesses in the formal hearings designated Third World liberation as a formulation of the resurgence of Indigenous self-determination. On the other hand, Indigenous claims of self-determination in the North were empowered by the Indigenous assertion of the revitalization of their cultural practices, traditional political institutions, and economic sufficiency.

4. *Re-creating the North: Depiction of the Modern Identities and Adjustment of the Northern Way of Life*

4.1. *A “Balanced Development:” Energy for National Economy*

But the real elephant in the room during the formal hearings was the energy crisis. Here, some argued, was the driving force of the northern development and the structuring

¹¹⁵ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 21990.

of a new North. American and Canadian energy policies were shaped and legitimized by the discourse of the so-called energy crisis in the early 1970s. Canadian Energy Minister Alastair Gillespie asserted that:

There is an urgent need for Canada to develop its northern natural gas resources (...) Canadians must become self-sufficient in energy in the next 10 years because imported oil might not be available (...) Not building a northern natural gas pipeline or delaying it, will make it difficult to meet the self-sufficiency goal.¹¹⁶

This rhetoric of an “urgent need for energy” aimed to stimulate big energy projects across North America. It spurred enthusiasm for pipeline development in Western Arctic Canada. Energy crisis and energy independence drove much of discourse in favour of pipeline development in the formal hearings. Neil Reimer, on behalf of the Canadian Labour Congress, laid out the nature of the Canadian energy crisis. Northern oil and gas development was essential to counter continuing scarcity, which threatened to run the national economy aground.¹¹⁷ But, according to the Canadian Labour Congress, Canada needed to search for alternative energy developments based on “non-depleting resources” instead of “relying entirely upon non-renewable resources” of the Arctic to overcome its energy shortage.¹¹⁸ According to the brief of the Labour Congress, a “balanced development” in the North would be in the interests of all Canadians as much as the interests of northerners.¹¹⁹ Reimer mentioned that a more diverse portfolio of energy

¹¹⁶ Legislative Assembly of the Northwest Territories, Library and Archives Canada, Canadian Labour Congress Fonds, MG28, I 103, p. 17.

¹¹⁷ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 28132.

¹¹⁸ Ibid., pp. 28117-18.

¹¹⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 28134. Neil Reimer was the national director of the oil, Chemical and atomic Worker’s International Union and the Chairman of the Canadian Labour Congress Energy Committee, Vice-president of the Canadian Labour Congress, a member of Science Council of Canada, a member of the Committee of Policies on Poisons, and a member of the Senate of the University of Alberta.

industries in the North would be ensured by implementing an “advance set of laws” to control the relationships between multinational cooperation—“the epitome of sophisticated capitalism”—and workers, and establishing joint councils or independent unions to protect workers.¹²⁰

The brief of the Canadian Labour Congress also pointed out that multinational petroleum corporations had been challenging the power of nation-states and presenting “a great potential danger to the institutions and the way of life of northerners.”¹²¹ Zeroing in on his constituents’ specific concerns, Reimer further argued that these multinational corporations aimed to control workers and transfer wealth from the North. He also argued that one of the ironies of discussions of northern development could be illustrated by statements in corporate literature endorsing the values of northern Indigenous peoples. They acknowledged the “cultural and social aspirations of the native people rest upon collective values” although their system of beliefs were based on “individualism.”¹²²

4.2. The Idea of the North: Reframing the Meaning of the Recreation and Creating a Modern North

Impacts of pipeline construction and energy corridor development on the Indigenous way of life in the North were addressed at the formal hearings. Leo Kyllö, a Parks and Recreation planner in Edmonton, argued that the development would bring a “work period” and “leisure time” separation to the North. Expecting Indigenous peoples

¹²⁰ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 28139-40.

¹²¹ Ibid., p. 28139, 28141.

¹²² Ibid., p. 28142.

of the North “to sectorize their life in the same way” was unrealistic.¹²³ As mentioned by Kylo in his testimony and in *Recreation North*, a position paper prepared by David Flynn for the Territorial Government, plans had evolved to overcome this problem. The paper described programs to create a “more appropriate recreational situation in the North” and develop “the cultural link, the link between the past and the future.”¹²⁴ These programs were formulated to facilitate the development of the North structured an idea of the North as “a place to go for creation, recreation, *re*-creation.”¹²⁵

Kylo argued that although moderate changes could kept a culture “healthy and adaptable,” it could die as a result of rapid social and environmental changes, similar to such developments on the part of “animals” and “plants.”¹²⁶ He also mentioned that unless cultures had enough time to adjust, the cultures would not be able to resist the shock that emerged after such changes: “I don’t think they have the hardiness to be able to withstand the shock; just as the dinosaur didn’t have the hardiness to withstand the shock of the Ice Age.”¹²⁷ Kylo referenced the survival experiences of other-than-human nature—animals and plants—while explaining the Indigenous cultures’ possible answer to the changes caused by the development. His viewpoint reflects a colonial perspective that imagined Indigenous peoples as “living close to nature” or in “a pure state of Nature”

¹²³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26871. Leo Kylo wrote a book titled *Northern Life and Leisure: An Assessment of the Impact of the Mackenzie Valley Pipeline*.

¹²⁴ Ibid., p. 26871.

¹²⁵ Grace, 2001, p. 14.

¹²⁶ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26854.

¹²⁷ Ibid.

and “in tune with their environment.” They were “uncivilized” and had “no developed culture.”¹²⁸

A similar perspective on Indigenous peoples’ relationship to their environment was expressed by Peter Usher in a formal hearing. He was a consultant to the COPE during the Inquiry. Indigenous peoples of the North, he contended, “feel competent to live in the Arctic Environment,” but when they visit “southern rural or urban environments” they may feel “insecurity” and “anxiety.”¹²⁹ Usher unconsciously deploying an implicit dichotomy between a modern and civilized urban south and a savage wilderness north, propagating the “discursive strategies” of an ongoing colonialism and of the settler state’s “civilizing mission.”¹³⁰ In this formation of the “civilized” identities of the settler state, Indigenous peoples’ cultural practices were symbolized as “static,” and therefore at risk of transformation or elimination in a more fluid “modern” world.¹³¹ Indigenous presence in these such modern practices was interpreted as a participation in the sphere of the modern one.¹³²

Kyllo argued that changes caused by industrial development in the North would be adopted by northern Indigenous peoples through “social adjustment” programs that would link the past and the future by ensuring “a psychological contact with [their] traditions and culture, while moving towards a new life” and “different social conditions.”¹³³ Kyllo

¹²⁸ Hall, 1995, pp. 300, 306, 311; Lapier and Beck, 2015, p. xvii.

¹²⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 25834.

¹³⁰ Hall, 1995, pp. 308.

¹³¹ Downey, 2018, pp. 1092, 1639 [Kindle].

¹³² Ibid. 1639 [Kindle].

¹³³ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26853.

called this process “cultural evolution.”¹³⁴ The main argument of Kylo’s speech was that unless the linkage between change and culture integrity was preserved by the development of recreation facilities—the “leisure” activities “specific to the north”—the result of the changes would be a “political revolution or cultural extinction.”¹³⁵ Kylo also mentioned that while there wasn’t leisure time and work time separation among Indigenous communities in the North, leisure activity was a part of their daily life:

The traditional cultures have (...) what I consider to be a much more broad relationship to leisure than do the more modern workaday world forms of culture. The traditional cultures do not separate recreation and leisure from existence or survival or work or whatever you might call it. It’s all a part of life and I think that a lot of society is tending to *move back* into that relationship, in what might be called the post-industrial phase (...) a lot of the native cultures are probably further advanced in their concept of leisure than are the people in the more *modern industrial lifestyle* [emphasis added].¹³⁶

Kylo framed the Indigenous lifestyle as something that stayed in the past and was intrinsically non-modern. By this statement, he also drew a distinction between leisure as a term belonging to modern sphere and the Indigenous traditional practices as caught in the past.

A similar perspective was added to the record by Douglas Dittrich, an Anglican priest from Kamloops, British Columbia, who appeared in the formal hearings as a witness for the Committee for Original Peoples’ Entitlement (COPE). According to Douglas, there was a forced dichotomy in the North caused because “intruders/newcomers” believing that theirs was necessarily “a better way.”¹³⁷ He argued

¹³⁴ Ibid.

¹³⁵ Ibid., pp. 26854-55.

¹³⁶ Ibid., p. 26870.

¹³⁷ Ibid., p. 26831.

that “the best of both worlds”—“the old and new”—could be obtained by Indigenous peoples in the North. Douglas also depicted the Indigenous way of life in the North as something belonging to the past and as a counter to chronological time and evolution. Between Kylo, Usher, and Dittrich, the formal hearings discourse was gravitating back to some of the prevalent rhetoric from the southern hearings that addressed Indigenous peoples as frozen in time, as “noble savages” inhabiting a wild landscape. On the other hand, as highlighted by Usher in a formal hearing:

There is a viable native society there possessing its own territory its own culture and its own social and economic heritage. That society exists not as a withered reflection of the past, not as a museum piece, but as a living collectivity capable of solving its own problems and of planning and implementing its own future.¹³⁸

Kylo’s approach represented a legacy of colonial “discursive strategies” based on the “idealization” of Indigenous life and then stereotyping it as “uncivilized” and “non-modern.”¹³⁹ The modern and non-modern distinction was perpetuated by imposing “European categories,” such as modernization, civilization and progress as Eurocentric concepts, to characterize and symbolize a settler identity and differentiate it from “the Other.”¹⁴⁰

In Kylo’s cross-examination, Jo MacQuarrie, a representative of the Northwest Territories Mental Health Association, suggested the novelty of leisure time for northern peoples, since previously “their total waking time was spent surviving.”¹⁴¹ Such assertions reinforced the popular notion of northern Indigenous peoples as “noble

¹³⁸ Ibid., p. 25921.

