Land claims and collaborative research: The long journey

Lindsay Staples

Standing before an assembly of Inuvialuit, academic, and federal and territorial government researchers in Whitehorse on the dawn of the 21st century, Dr. Fred Roots (2000), scientist emeritus for Environment Canada, reflected on the prospects and challenges facing research in Canada’s North:

Does it matter whether or not we are consciously part of the big picture? Should we really try to keep up in some way with research that is going on around us, and play a part in it? Or is it better, with our limited resources and time, to mind our own business and concentrate on our own back yard? And does the rest of the world need our research? … While it is true anywhere in the world, that human beings, no matter how industrialized or technically sophisticated they may feel themselves to be, are integral parts of the regional ecosystems, in the Arctic regions the connection and relationship is more obvious. Our best scientific knowledge suggests that the Arctic regions will be relatively and absolutely more affected by a given amount of global energy change than the planetary average. It also appears that human societies, institutions, and investments in the Arctic will be relatively more affected by a given environmental change than societies and human institutions in temperate parts of the country. The peoples of Arctic Canada will therefore likely be the most affected of all Canadians by the environmental changes that appear to be in store. Therein lies cause for sober facing of what we know, and the determination to increase our understanding of all factors, environmental, social, cultural, and economic; and a challenge to make the impending changes an opportunity to strengthen rather than weaken Northern society.

Land claims agreements have played a critical role in responding to this call. This article reflects on the past, present, and future of Northern research and the influential role land claims agreements and institutions have had in this story. It points to the long and problematic history of Northern research that first came to light in the 1970s during the review of major Northern resource development projects, and it addresses the ways in which land claims agreements subsequently challenged this history. Land claims organizations, such as co-management boards, provide the basis for changing the conduct of Northern research. They can provide important lessons for future research in Northern Canada, for those who are willing to adapt their approaches in research design, implementation and communication.

The past – 1960s & 1970s

The state of research, as it affected Indigenous Peoples in Canada’s Arctic communities, was brought to light in the 1970s with the earliest of modern-era industrial mega projects – the monumental James Bay Hydroelectric Project and the proposed Mackenzie Valley Pipeline Project. Each amounted to construction projects in relative scale and cost that rivaled the construction of the Canadian Pacific Railway almost a century earlier. The environmental reviews of these projects provided a stark picture of Northern research that appeared woefully thin. They identified enormous gaps in documented environmental knowledge and information, impoverished descriptions of the most basic socio-economic conditions of Northern communities, and general ignorance about the core values and aspirations of Indigenous Peoples.

The research environment of the day was generally driven by, and reliant upon, industry-sponsored engineering and environmental studies. The policy environment to inform Northern environmental assessments and development decisions was largely in the hands of southern-based “old hands” who projected textbook models of progress, modernization and acculturation on what were considered distant lands and anachronistic peoples and communities north of the 60th parallel.

In 1971, Dr. Max Dunbar, writing in Environment and Common Sense could observe:

We have been caught in a state of scientific near-nudity in the particular respect in which we now so
urgently need protective covering: namely knowledge of what the proposed developments will do to the environment, in precise terms, and knowledge of what should be done to conserve and protect [it]. (p. 53)

Writing in 1977 in *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry*, Justice Thomas Berger, the commissioner overseeing the review, could confirm that the same state of affairs described by Dunbar still applied. However, the “Berger Report” did more than that: it gave direct voice to Indigenous Peoples in the remote communities of Yukon and Northwest Territories who were affected by the proposed project. They were able to express in their own communities, in their own language and in their own way, their knowledge of their environment, their way of life and how these would both be affected by the project.

The “Berger Inquiry” has been widely regarded as ground-breaking in that it invited and facilitated the application of the knowledge and views of Northerners, particularly Indigenous people, in an evidence-based review of social, economic, cultural and bio-physical impacts on the environment. It introduced the idea that multiple lines of evidence matter, whether they are science-based or traditional and local knowledge-based, and that they should all be accorded equal weight in their consideration.

Berger’s work at the time was supported by a number of staff affiliated with the little known Northern Science Research Group (NSRG) – a small and under-recognized unit within the Department of Indian Affairs and Northern Development. It was unique in several respects: it was social-science-focused; it was inspired by community development and community-based research that would contribute to the improvement of social and economic conditions; and it was hypothesis-driven in looking to understand and explain what was integral to the sustainability of Northern communities. Some of the earliest research into the traditional subsistence and mixed economies of these communities was undertaken by the NSRG with staff who embedded themselves in the very communities they were working to understand (Usher and Brody, 2010).

The enduring present – Land claims and collaborative research
The James Bay Hydroelectric Project in Northern Quebec and the Mackenzie Valley Pipeline Project and concurrent Beaufort-Mackenzie hydrocarbon exploration projects were proposed or undertaken on lands and waters where Aboriginal title and associated rights had not been extinguished or recognized. They were the major drivers for negotiation and settlement of the first modern-day land claims agreement in Canada – the James Bay and Northern Quebec Agreement (JBNQA) (1977) and the Inuvialuit Final Agreement (IFA) (1984). These agreements provided the legal basis for redefining the relationship of the federal, provincial and territorial governments with the Cree and Inuit of Northern Quebec and the Inuvialuit of the Western Arctic. They represented the basis for a paradigm shift – a sharing of political power and management authority between governments and Indigenous Peoples – in Northern wildlife and environmental management and in the determination of the terms and conditions for

*Pressing plants on Mt [mountain] N of PH [Ptarmigan Heart]-- 1948.*
development with far-reaching consequences for how supporting research was to be conducted.