¹³⁹ Hall, 1995, pp. 300, 308.

¹⁴⁰ Hall, 1995, pp. 307-8.

¹⁴¹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26869.

savages” who devoted their lives to surviving in a harsh and hostile environment. In this imagination, the idea of the existence of *intrinsic survival skills* in an *unfriendly* northern environment was constructed as a tool to define the *distinct* identity of the *civilized* and *modern* one. John B. MacLeod, an independent economist and management consultant who represented Foothills Pipelines Ltd., expressed a similar perspective. For him, Indigenous practices in and with nature were “intrinsic” aspects of their culture that made them “unique.” As part of his testimony, outlining Foothills’ socio-economic impact statement in the formal hearing, MacLeod opined that “hunting, trapping and fishing are intrinsic in northern peoples’ perception of themselves as being a separate, distinct group of people and necessary to maintain their own unique culture.”¹⁴² In effect, this was the common refrain that resonated through many of the southern hearings. It echoed variants of the same non-Indigenous and non-expert discursive imaginations of the Indigenous way of life and northern environment.

Jobs in oil and gas should, Kylo urged, be so designed that they coexisted with, and did not destroy, pre-existing cultural practices. These were ones, he specified, related to the “seasons and environmental perceptions.”¹⁴³ According to Kylo, recreation facilities also needed to be developed for workers and their families who would come from the South after resource development to cope with the “isolated and strange” environment and “long winters and darkness” of the North.¹⁴⁴ To support his argument, Kylo referenced previous experiences in Northern Albertan resource development

¹⁴² Ibid., p. 25570.

¹⁴³ Ibid., p. 26856.

¹⁴⁴ Ibid., pp. 26858, 26860.

communities. After relocating to these northern small towns to be with their husbands, many young women attempted suicide because they found they were unable to cope with the “isolation of long winters and the darkness” in an “isolated resource town.”¹⁴⁵ Kylo also underlined that the suicide rate had tragically increased like other social problems, such as family breakdowns, alcoholism, and housing problems, in the isolated towns of the North after resource development in the early 1970s.

A similar perspective on the North was presented by John Wolforth in *North Land: Studies of the Yukon and the Northwest Territories* (1969). While his North was presented as a part of the imagined community called Canada, he also reflected a “discursive formation of the North” by depicting a hostile place:¹⁴⁶

Canada is a northern land. This is the way others think of our country; it is also the way we often think of it ourselves. And yet, although more than forty percent of Canada lies north of the 60th parallel of latitude, few of us know very much about this vast area that gives our country its northern personality (...) The reason why Arctic areas of our country are almost unpopulated is clear. *Very short summers, low temperatures, long dark winters* when the sun does not rise above the horizon for months on end, little precipitation, areas of continuous permafrost—all conspire to *make human life difficult* [emphasis added].¹⁴⁷

Kylo and Wolforth’s statements also reinforced an idea of the North rooted in the colonial explorer’s descriptions of it as a “depressing,” a “dark,” “silent,” and “lifeless” place.¹⁴⁸ In this context, the identities of southern workers and northerners were constructed and differentiated from each other.

¹⁴⁵ Ibid., 26858.

¹⁴⁶ Grace, 2001, pp. 74, 192.

¹⁴⁷ Wolforth, 1969, pp. 1, 10.

¹⁴⁸ Grace, 2001, p. 8.

Kyllo also posited that the development of northern recreational facilities could help decrease (although not in isolation from other factors) social and racial tensions between northern Indigenous peoples and newcomers.¹⁴⁹ His vision was that recreation facilities should be formed over time with “interpersonal appreciation and cultural understanding” under a local leadership.¹⁵⁰ There’s a certain irony to Kyllo’s position: he advocated promoting a rugged individualist quality to the culture of northern recreation to help steer Indigenous cultures away from strong community relations in order to stave off their cultural “extinction.” The role of facilities and recreation activities in creating “a suitable social environment” was also underscored by Maureen Elaine Jensen, an independent socio-economic consultant for Foothills Pipeline Ltd., in one of the formal hearings. She argued that “tavern facilities” and “recreational activities” in the construction camps would control and reduce alcohol consumption.¹⁵¹

4.3. Creating a New North: Meeting the Modern Expectations

The consistent stereotypes of the Canadian North and the inconsistent sense of what that meant for the region’s Indigenous people persisted throughout the formal hearings, much as they had during the southern hearings. The testimony of Wayne B. Trusty, a representative of the Arctic Gas, criticized the “restrictions on the private sector” and the governmental control over the land in the North. He mentioned that “the control process

¹⁴⁹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 26860.

¹⁵⁰ Ibid., p. 26863.

¹⁵¹ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, p. 25536; Jensen also worked as a research assistant in Native Peoples Resource Center at the University of Western Ontario in London, a counsellor at the Fred Victor Mission in Toronto, a research assistant at the Don Vale Health Resource Committee in Toronto, a counsellor with Y.W.C.A, a project coordinator for the NWT Metis and Non-Status Indian Association, and a consultant on the Northern Task Force on Adult Education at Government of the NWT in Yellowknife.

in the Northwest Territories can be seen by examining disposition of land, one of the primary factors of production.”¹⁵² In this sense, he argued that the experience of the Canadian North would be different from Alaska because of the “municipal, Territorial and Federal Governments’” control on land use. Trusty stressed that the restricted land ownership would “discourage” in-migrants—“transient workers from the south”—to come to the N.W.T.¹⁵³ From Trusty’s perspective, northern land should be governed according to the precepts of private ownership. In *The Inconvenient Indian*, Thomas King has observed that “for non-Natives, land is primarily a commodity, something that has value for what you can take from it or what you can get for it.”¹⁵⁴ But for Indigenous peoples, the land has “spiritual, emotional and intellectual aspects” in addition to its materiality.¹⁵⁵ The reciprocal relationship between the Indigenous peoples and the land (and other non-human presences) was based on “non-dominating and non-exploitative” practices.¹⁵⁶

Trusty also insisted that further development—economic and infrastructural—would attract more people from the South to move to the Canadian North. In Alaska, he argued, one could “buy a Big Mac” and “go into a modern, very large city with full range of facilities and services.”¹⁵⁷ Trusty added that while “you can take all the romance with you” for a frontier experience in Alaska, there were amenities and sufficient development for modern life. In this sense, “Alaska is different enough to be attractive, but similar

¹⁵² The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 24355, 24357.

¹⁵³ Ibid., pp. 24355, 24356.

¹⁵⁴ King, 2012, p. 2896-97

¹⁵⁵ Styres et al., 2013, p. 51.

¹⁵⁶ Coulthard, 2014, p. 60.

¹⁵⁷ The Mackenzie Valley Pipeline Inquiry, Formal Hearings, pp. 24569, 24570.

enough to feel comfortable.”¹⁵⁸ In contrast, “the Canadian North does not seem to have the same romantic connotation of the last frontier, with the corresponding tendency to attract a large number of in-migrants from outside.”¹⁵⁹ Trusty’s comparison aimed to emphasize that the northern experiences in Alaska and in the Canadian north were different within both “romantic” and “modern” aspects. This discursive formation of the North situated diverse north(s) of different settler-states in “modern” or “romantic” aspects, even though they shared a common geographical space.

While Kylo pointed out the role of recreation facilities in controlling the “conflict” of the North, Dr. Charles Hobart, a professor in the Department of Sociology at the University of Alberta and an evidential witness for Arctic Gas, argued that the privileges guaranteed to the Indigenous peoples during the pipeline construction process would be the basis for future “conflict” in the north. According to Hobart, there were so many reasons for white workers to “feel discriminated” against and “threatened by the advancement advantages given to the natives”¹⁶⁰ In this sense, Hobart argued that “discriminatory benefits or privileges” should be minimal.¹⁶¹ He added that despite this discriminatory situation, feelings of “hostility” and “jealousy” among white workers were very rare.¹⁶² But, if there were discriminatory practices during the pipeline development process, Hobart warned that “the prejudicial tendencies” of white workers and “inter-ethnic tension” would increase.¹⁶³ To prevent this kind of tension, Hobart argued that

¹⁵⁸ Ibid., p. 24571.

¹⁵⁹ Ibid., p. 24352.

¹⁶⁰ Ibid., p. 25118.

¹⁶¹ Ibid., p. 25132.

¹⁶² Ibid., p. 25118.

¹⁶³ Ibid., pp. 25130, 25134.

white workers and Indigenous workers needed to be integrated in “status equal contexts” to enable them to “discover their common humanity.”¹⁶⁴

Pipeline construction and operation would have a significant potential for reducing inter-racial and inter-ethnic tension in the north, assuming that the potential for abuse or exploitation of natives by a minority of whites is effectively controlled. The impact of the pipeline would tend to reduce the dependency of native northerners on professional caretakers, if they can be assured of good access to resulting employment (...) It would provide many contexts for whites and natives to work and interact together as equals, contexts that are typically associated with the reduction of inter-ethnic misunderstanding and tension.¹⁶⁵

According to Hobart, in “this egalitarian association with white fellow workers,” Indigenous peoples could demonstrate that they are “as good as the next white” in the wage economy and “can master the whites’ work and to a certain extent, his world.”¹⁶⁶

Hobart’s argument was based on a colonial legacy arguing that white superiority could be achievable or transcended by proving survival skills in white-controlled economic and social situations: “Wage employment provides one of the best conceivable opportunities for him [the Indigenous person] to learn that he is not deserving of put-down treatment.”¹⁶⁷ While Hobart expressed his perspective on Indigenous reactions about an energy development that would bring increased numbers of white workers to the North, he marginalized ongoing Indigenous resistance: “Natives in the past have typically tended to back away from competition or confrontation, as the histories of Inuvik and other northern communities having many non-natives show.”¹⁶⁸ He believed that the

¹⁶⁴ Ibid., p. 25134.

¹⁶⁵ Ibid., p. 25119.

¹⁶⁶ Ibid., pp. 25128-9.

¹⁶⁷ Ibid., p. 25130.

¹⁶⁸ Ibid., p. 25124.

passive reaction of northern Indigenous peoples to resource exploitation would be expected in the case of pipeline development in spite of “the emergence of a much better educated younger generation of natives who are showing talent for aggressive leadership and even for confrontation tactics.”¹⁶⁹ According to Hobart, possible “hostile reactions” of native people to the “influx of southerners” would be “effectively counteracted” by enabling them “to buy, develop and control a substantial portion of the development.”¹⁷⁰ According to Hobart, any *untypical* reaction, and “sidelines” and “underling positions” of Indigenous peoples, could be reversed through ensuring limited and controlled development opportunities to them “while whites plan, implement, and profit from the development” in the region.¹⁷¹

The mainstream perspective that emerged during Hobart’s testimony demonstrated an ongoing colonial discourse that aimed to objectify and subordinate Indigenous practices and assert a white superiority. Hobart stressed that “the recent history of the north has been the impossibility of escape from dependency and welfare,” but the “unsurpassed promise of the pipeline” could ensure “substantial employment” and enable Indigenous peoples to “prove” that they are “as good as the white.”¹⁷² He also pointed out the impact of the colonial past to eliminate Indigenous participation to the probable workforce by adopting a narrative based on the traumas: “It is particularly

¹⁶⁹ Ibid., pp. 25124-25.

¹⁷⁰ Ibid.

¹⁷¹ Ibid., p. 25125.

¹⁷² Ibid., pp. 25146, 25148, 25149.

important that white work supervisors be aware of certain aspects of native psychology, experience and background which influence their job performance.”¹⁷³

Throughout the formal hearings, the mainstream discourse or understanding of Indigenous self-sufficiency and sovereignty in deciding the issues related to their own land and their future was really what was on trial. That these narratives sought to subordinate and marginalize Indigenous claims and interests was evident. And there were some grounds where some of this rhetoric also entered into the debate from the consultants of Indigenous organization. A consultant to the Indian Brotherhood, Bernard C. Gillie, an executive director of the Laboratory for Educational Advancement Resources and Needs at the University of Victoria and a former Director of Education for the GNWT, suggested that the Indigenous peoples of the North should use “the long experience of some of the Euro-Canadian groups in Canada” in their struggle to build “a new and different society.”¹⁷⁴ He added that rejecting assistance from these people meant rejecting “the voices of experience which would save them much time and many frustrations.”¹⁷⁵ In this regard, there was some question as to the relationship between modernization and traditional culture. Gillie also stressed that new administrative systems that would be built by northern Indigenous peoples should use “the experience and expertise” of the First World and Second World and obtain “extensive and valuable resources from the formal system” by encouraging “innovative and imaginative

¹⁷³ Ibid., p. 25131.

¹⁷⁴ Ibid., p. 23922.

¹⁷⁵ Ibid.

adaptations” despite the “strong bias toward the white man’s social and economic system.”¹⁷⁶

But the real question revolved not so much around modernization and was more about the resurgence of Indigenous sovereignty. Northern Indigenous witnesses in the community hearings pointed out the significance of revitalizing their own political and economic system to enhance their self-sufficiency. For example, Charles Furlong, a Dene witness from Aklavik, remarked that:

We speak of self-determination in the Dene Declaration, but as long as the Territorial Government system exists, the Dene cannot achieve their goal (...) Once the land claims are settled the Dene need about ten years to develop their claims and to set up systems that the Dene can introduce to the future generations as a direct step to self-determination.¹⁷⁷

Challenging Hobart and Gillie’s perspective, Furlong stated that Indigenous peoples should preserve in implementing their own political and economic practices instead of depending on colonial institutions.

In a part of his testimony, Hobart criticized the welfare policies of the federal and territorial governments. He argued that there was no more possibility for change, since “the traditional culture, values and norms have already been displaced” in the Mackenzie Delta region.¹⁷⁸ From his perspective, “the pipeline can do little damage not already done.”¹⁷⁹ According to Hobart, these “protectionist” programs damaged the “self-concept” of northern Indigenous peoples. They emphasized “their ineffectiveness and their inability to cope with the circumstances that beset them, their almost child-like need

¹⁷⁶ Ibid., p. 23924.

¹⁷⁷ The Mackenzie Valley Pipeline Inquiry, Aklavik, Vol. 40, February 23, 1976, p. 3857.

¹⁷⁸ Ibid., pp. 25144-5.

¹⁷⁹ Ibid., p. 25146.

for white professional caretakers, to teach them as one old Inuk man put it to me bluntly 12 years ago ‘White man good, Eskimo no good.’”¹⁸⁰

The influence and impact of settler colonialism and federal intervention varied in the testimonies. Peter Usher, whose depictions of a resilient northern Indigenous identity may have offered a variation of settler misrepresentation of Indigenous claims, found himself in nominal accord with Hobart on the question of welfare policies. But their intent was markedly different. According to Usher, welfare policies were initiated in the north by “extension of family allowances and old-age pensions,” and “construction of federal schools and nursing stations.”¹⁸¹ He also argued that this “government totalitarianism” aimed to prepare northern Indigenous peoples for the industrialization of the north by pursuing and dictating an ideology of “equality of opportunity.”¹⁸²

The social and economic phases of the formal hearings were shaped around discussions about the impact of pipeline construction and energy corridor development on the northern way of life. The testimonies of the experts, representatives, and members of the participating organizations mostly addressed ways of overcoming the probable effects of the energy development on the human environment of the North. The tenor of much of the formal hearings was that the pipeline was a *fait accompli*. The discursive analysis of these testimonies demonstrates that the meaning of self-determination was structured in the formal hearings according to the interests of industry and the settler state in the North.

¹⁸⁰ Ibid.

¹⁸¹ Ibid., p. 25900.

¹⁸² Ibid.

Indigenous political claims were absent, while images of a non-modern and uncivilized north were plentiful.

Conclusion

A hundred years have passed the changes now are coming fast
Progress calling for the newbie to come forth.
The visions and our dreams fulfilled by men and his machines
As a breath of promise blows across the North

O Canada look North and see the sleeping giant is breaking free
Come help us make our dream a reality.

We need your minds, your hands, your hearts, your willingness
To play your parts in the shaping of your northlands' destiny.

Men of vision firmly stand to face the challenge of our land
We have learned to walk where we once had to crawl
And the promise of tomorrow is an end to all our sorrow
For this land is surely rich enough for all.¹

Northlands Destiny, Written by Bob Ruzicka, Performed by Ted Wesley, 1972.

During his performances across the North, Ted Wesley echoed the 1970s' contentious politics surrounding the idea that Canada's destiny was inextricably linked to the North. In the 1970s, song and national politics were deeply concerned with the nation's capacity to determine its own national destiny. "Northlands Destiny" was written by northern Alberta's Bob Ruzicka and was one of the tracks recorded by the folk singer Ted Wesley on his 1972 album, *Straight North*. Place was a central theme in Wesley's songs; between 1972 and 1976, Wesley performed numerous songs written about the North.² Wesley's album could have been the official soundtrack for the Canadian ethos of its national identity wrapped up in the Great White North. It was surely no accident that

¹ Transcribed by me.

² Some of the songs performed by Ted Wesley between 1972 and 1976 included: James Bay Hydro-Electric Power Play, Wallow In Your Welfare, Pipeline Promises, The Bay, The Church, The RCMP, The Lonely Land, Glitter Of Gold, The Ballad Of Muk-Tuk, Winds Of Change, and Focus The North.

his modest moment in the national spotlight in the 1970s coincided with growing debates over the destiny of the North. In a curious sense, art was imitating life.

Popular culture—music, in this case—was another tool, alongside science, education, maps, statistics, reports, task forces, guidelines, training, and official hearings that all contributed to modern states establishing the moral idea that defines their idealized notion of society and territory. What makes the Mackenzie Valley Pipeline inquiry such an important part of Canadian history is that it provides a documented record of competing—and incommensurable—ideas of state and national identity in conversation with each other in real time. From the “problems” of northern sovereignty and energy independence to the various interpretations of national interests (and what nation was and wasn’t) as expressed especially through the southern and community hearings, the events I have been following through this dissertation reflect the obstacles presented to Prime Minister Pierre Trudeau’s federalist vision for the Canadian state. Berger’s report constituted a singular effort to try to capture the essence of what Canada was, or thought it was, within the context of a particular moment, roughly a hundred years after its Confederation. His moratorium on the Mackenzie Valley pipeline until Indigenous land claims were resolved asserted a vital interpretation of what the new Canadian multiculturalism meant. But Berger’s report, too, was an organ of a multicultural state that the Dene Declaration rejected outright as having any authority over its lands. This remains the great, unresolved problematique of the Canadian state as it seeks to shape the lands we know as Canada.

Indirectly, then, my study has been an examination of an important if rocky chapter in Canadian state building. As James Scott argues, by using these tools, modern nation states aimed to render society and nature more legible in order to redesign, control and transform them toward an ideal of pure nationality. According to Scott, national destinies were engineered.³ In the process of determining the destiny of a country, “society became an object that the state might manage and transform with a view toward perfecting it.”⁴ Central to the process of modern nation states’ efforts to improve the conditions of their ideal society, Scott posited the importance of high modernism. As theorized by Scott, high modernism reflected an overweening commitment to progress: “the development of scientific and technological knowledge, the expansion of production, the rational design of social order, the growing satisfaction of human needs, and, not least, an increasing control over nature (including human nature).”⁵

Scott also pointed out that high imperialism and colonial control were formed with civilizing missions drawing upon rhetorics of development, progress, and modernization.⁶ The high modernist and imperialist ideals upon which state policies were structured convinced the state authorities that they could control the destiny of a society and territory. As Patrick Wolfe theorized, this control mechanism was implemented by an intended state of settler colonialism structured on the idea of elimination requiring the replacement of the old by the new one.⁷ The elimination logic of the settler state, as

³ Scott, 1998, p. 54, 55.

⁴ Ibid., p. 92.

⁵ Ibid., p. 89.

⁶ Scott, 2009, p. 98.

⁷ Wolfe, 2006.

Audra Simpson points out, aimed at the removal of Indigenous political orders, governmental systems and title to land.⁸ Heidi Kiiwetinepinesiik Stark demonstrates that the rhetoric of “savage” and “backward” peoples and “lawless spaces” in need of civilization aimed to legitimate settler states’ law making in Indigenous land.⁹ According to Sarah Nickel, these settler state projects are failing and “continue to be disrupted.”¹⁰ Similarly, Scott emphasizes that the states’ policies to improve the conditions in the society and determine the destiny of society failed. He also mentions how “ethnic coalitions” created challenges against state expansion and policies.¹¹

When I began my Ph.D. journey and this dissertation, I thought that Scott’s work on the states’ ideals to control and shape society and nature would be my departure point for my examination of the Canadian state’s attempts to determine the destiny of the North in the 1970s. I also imagined that Scott might help to illuminate the challenges of state created by northern Indigenous peoples against the state’s control mechanism. However, as I began my research, I learned the extent to which Indigenous objections to pipeline construction on their lands was frequently secondary to the very premise of the consolidation of the state and fossil capitalism’s interests in the North. What I learned from Indigenous scholars’ critiques of the ongoing logic and mechanism of settler colonialism was that the Mackenzie Valley Pipeline Inquiry was two different things. On the one hand, it was a commission designed to determine the viability of a new energy corridor. On the other, it was a subtle and sinister imposition—a slow violence of

⁸ Simpson, 2018, pp. 74, 75.

⁹ Stark, 2016.

¹⁰ Nickel, 2019, p. 10.

¹¹ Scott, 2009, pp. 6, 315.

creeping colonialism—of state jurisdiction in spaces over which it had dubious authority. My task has been to put those two stories in conversation with each other, and to resist the straight, state-imposed binary surrounding the pros and cons of a particular energy development project.

In *The Art of Not Being Governed*, Scott examines Zomia hill peoples' relationship with the state through an anarchist lens.¹² I believe that addressing Indigenous movements and resurgences requires acknowledging Indigenous traditional governance practices that have continued since time immemorial. This also requires avoiding referring to Eurocentric interpretations and concepts in my interpretation of Indigenous decolonial struggles. In this context, I argue that the questions:

Who does decide the northlands destiny?
Who is the legitimate power to decide the destiny of the North?
Could the destiny of the North decide the destiny of the Canadian nation?
Could northern Indigenous peoples decide their own destiny and destiny of their land?

need to be examined through a decolonial reading of the story, a reading that centres Indigenous perspectives and discourse. This also requires avoiding state-centric interpretations of Indigenous resistances. Instead, it insists that northern Indigenous peoples' strategic participation in the Mackenzie Valley Pipeline Inquiry process was designed to challenge and refuse settler states' initiatives to control of the destiny of their communities and the North.¹³

In the light of these decolonial critiques, a discursive analysis of the Mackenzie Valley Pipeline Inquiry hearings should focus on how the settler state tried to legitimate

¹² See Scott, 2009.

¹³ See Nickel, 2019.

its authority to determine the destiny of the North under the guise of development and recognition. That is what I have tried to show in this dissertation. As I discussed, some discourse from hearings on the violence, culture, environment, and land was structured on the idea that settler state can legitimately control the destiny of the North as a colonial legacy of civilizing missions and build a better future for the Canadian nation.

Nevertheless, the questions of the 1970s persist:

Who will decide the destiny of the North?

Who is the legitimate authority in controlling the future of the North?

How was the Northern settler state authority and sovereignty challenged?

These questions were raised as part of a larger resurgence of Indigenous self-determination. Northern Indigenous peoples used the Inquiry process to assert their right to decide their own future trajectories and destiny. Rod Hardy, the president of the Métis Local in Fort Norman, stated at Brackett Lake hearing that “Our only hope of some survival with some dignity is to *have a land claims settlement*, which will give us as a people, guarantees that we will be able to *control our own destiny and our own land* [emphasis added].”¹⁴ Indigenous claims to determine their own destiny challenged the legitimacy of the autonomy, sovereignty, and integrity of a “Canada.”

Northlands destiny provoked a series of new questions in the 1970s:

What is autonomy?

What is sovereignty?

What is self-determination?

What is self-government?

These were predominantly Eurocentric concepts presented in Eurocentric discourse. As a result they prompt a further question: Are they the proper lines of interrogation for

¹⁴ The Mackenzie Valley Pipeline Inquiry, Brackett Lake, Vol.10, June 26, 1975, p. 879.

defining Indigenous claims for determining their own destiny? Indigenous sovereignty and self-determination require the refusal of state-driven recognitions and projects.¹⁵ Sovereignties and self-determination have been practiced by Indigenous peoples since time immemorial. They were not the settler state's gifts to Indigenous peoples.¹⁶

The claims of northern Indigenous in the time of the Inquiry, were designed to ensure the resurgence of their rights to self-determination and sovereignty that they “used to be able to control and exercise.”¹⁷ In this context, the meaning of Indigenous self-determination and sovereignty need to be contextualized within their own traditions, terms and practices. The discussions of the Mackenzie Valley Pipeline Inquiry hearings and Indigenous land claims in the North reframed the meaning of these concepts in the 1970s and contributed to their ensuing meaning.

In this dissertation, I argue that by using the Inquiry process, northern Indigenous peoples challenged the idea that the state had a legitimate authority to decide and control the future or destiny of a territory or peoples in its defined borders. During the 1970s, the meaning of the North was reframed as a new energy landscape and a place for a unique culture according to the interests of the Canadian state and fossil capitalism. The discussions of the hearings about the unique culture of the North were structured around the so-called recognition of the northern cultural differences. The idea of recognition was raised as a policy of the Liberal federal government in the 1970s. As a policy it aimed to eliminate any political claims based on Indigenous nationhood and land practices in the

¹⁵ Simpson, 2014, p. 16.

¹⁶ See Knickerbocker et al., 2016, pp. 71.

¹⁷ Knickerbocker et al., 2016, pp. 71.

North under the guise of “national interest” and “national unity.” It also asserted that Ottawa was in a privileged position to decide a better future of the North and its people in the era of energy development. The idea that northern Indigenous peoples were in need of state recognition of their nationhood and self-determination aimed to legitimate state regulations and consolidate its sovereignty in the North. By designating a future for the North, Ottawa was “seeing like a state,” establishing and entrenching an idea and a vision for the destiny of the Canadian nation. To structure a better future for Canadians, the state intended to strengthen the “Canadian social mosaic” by recognition of cultural differences of the North, eliminating any political challenges against their authority that would be a threat to Canadian unity, and finally creating an economically strong nation through building a pipeline in a so-called northern “frontier,” thereby consolidating Canada’s sovereignty in the Arctic. The refusal by northern Indigenous peoples against ongoing colonial dispossession, expansion of fossil capitalism and paternalistic policies of the 1970s was an attempt by Indigenous peoples to decide their own destiny.

Thomas R. Berger, the commissioner of the Inquiry recommended a ten-year moratorium on pipeline construction in the region. After his final report on the Inquiry was published, the Canadian federal government postponed the proposed Mackenzie Valley pipeline project of the 1970s. The project was proposed again in 2004 as the Mackenzie Valley Gas Project. In December 2017, Imperial Oil announced that the project had been canceled by the consortium behind it because of economic inefficiencies. Although offshore and onshore oil exploration and seismic works continued in the North, the Mackenzie Valley Pipeline was never

built. Yet, some voices from Mackenzie Valley Pipeline Inquiry hearings made us think about how the Indigenous land in the North would have been if the pipeline had been built:

It has been likened by some people to taking a piece of bread and laying it down the length of a football field (...) recently I read what I felt was a more appropriate symbolic description of this pipeline. Instead of a football field, it was said that we would have the painting of the Mona Lisa, and instead of a thread it was *a scalpel that was run down the length of that painting* [emphasis added].¹⁸

Bill Watson, Yellowknife, October 15, 1975.

Now a decision has to be made about the Mackenzie Valley pipeline and its people. I am sure it can be as many people said *a northern nightmare* or *a national dream* [emphasis added].¹⁹

Angus Lennie, Brackett Lake, June 26, 1975.

Similar statements in the Inquiry hearings raised questions about a possible future of the North if a pipeline were built: What might have been the destiny of the North if Indigenous peoples had not challenged settler colonial interests? Might it have been a national dream? or a Razor Slash? or a nightmare? Who is the legitimate authority making the dreams a reality? Who did decide its legitimacy? Whose dream is this, anyway? These are the questions that can be answered to understand the temporality of the Mackenzie Valley Pipeline Inquiry and how Indigenous refusals of the 1970s shaped the destiny of the North.

¹⁸ The Mackenzie Valley Pipeline Inquiry, Yellowknife, October 15, 1975, Vol. 34., p. 3362; See Richard van Camp, *Like a Razor Slash in This Place, 150 Years Retold*: “Some dismissed the impact of a pipeline, saying it would be like a thread stretched across a football field. Those close to the land said the impact would be more like a razor slash across the Mona Lisa.”

¹⁹ The Mackenzie Valley Pipeline Inquiry, Brackett Lake, Vol. 10, June 26, 1975, p. 921.

I hope these questions also contribute to the critical narration of the untold stories, such as Nelson Small Legs', and how these stories challenged the legitimacy of the settler state authority. Nelson Small Legs was found dead a few days after his testimony in one of the Calgary hearings of the Inquiry. He noted in his hand-written letters that:

“Someone must take the first step to show the conditions the Indians live in. So I give my life in protest to the Canadian government for its treatment of Indians for the past 100 years.”²⁰

²⁰ *The Native People*, May 21, 1976. For the testimony of Nelson Small Legs in the Mackenzie Valley Pipeline Inquiry see *The Mackenzie Valley Pipeline Inquiry*, Calgary, Vol. 53, May 14, 1976, pp. 5561-5562. For a limited literature about Nelson Small Legs see Carolyn, 1987, p. 152; O'Malley, 1976, p. 228; Yale D. Belanger, “The Oldman River Dam and the Lonefighters' Response to Environmental Incursion,” Yale D. Belanger and P. Whitney Lackenbauer, eds., *Blockades or breakthroughs?: First Nations confront the Canadian State*; Robert Hunter and Robert Calihoo, *Occupied Canada: A Young White Man Discovers His Unsuspected Past*.

Bibliography

Archival Research

Canadian Broadcasting Corporation Archives

CBC Digital Archives, Berger Inquiry

Library and Archives Canada

Alastair Gillespie Fonds

Arctic Institute of North America Fonds

Audrey McLaughlin Fonds

Canadian Labor Congress Fonds

David Anderson Fonds

Department of Indian Affairs and Northern Development Fonds

Ed Broadbent Fonds

Frontier College Fonds

H. Basil Robinson Fonds

Judd Buchanan Fonds

Mitchell Sharp Fonds

Northern Pipeline Agency Fonds

Roméo LeBlanc Fonds

Senate of Canada Fonds

Voice of Women Fonds

McMaster University Archives

New Democratic Party Waffle Collection

Prince of Wales Northern Heritage Center in North West Territories

Digitalized Berger Inquiry Educational Resource Archive

University of Washington Libraries Special Collections

Coalition Against Oil Pollution Records

Inlandboatmen's Union of the Pacific Records

Sierra Club, Northwest Office Records, 1946-1996

Newspapers and Periodicals

Anchorage Times

Native Peoples

Argus

Native Press

Bremerton Sun

New York Times

Energy File

New York Journal of Commerce

Evening Star

News Peak

Globe and Mail

Oilweek

Kansas City Times

Oil Daily

Last Post

Ontario Waffle News

Last Post Magazine

Open Road

Los Angeles Times

Seattle Post-Intelligencer

Seattle Times

Toronto Daily Star

The Gazette (Montreal)

Toronto Star

Other Primary Sources

Agreement in Principle between The Dene Nation and Her Majesty the Queen, in Right of Canada, 1976 [Proposal].

A Synopsis of the Mackenzie Valley Pipeline Inquiry, May 1976, Library and Archives Canada, Frontier College Fonds, MG 28, I 124, 287.

Berger, Thomas R. *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Project*. Vancouver: Douglas and McIntyre, 1977.

Canada - United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline, September 20, 1977.

Canadian Arctic Gas Pipeline Limited. *Enclosed Material: Background Information on the Arctic Proposal*, Toronto: November 1976.

Cardinal, Harold and Indian Chiefs of Alberta. *Citizens Plus*, June 1970.

Change in Northern Canada, Jean Chrétien. *The Executive Conference of the American Gas Association*. Banff, Alberta: June 23, 1971.

Chrétien, Jean. Northern Objectives, and Priorities and Strategies for the '70's, *Report*, 1972.

Cooperation in Environmental Protection Agreement, May 23, 1972.

COPE: Original Voice for Inuvialuit Rights, Inuvialuit Regional Corporation. Inuvialuit Final Agreement 25th Anniversary, <https://www.irc.inuvialuit.com/>. Accessed: January 2022.

Defence in the 70s. White Paper on Defence, Donald S. Macdonald, Department of National Defence. Ottawa: Information Canada, 1971.

Dene Nation. *History*. <https://denenation.com/about/history/>. Accessed: October 2020.

Earth Report. New York: Radio TV Reports. INC., May 12, 1972.

Expanded Guidelines for Northern Pipelines, June 28, 1972.

Fact Sheets, The Official Website of the Government of Canada, <https://npa.gc.ca/41>.

Fact Sheets, The Official Website of the Government of Canada, <https://npa.gc.ca/129>.

Fraser, Paul., et al. Petroleum and Environmental Management Tool (PEMT)—Beaufort Sea and Mackenzie Delta. *Project*, March 2010.

Harold Cardinal and Indian Chiefs of Alberta, Citizens Plus, June 1970.

House of Commons Debates, 28th Parliament, 3rd Session, October, 1971.

Interview with Rogers C. B. Morton, Washington, D.C., January 13, 1972. University of Washington Archives, Special Collection.

Jackson, Michael. “A New Covenant Chain: An Alternative Model to Extinguishment of Land Claim Agreements,” *Royal Commission on Aboriginal Peoples*, 1994.

Katherine, Graham A and Anne B. McAllister. “The Inuit Land Claim, Constitutional Development and Local Government Reform in the Northwest Territories: An Overview.” Kingston: Eastern Arctic Study, Institute of Local Government and Centre for Resource Studies, Queen's University, 1981.

Lael, Morgan. *Tundra Times: A Survival Story*, New York: The Alicia Patterson Fund, 1972.

Legislative Assembly of the Northwest Territories, Library and Archives Canada, Canadian Labour Congress Fonds, MG28, I 103.

Lamothe, René, M. J. “*It was only a Treaty*,” *Treaty 11 According to the Dene of the Mackenzie Valley*. Ottawa: Royal Commission on Aboriginal Peoples, April 1996.

Last, John. “Road to West Point: A history of the Dene Nation.” CBC News, 20 August 2018, <https://www.cbc.ca/news/canada/north/dene-nation-history-1.4789202>. Accessed: October 2021.

Letter from Rogers, B. Morton to Congressman, April, 1973, The U.S. Department of Interior, Office of Secretary. University of Washington Archives, Special Collection.

Living Treaties: Lasting Agreements, Report of the Task Force To Review Comprehensive Claims Policy, December 1985.

- Lysyk, Kenneth M., Edith E. Bohmer, and Willard L. Phelps. *Alaska Highway Pipeline Inquiry Report*, July 1977. Alaska Resources Library and Information Services.
- Metro Proposal, July 1977. In Robert E. Keith and Janet B. Wright, *Northern Transitions, Second National Workshop on People, Resources and the Environment North of 60°*. Edmonton: February 1978.
- Mountain, Antoine and Susan Quirk. *Dene nation, An Analysis: A report to the Royal Commission on Aboriginal Peoples*, 1996.
- National Energy Board. *Mackenzie Gas Project, Respecting all voices: Our journey to a decision*. Volume 1, December 2010(a).
- National Energy Board. *Mackenzie Gas Project, Technical considerations: Implementing the decision*. Volume 2, December 2010(b).
- Native Land Claims Plenary Session. In Robert E. Keith and Janet B. Wright, *Northern Transitions, Second National Workshop on People, Resources and the Environment North of 60°, 2nd*, Edmonton: February 1978.
- Northern Musicians Project. Interview with Ted Wesley and Leslie Wesley, October 21, 2018. Enderby BC, NWT Archives.
- Northern Perspectives, Canadian Arctic Resource Committee, Vol. 1, no. 7, July-August, 1973.
- Northern Pipeline Guidelines, Ottawa, August 1970.
- Notes for a speech on “Native Land Claims in the Mackenzie Valley,” Honorable Judd Buchanan, P.C, M.P. Minister of Indian and Northern Affairs to the Northwest Territories Council, Yellowknife, February 13, 1976.
- Russell, Peter H. Opinion Paper, An Analysis of the land claims position of the Métis Association of the Northwest Territories. In Robert E. Keith and Janet B. Wright, *Northern Transitions, Second National Workshop on People, Resources and the Environment North of 60°, 2nd*, Edmonton: February 1978.
- O'Malley, Martin. “Berger Inquiry bring a new ‘northern vision’ to the South?,” *The Globe and Mail*, Monday, May 24, 1976.
- , *The Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline*. Toronto: Peter Martin Associates, 1976.

Opinion Paper, Native Claims: Policy, Process, and Perspective, Office of Native Claims Department of Indian Affairs and Northern Development. In Robert E. Keith and Janet B. Wright, *Northern Transitions, Second National Workshop on People, Resources and the Environment North of 60°, 2nd*, Edmonton: February 1978.

Preliminary Rulings, Mackenzie Valley Pipeline Inquiry, October 29, 1974.

Priorities for the North. The Northwest Territories Legislative Assembly, 18 May 1977.

Public Government for the People of the North. The Dene Nation and the Métis Association of the Northwest Territories, November 1981.

Public Policy and Aboriginal Peoples 1965-1992. Volume 2, Summaries of Reports by Federal Bodies and Aboriginal Organizations, Royal Commission on Aboriginal Peoples, 1994.

Rick Hardy's speech to Judge Berger, November 19, 1976, Prince of Wales Northern Heritage Center, Berger Inquiry Educational Resource Archive.

Rogers, George W. and Douglas N. Jones, *Alaska-Northwest Canada Economic Activities / Part I and Part II, An Analysis of Regional Political and Communications Aspects of Alaska-Canada Development Relations*, 1968.

Royal Commission on Aboriginal Peoples. *Public Policy and Aboriginal Peoples, 1965-1992: Summaries of Reports by Federal Bodies and Aboriginal Organizations*. Ottawa: Minister of Supply and Services Canada, 1994.

The Aboriginal Rights Coalition (Project North). *Submission to the Royal Commission on Aboriginal Peoples*. Ottawa: June 1, 1993.

The Alaska Native Claims Settlement Act, December 18, 1971.

The Canadian Aboriginal Issues Database, Nunavut, Canada, significant events in the development of Canada's newest Territory, 1982 to 1985, <https://sites.ualberta.ca/~walld/nunavut3.html>. Accessed: October 2021

The Dene Declaration, Fort Simpson, July 1975.

The Environmental-Social Committee, Northern Pipelines, *Mackenzie Valley and Northern Yukon Pipelines: Socio-economic and Environmental Aspects*. A Report to the Task Force on Northern Oil Development, Government of Canada, June 1974.

The Final Report of The Alaska Highway Pipeline Project: Economic Effects on the Yukon and Canada, Yukon Energy, Mines and Resources, 2002.

The Forgotten People, Native Council of Canada / Métis and Non-Status Indians, Vol. 6, Jan-Feb. 1977.

The IB-NWT Land Claim Submission, October 16, 1977 in *IBNWT Land Claim, Handbook for the Northern Claims Group*, November 1977.

The James Bay and Northern Québec Agreement, November 11, 1975.

The Wilderness Society, “The Alaska Pipeline Reading Lesson.” Pamphlet, April 1972.

The Political Development of the Northwest Territories, August 3, 1977.

The Report of Drury Commission, 1979.

The Statement by the Honourable Judd Buchanan, Minister of Indian and Northern Affairs, September 10, 1975.

Together Today for Our Children Tomorrow, A Statement of Grievances and An Approach to Settlement by the Yukon Indian People, January, 1973.

Trans-Alaska Pipeline Authorization Act, November 16, 1973.

Transcripts of the Mackenzie Valley Pipeline Inquiry Hearings, 1975-1976.

Western Arctic (Inuvialuit) Claims Settlement Act, 1984, <https://laws-lois.justice.gc.ca/eng/acts/W-6.7/index.html>. Accessed: February, 2022.

Wilder, W. P. Canadian Arctic Gas Pipeline Limited to the Genesis Club of Toronto, *Presentation of the Chairman*, March 15, 1977.

Wolforth, R. John. *The Mackenzie Delta, Its Economic Base and Development. A Preliminary Study*. Ottawa: Northern Science Research Group, Department of Indian Affairs and Northern Development, 1965.

Working Group Report, Political Development in the Territories. In Robert E. Keith and Janet B. Wright, *Northern Transitions, Second National Workshop on People, Resources and the Environment North of 60°, 2nd*, Edmonton: February 1978.

Secondary Sources

- Abele, Frances. "The Berger Inquiry and the Politics of Transformation in the Mackenzie Valley." PhD Thesis: York University, 1983.
- , "The Immediate and Lasting Impact of the Berger Inquiry into the Construction of a Pipeline in the Mackenzie Valley," 88-112. In Gregory J. Inwood and Carolyn M. Johns, eds., *Commissions of Inquiry and Policy Change: A Comparative Analysis*. Toronto: University of Toronto Press, 2014.
- Abele, Frances and Mark O. Dickerson. "The 1982 Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy." *Canadian Public Policy*, x-i (1985): 1-15.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and spread of Nationalism*. London: Verso, 1991.
- Anderson, Frederick, R. *NEPA in the Courts, A Legal Analysis of the National Environmental Policy Act*. New York: Resources for the Future Press, 2011.
- Arnold, Robert D. *Alaska Native Land Claims*. Anchorage: Alaska Native Foundation, 1978.
- Arnold, Samantha. "Constructing an Indigenous Nordicity: The 'New Partnership' and Canada's Northern Agenda." *International Studies Perspectives* 13, no. 1 (2012): 105–20.
- Asch, Michael. "On the Land Cession Provisions in Treaty 11." *Ethnohistory* 60, no. 3 (July 2013): 451-467.
- Asch, Michael and Shirleen Smith. "Consociation Revisited: Nunavut, Denendeh and Canadian Constitutional Consciousness." *études/Inuit/Studies*, no. 1/2 (1992): 97-114.
- Ashenmiller, Joshua. "The Alaska Pipeline as an Internal Improvement, 1969-1973." *Pacific Historical Review* 75, no. 2 (August 2006): 461-490.
- Axworthy, Tom and Pierre Elliott Trudeau. *Towards a Just Society: Trudeau Years*. London: Penguin Books, 1990.
- Behiels, Michael D. *Prelude to Quebec's Quiet Revolution: Liberalism versus Neo-nationalism, 1945–1960*. Montreal: McGill-Queen's University Press, 1985.

- Belander, Yale D. and P. Whitney Lackenbauer. "The Oldman River Dam and the Lonefighters' Response to Environmental Incursion," 222-252. In Yale D. Belanger and P. Whitney Lackenbauer, eds., *Blockades or Breakthroughs?: First Nations confront the Canadian State*. Montréal: McGill-Queen's University Press, 2014.
- Berger, Carl. *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867-1914*. Toronto: University of Toronto Press, 2013.
- , "The True North Strong and Free," 3-26. In Peter Russell, ed., *Nationalism in Canada*. Toronto: McGraw-Hill, 1966.
- Berger, Thomas R. *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Project*. Vancouver: Douglas and McIntyre, 1977.
- , "The Mackenzie Valley Pipeline Inquiry." *Osgoode Hall Law Journal* 16, no. 3 (1978): 639-647.
- , *A Long and Terrible Shadow: White Values, Native Rights in the Americas*. Seattle: University of Washington Press, 1991.
- , *Fragile Freedoms: Human Rights and Dissent in Canada*. Toronto: Clarke, Irwin, 1981.
- , *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Project*. Vancouver/Toronto: Douglas and McIntyre, 1988.
- , *One Man's Justice: A Life in the Law*, Vancouver/Toronto: Douglas and McIntyre, 2005.
- , *Village Journey: The Report of the Alaska Native Review Commission*. New York: Hill and Wang, 1985.
- Berry, Mary Clay. *The Alaska Pipeline: The Politics of Oil and Native Land Claims*. Bloomington: Indiana University Press, 1975.
- Bregha, F. *Bob Blair's Pipeline: the business and politics of northern energy development projects*. Toronto: J. Lorimer, 1981.
- Blackhawk, Ned. "Currents in North American Indian Historiography." *Western Historical Quarterly* 42, no. 3 (2011): 319-324.
- , *Violence Over the Land: Indians and Empires in the Early American West*. Cambridge: Harvard University Press, 2008.

- Blansett, Kent. *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement*. New Heaven and London: Yale University Press, 2018.
- Brigham, Lawson. "Foreword," vii-x. In Adam Lajeunesse and P. Whitney Lackenbauer, eds., *Canadian Arctic Operations, 1941-2015, Lessons Learned, Lost, and Relearned*. Fredericton: The Gregg Centre for the Study of War and Society, University of New Brunswick, 2017.
- Bruyneel, Kevin. "Wake Work Versus Work of Settler Memory, Modes of Solidarity in #NoDAPL, Black Lives Matter, and Anti-Trumpism," 311-327. In Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.
- Burkhardt, Lavern A. "Political and economic power in the Northwest Territories: An examination of the historical precedents and recent relationships between the territorial legislative body and the federal government." M.A. Thesis, University of Alberta, 1975.
- Caldwell, Lynton Keith, *The National Environmental Policy Act: An Agenda for the Future*. Bloomington: Indiana University Press, 1998.
- Carlson, Hans, M. "A Watershed of Words: Litigating and Negotiating Nature in Eastern James Bay, 1971-75." *Canadian Historical Review*, 85-1 (2006): 63-84.
- Cicchetti, Charles J. *Alaskan Oil: Alternative Routes and Markets*. New York: Routledge, 2018.
- Clemens, D. Michael. "Framing Nature and Nation: The Environmental Cinema of The National Film Board, 1939-1974." PhD Thesis: McMaster University, 2018.
- , *Screening Nature and Nation: The Environmental Documentaries of the National Film Board, 1939-1974*. Athabasca: Athabasca University Press, 2022.
- Cleveland, L. William, and Martin Bunton. *A History of the Modern East*. Boulder: Westview Press, 2008.
- Coates, Ken S. and Judith Powell. *The Modern North: People, Politics and the Rejection of Colonialism*. Toronto: James Lorimer & Company, 1989.
- Coates, Ken S., P. Whitney Lackenbauer, William R. Morrison, and Greg Poelzer. *Arctic Front: Defending Canada in the Far North*. Toronto: Thomas Allen Publishers, 2008.

- Coen, Ross. *Breaking Ice for Arctic Oil, the Epic Voyage of the SS Manhattan through the Northwest Passage*. Fairbanks: University of Alaska Press, 2012.
- Colt, S.G. and Michael Pretes. "Alaska Native Claims Settlement Act (ANCSA)" in Mark Nuttall, ed., *Encyclopedia of the Arctic*. New York and London: Routledge, 2005.
- Coulthard, Glen Sean. *Red Skin White Mask: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014a.
- , "From Wards of the State to Subjects of Recognition?: Marx, Indigenous Peoples, and the Politics of Dispossession in Denendeh." In Audra Simpson and Andrea Smith, eds., *Theorizing Native Studies*. Durham: Duke University Press, 2014b: 56-98.
- Cronon, William. "The Trouble with Wilderness: Or, Getting Back to the Wrong Nature." *Environmental History*, 1, no.1 (1996): 20-25.
- Curley, Andrew. "Beyond Environmentalism: #NoDAPL as Assertion of Tribal Sovereignty," 103-157. In Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.
- Deloria Jr., Vine. *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press, 1988.
- Desbiens, Caroline. *Power from the North: Territory, Identity, and the Culture of Hydroelectricity in Québec*. Vancouver, UBC Press, 2013.
- Dhillon, Jaskiran. "What Standing Rock Teaches us about Environmental Justice," 235-241. In Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.
- Diamond, Billy. "Aboriginal Rights: The James Bay Experience," 265-285. In Menno Boldt and Anthony Long, eds., *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*. Toronto: University of Toronto Press, 1985.
- Dickerson, O. Mark. *Whose North?: Political Change, Political development, and Self-government in the Northwest Territories*. Vancouver: UBC Press, 1992.
- Dosman, J. Edgar. *The National Interest: The Politics of Northern Development 1968-75*. Toronto: McClelland and Stewart, 1975.

- Downey, Allan. *The Creator's Game: Lacrosse, Identity, and Indigenous Nationhood*. Vancouver: UBC Press, 2018.
- Dylan, Daniel W. "'We the North' as the Dispossession of Indigenous Identity and Slogan of Canada's Enduring Colonial Legacy." *Alberta Law Review*, 56-3 (2019): 761-784.
- Ellis, Elizabeth. "Centering Sovereignty: How Standing Rock Changed the Conversation," 172-197. In Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.
- Estes, Nick and Jaskiran Dhillon, eds. *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.
- Falzetti, G. Ashley. "Archival Absence: The Burden of History." *Settler Colonial Studies* 5, no. 2 (2014): 128-144.
- Feit, Harvey A. "Negotiating Recognition of Aboriginal Rights: History, Strategies and Reactions to the James Bay and Northern Quebec Agreement," 416-438. In Nicolas Peterson and Marcia Langton, eds., *Aborigines, Land and Land Rights*. Canberra: Australian Institute for Aboriginal Studies, 1983.
- Fleras, Augie. *Multiculturalism in Canada: The Challenge of Diversity*. Cambridge: Cambridge University Press, 1992.
- Francis, Daniel. *National Dreams: Myth, Memory, and Canadian History*. New York: Arsenal Pulp Press, 1997.
- , *The Imaginary Indian: The Image of the Indian in Canadian Culture*. Vancouver: Arsenal Pulp Press, 1992.
- Fumoleau, René. *As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939*. Calgary: University of Calgary Press, 2004.
- Gautier, Donald L., et al. "Assessment of Undiscovered Oil and Gas in the Arctic." *Science* 324, no. 1175 (May 2009): 1175-9.
- Gilio-Whitaker, Dina. *As Long As Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock*. Boston: Beacon Press, 2019.
- Grace, E. Sherrill. *Canada and the Idea of North*. Montreal: McGill-Queen's University Press, 2002.

- Greer, Allan. "Settler Colonialism and Beyond." *Journal of the Canadian Historical Association / Revue de la Société historique du Canada* 30, no. 1 (2019) : 61–86.
- Goudge, Stephen. "The Berger Inquiry in Retrospect: Its Legacy." *Canadian Journal of Women and the Law* 28, no. 2 (2016): 393-407.
- Guha, Ranajit. *History at the Limit of World History*. New York: Colombia University Press, 2002.
- Hall, Stuart. "The West and The Rest: Discourse and Power," 275-332. In Stuart Hall and Bram Gieben, eds., *Formations of Modernity*. Trowbridge: The Open University Polity Press, 1995.
- Hamilton, John David. *Arctic Revolution: Social Change in the Northwest Territories, 1935-1994*. Toronto: Dundurn Press, 1994.
- Harris, Cole. "The Myth of the Land in Canadian Nationalism," 239-240. In John O'Brian and Peter White, eds., *Beyond Wilderness: The Group of Seven, Canadian Identity, and Contemporary Art*. Montreal and Kingston: McGill-Queens University Press, 2007.
- Hausdoerffer's, John. *Catlin's Lament: Indians, Manifest Destiny, and the Ethics of Nature*. Lawrence: University Press of Kansas, 2009.
- Henderson, James, and Julia Loe. "The Prospects and Challenges for Arctic Oil Development." *Oxford Institute for Energy Studies*, Executive Summary, November 2014.
- Hightower Langston, Donna. "American Indian Women's Activism in the 1960s and 1970s." *Hypatia*, 18, no. 2 (2003): 114-132.
- Horning, James F, ed. *Social and Environmental Impacts of the James Bay Hydroelectric Project*. Montreal: McGill-Queen's University Press, 1999.
- Hunter, Robert and Robert Calihoo. *Occupied Canada: A Young White Man Discovers His Unsuspected Past*. Toronto: McClelland and Stewart, 1991.
- Hutchinson, Roger. *Prophets, Pastors and Public Choices: Canadian Churches and the Mackenzie Valley Pipeline Debate*. Waterloo: Wilfrid Laurier University Press, 1992.
- Innis, Harold. *The Fur Trade in Canada: An Introduction to Canadian Economic History*. London: Oxford University Press, 1930.

- Jorden, Anthony J. "The Constitution of the Northwest Territories." MA Thesis, University of Saskatchewan, 1978.
- Kaufmann, Eric. "'Naturalizing the Nation': The Rise of Naturalistic Nationalism in the United States and Canada." *Comparative Studies in Society and History*, 40, no. 4 (1998): 666-695.
- Keeling, Arn and John Sandlos, (eds). *Mining and Communities in Northern Canada: History, Politics, and Memory*. Calgary: University of Calgary Press, 2015
- Kerry, M. Abel. *Drum Songs: Glimpses of Dene History*. Montreal and Kingston: McGill-Queen's University Press, 1993.
- King, Thomas. *The Inconvenient Indian: A Curious Account of Native People in North America*. New York: Doubleday Canada, 2012.
- KnickerBocker, Madeline Rose and Sarah Nickel. "Negotiating Sovereignty: Indigenous Perspectives on the Patriation of a Settler Colonial Constitution, 1975-83." *BC Studies*, no. 190 (2016): 67-87.
- Kulchyski, Peter. *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut*. Winnipeg: University of Manitoba Press, 2005.
- Krech III, Shepard. *Ecological Indian: Myth and History*. New York: W. W. Norton & Company, 1999.
- Lajeunesse, Adam. "Canada's Northern Deployments, 1970-89: Symbolism and Substance," 196-216. In Adam Lajeunesse and P. Withney Lackenbauer, eds., *Canadian Arctic Operations, 1941-2015, Lessons Learned, Lost, and Relearned*. Fredericton: The Gregg Centre for the Study of War and Society, University of New Brunswick, 2017.
- Lapier, Rosalyn R. and David R.M. Beck. *City Indian: Native American Activism in Chicago, 1893-1934*. Lincoln and London: University of Nebraska Press, 2015.
- Laxer, James. *Canada's Energy Crisis*. Toronto: James Lorimer and Company Publishers, 1975.
- Leddy, Lianne, C. "Intersections of Indigenous and Environmental History in Canada." *The Canadian Historical Review*, 98, 1 (March 2017): 83-95.
- Lexier, Roberta. "Two nations in Canada: the New Democratic Party, the Waffle movement and nationalism in Quebec." *British Journal of Canadian Studies* 30, no. 1 (2017): 1-22.

Loo, Tina. *Moved by the State: Forced Relocation and Making a Good Life in Postwar Canada*. Vancouver: UBC Press, 2019.

------. *States of Nature: Conserving Canada's Wildlife in the Twentieth Century*. Vancouver: UBC Press, 2006.

Lotz, Jim. *Northern Realities: Canada-U.S. Exploitation of the Canadian North*. Chicago: Follett, 1971.

Luby, Brittany. "From Milk-Medicine To Public (Re)Education Programs: An Examination Of Anishinabek Mothers' Responses To Hydroelectric Flooding In The Treaty #3 District, 1900–1975." *Canadian Bulletin of Medical History*, 32, 2 (2015): 363-389.

Macfarlane, Daniel. "Dam the Consequences: Hydropolitics, Nationalism, and the Niagara-St. Lawrence Projects," 140-167. In Lynne Heasley and Daniel Macfarlane, eds., *Border Flows: a century of the Canadian - American water relationship*. Calgary: University of Calgary Press, 2016.

Mackey, Eva. *House of Difference: Cultural Politics and National Identity in Canada*. London: Routledge, 1998.

Maile, David Uahikeaikalei'ohu. "Threats of Violence: Refusing the Thirty Meter Telescope and Dakota Access Pipeline," 328-344. In Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement*. Minneapolis: University of Minnesota Press, 2019.

Manuel, George and Michael Posluns. *The Fourth World: An Indian Reality*. Winnipeg: University of Manitoba Press, 2019.

Marcus, Alan Rudolph. *Out in Cold: The Legacy of Canada's Inuit Relocation Experiment in the High Arctic*. Copenhagen: International Work Group for Indigenous Affairs, 1992.

------. *Relocating Eden: The Image and Politics of Inuit Exile in the Canadian Arctic*. Hanover: University Press of New England, 1995.

McCall, Sophie. "Where is the Voice Coming From? Transformations in Told-to Narrative Since 1969." PhD Thesis, York University, 2002.

McClintock, Anne. *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*. New York: Routledge, 1995.

- Meren, David. ““Commend me the Yak”: The Colombo Plan, the Inuit of Ungava, and ‘Developing’ Canada’s North.” *Histoire sociale/Social history* 50 (2017): 343 - 370.
- Miller, Susan A. “Native Historians Write Back: The Indigenous Paradigm in American Indian Historiography.” *Wicazo Sa Review* 24, no.1 (2009): 25-45.
- Mills, Sean. *The Empire Within: Post-Colonial Thought and Political Activism in Sixties Montreal*, Montreal and Kingston: McGill-Queen’s University Press, 2010.
- Mitchell, Timothy. *Carbon Democracy: Political Power in the Age of Oil*. London: Verso Books, 2011.
- . *Colonising Egypt*. Berkeley: University of California Press, 1988.
- Morley, J.T. *Secular Socialists: the CCF/NDP in Ontario: A Biography*. Kingston: McGill-Queen's University Press, 1984.
- Morton, W. L. *The Canadian Identity*, Toronto: University of Toronto Press, 1972.
- Nadasdy, Paul. “Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism.” *Ethnohistory*, 52, no. 2 (spring 2005): 291-331.
- Nickel, Sarah A. *Assembling Unity: Indigenous Politics, Gender, and the Union of BC Indian Chiefs*. Vancouver: UBC Press, 2019.
- . “Reconsidering 1969: The White Paper and the Making of the Modern Indigenous Rights Movement.” *Canadian Historical Review*, 100, 2 (June 2019): 223-238.
- Nuttall, Mark. *Pipeline Dreams: People, Environment, and the Arctic Energy Frontier*. Copenhagen: IWGIA, 2010.
- Page, Robert. *Northern Development: The Canadian Dilemma*. Toronto: McClelland and Steward Limited, 1986.
- Penner, Norman. *From Protest to Power: Social Democracy in Canada 1900-Present*. Toronto: James Lorimer, 1992.
- Pika, Alexander. *Neotraditionalism in the Russian North: Indigenous Peoples and the Legacy of Perestroika*. Seattle: University of Washington Press, 1999.
- Piper, Liza. *The Industrial Transformation of Subarctic Canada*. Vancouver: UBC Press, 2009.

- Powell, Daniel. "Liberalism and Two Sovereignties: The James Bay Cree and Québécois Struggle for Self-Determination and the Making of Multinational Canada in an Era of Global Reconciliation." MRP, McMaster University, 2017.
- Purich, Donald, J. *The Inuit and Their Land: The Story of Nunavut*. Toronto: Lorimer, 1992.
- Quiring, David M. *CCF Colonialism in Northern Saskatchewan: Battling Parish Priests, Bootleggers, and Fur Sharks*. Vancouver: UBC Press, 2004.
- Redford, Kent. "The Ecologically Noble Savage." *Cultural Survival Quarterly*, 15, no. 1 (1991): 46-48.
- Richardson, Boyce. *Strangers Devour the Land*. Vermont: Chelsea Green Publishing, 1991.
- Rutherford, Scott. *Canada's Other Red Scare, Indigenous Protest and Colonial Encounters during the Global Sixties*. Montreal and Kingston: McGill-Queen's University Press, 2020.
- Sandwell, R.W. *Powering Up Canada: A History of Power, Fuel, and Energy from 1600*. Montreal & Kingston: McGill-Queen's University Press, 2016.
- Sangster, Joan. *The Iconic North: Cultural Constructions of Aboriginal Life in Postwar Canada*. Vancouver: UBC Press, 2016.
- Saul, S., John. *The State and Revolution in Eastern Africa*. London: Heinemann (H.E.B), 1979.
- Seymour, Michel. "Quebec and Canada at the Crossroads: A Nation within a Nation." *Nations and Nationalism* 6, no. 2 (2000): 227-255.
- Scott, James C. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. Yale University Press, 2009.
- , *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press, 1998.
- Simpson, Audra. *Mohawk Interruptus, Political Life Across the Borders of Settler States*. Durham: Duke University Press, 2014.
- , "Sovereignty, Sympathy, and Indigeneity," 72-90. In Carole McGranahan and John F. Collins, eds., *Ethnographies of U.S. Empire*. Durham: Duke University Press, 2018.

- Simpson, Leanne Betasamosake. "Land as pedagogy: Nishnaabeg intelligence and rebellious transformation." *Decolonization: Indigeneity, Education, and Society* 3, no. 3 (2014): 1-25.
- Slezkine, Yuri. *Arctic Mirrors: Russia and the Small Peoples of the North*. Ithaca and London: Cornell University Press, 1994.
- Smith, Tuhiwai Linda. "Colonizing Knowledges," 91-110. In R.C.A. Maaka and C. Andersen, eds., *The Indigenous Experience: Global Perspectives*. Toronto: Canadian Scholars' Press Inc., 2006.
- , *Decolonizing Methodologies: Research and Indigenous Peoples*, New York: Zed Books, 2012.
- Stark, Heidi Kiiwetinepinesik. "Criminal Empire: The Making of the Savage in a Lawless Land." *Theory and Event* 19, no. 4 (2016): 1-18.
- Stoller, Mark. "What the Border Divides: Settler Geographies and the Making of the Northwest Territories." PhD Thesis, The University of British Columbia, 2019.
- Sturgeon, Noël. "Ecofeminist Appropriations and Transnational Environmentalisms." *Identities, Global Studies in Culture and Power* 6, no. 2-3 (1999): 255-279.
- Swayze, Carolyn. *Hard Choices: A Life of Tom Berger*. Vancouver and Toronto: Douglas & McIntyre, 1987.
- Styres, Sandra., Celia Haig-Brown, and Melisa Blimkie. "Towards a Pedagogy of Land: The Urban Context." *Canadian Journal of Education* 36, no. 2 (2013): 34-67.
- Tanner, Adrian. "Culture, Social Change, and Cree Opposition to the James Bay Hydroelectric Development," 121-140. In James F Horning, ed., *Social and Environmental Impacts of the James Bay Hydroelectric Project*. Montreal: McGill-Queen's University Press, 1999.
- Temelini, Michael. "Multicultural Rights, Multicultural Virtues: A History of Multiculturalism in Canada," 43-60. In Stephen Tierney, ed., *Multiculturalism and Canadian Constitution*, Vancouver: UBC Press, 2007.
- Tester, Frank James and Peter Kulchyski. *Tammarniit (Mistakes): Inuit Relocation in the Eastern Arctic, 1939-63*. Vancouver: UBC Press, 1994.
- Thomas, Monica E. "The Alaska Native Claims Settlement Act: Conflict and Controversy." *Polar Record* 23, no. 142 (1986): 27-36.

- Thorpe, Jocelyn. "Temagami's Tangled Wild: Race, Gender, and the Making of Canadian Nature," 193-210. In Andrew Baldwin, Laura Cameron, Audrey Kobayashi, (eds.), *Rethinking the Great White North: Race, Nature, and the Historical Geographies of Whiteness in Canada*. Vancouver: UBC Press, 2012.
- Tuck, Eve., Marcia Mckenzie, Kate McCoy. "Land Education: Indigenous, Post-colonial, and Decolonizing Perspectives on Place and Environmental Education Research." *Environmental Education Research* 20, no. 1 (2014): 1-23.
- Tudorache, Valentin-Paul, and Niculae-Napoleon Antonescu. "Challenges of Oil and Gas Exploration in the Arctic." *Journal of Engineering Sciences and Innovation* 5, no. 3 (2020): 273-286.
- Turner, Dale. *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press, 2006.
- Villebrun, Norma Lorraine. "Flowing with the Land: The Public Transmission of Dene Knowledge in Environmental Hearings." MA Thesis, University of Calgary, 2002.
- Wellum, Caleb. "Energizing the Right: Economy, Ecology, and Culture in the 1970s US Energy Crisis." PhD Thesis, University of Toronto, 2017.
- Watkins, Mel, ed. *Dene Nation: The Colony Within*. Toronto: University of Toronto Press, 1977.
- , "Reflections on Being Born in a Group of Seven Canvas That Is Magically Transformed into a Sensuous Eleanor Bond Painting," 161-165. In John O'Brian and Peter White, eds., *Beyond Wilderness: The Group of Seven, Canadian Identity, and Contemporary Art*. Montreal and Kingston: McGill-Queens University Press, 2007.
- , *Staples and Beyond: Selected Writings of Mel Watkins*. Edited by Hung Grant and David Wolfe. Montreal and Kingston: McGill-Queen's University Press, 2006.
- , "A Staple Theory of Economic Growth," 80-101. In Gordon Laxer, ed., *Perspectives on Canadian Economic Development*. Oxford: Oxford University Press, 1991.
- , "The Innis Tradition in Canadian Political Economy." *Canadian Journal of Political and Social Theory*, 6, No. 1-2 (1982): 12-33.

Wellum, Caleb. “Energizing the Right: Economy, Ecology, and Culture in the 1970s US Energy Crisis.” PhD Thesis, University of Toronto, 2017.

White, Pamela M. “A Heartland/Hinterland Analysis of Images of Northern Canada As Frontier Wilderness and Homeland.” MA Thesis, Carleton University, 1979.

Whitehorn, Alan. *Canadian Socialism: Essays on the CCF-NDP*. Toronto: Oxford University Press, 1992.

Wildcat, Matthew, Mande McDonald, Stephanie Irlbacher-Fox, and Glen Coulthard. “Learning from the Land: Indigenous Land Based Pedagogy and Decolonization.” *Decolonization: Indigeneity, Education & Society* 3, no. 3 (December 1, 2014): I-XV.

Williams, Melissa, S. “Introduction: On the Use and Abuse of Recognition in Politics,” 3-20. In Avigail Eisenberg et al., eds., *Recognition versus Self-Determination. Dilemmas of Emancipatory Politics*. Vancouver: UBC Press, 2014.

Wilson, N. Gary and Jeffrey J. Kormos. “At the Margins: Political Change and Indigenous Self Determination in Post-Soviet Chukotka.” In Heather Exner-Pirot, and Joel Plouffe Lassi Heininen, eds. *Arctic Yearbook 2015*. Akureyri: Northern Research Forum, 2015.

Wilson, S. Jennifer. “The Norman Wells Project Coordinating Committee an Evaluation.” MA Thesis, University of British Columbia, 1992.

Wolfe, Patrick. “Settler Colonialism and the Elimination of the Native.” *Journal of Genocide Studies* 8, no. 4. (2006): 387–409.

Wolforth, R. John. *North Land Studies of the Yukon and the Northwest Territories*. Toronto: McClelland and Stewart, 1969.

Zaslow, Morris. *The Opening of the Canadian North, 1870-1914*. Toronto: McClelland & Stewart, 1971.