Both agreements, like those that have followed in other Northern regions, established exclusive and preferential harvesting rights for their respective beneficiaries. Importantly, these rights were protected by a companion set of rights for these same people – harvesters and other traditional land users – to participate in the shared or joint management of the wildlife, lands and waters throughout their traditional lands. These management arrangements have provided a measure of control over future developments and their associated impacts and benefits.

In the case of the IFA, the management requirements of the agreement, and the information needed to support them, triggered the expenditure of millions of dollars in land claims-based research funds and established the grounds for collaboration between the Inuvialuit, governments, and academic researchers that previously did not exist. These claims-based research funds enabled the Inuvialuit and co-management bodies to define research priorities, influence research agendas, and leverage funds and collaboration from outside sources to the benefit of Inuvialuit communities and the region.

The IFA established that Inuvialuit knowledge was required to inform management decision-making. The documentation and application of traditional knowledge (TK) studies was adopted over time as a basic practice – not a best practice – by Inuvialuit and co-management organizations, and by those government, academic and industry researchers directly participating in or contributing to joint resource and wildlife management decision-making in the region.

Today, however, the promise of modern-day settlements, much like the numbered treaties before them, remains unfulfilled. For those institutions, organizations and individuals who live and work in an enduring present where the past is never left behind but stretches seamlessly into the present, the legal and policy implications of land claims settlements remain unknown and unacknowledged. The very paradigm shift that further entrenched the voice, influence and authority of Indigenous people in self-government has not occurred, and the re-alignment of Northern and southern research programs that is the backbone of modern-day joint resource management is a world away. Such is the state of the present day for communities of researchers, and the institutions and agencies that support them, where the North is a “field” to visit, a community is a place where data is mined from its residents, and research analysis and publication are the exclusive domain and reward for those alone who define and enact the research enterprise. Institutional prejudices – even the benign ones – die-hard. Today research networks based on exclusion, and research agendas defined by unilateral control, whether in academic circles or government research agencies and policy shops, have yet to fully embrace the “reconciliation” of Canada and its Aboriginal Peoples promised by land claims settlements and confirmed in section 35 of the Canadian Constitution.

The work of reconciliation begins with authentic collaboration. It does not exclude or ignore Northern research as an active working relationship between peoples whether they are biologists, ecologists, social scientists, traditional knowledge holders, Indigenous harvesters or local people. What falls short of that is well recognized by many Northern Indigenous Peoples. In the words of an Inuvialuit harvester:

The scientific community is trying to tap into the TK, with all the research and all the activities going on. I think that’s something that we’ve been trying to do. You hear about “TK, TK, TK, TK,” but how much do you really learn about it from when we talk about it? The only opportunities we have are when we come to conferences like this or to co-management boards. You sit there and you share it. Sometimes it’s a real challenge to a person like me. When I sit across the table with somebody and you’re talking about a certain species, and they’re saying, “Well, what do you guys know about it?” And you sort of repeat everything all over again. Sometimes I sit there and I’m wondering, “What? I’ve been meeting with these guys, and we’ve talked about this issue so many times and they still ask for the same information. How much are they really receiving? How much is sinking into their heads?” And it’s almost an embarrassment to somebody like me to continue to repeat TK, the same TK information… I don’t know how much they’re actually receiving what we contribute. I don’t know if they understand about the time and the effort we take to be involved so that the Inuvialuit voice is heard in relation to the wildlife, environment and harvesting issues (Wildlife Management Advisory Council – North Slope, 2007, p. 6-7).

**The future – Research and reconciliation**

Institutional prejudices don’t simply age out with retirement and generational succession. Over forty years of implementing modern-day land claim agreements provide ample evidence of that. However, land claims agreements themselves continue to provide
an important legal institutional basis for fulfilling their very intent: self-determination of Indigenous Peoples, full participation in all aspects of Canadian society, and reconciliation with non-Indigenous Canadians – be they elected local, territorial, provincial and federal officials or researchers in diverse fields in the natural, social and health sciences.

In the Western Arctic, land claims-based research established constructive relationships between Inuvialuit and research communities in no small part because the commitment and expenditure of research funds were attached to various forms of Inuvialuit consent from local to regional Inuvialuit organizations and co-management bodies. This extended to both Inuvialuit and non-Inuvialuit-led research and provided the financial means and research policy commitment that contributed to direct Inuvialuit decision-making in research programs, participation in the establishment of research priorities and research design, and responsibilities for data collection, management and control. In the best cases, it provided the Inuvialuit with a seat at the table in the analysis and review of research findings and conclusions, and recognized their role and contributions through joint authorship in published and peer-reviewed studies.

This cumulative experience of land claims-based research models of collaboration and consent provides a means for overhauling research programs of exclusion and remote control that have long outlived their shelf life in contemporary Canada. As Canada’s Prime Minster has reminded Canadians, relationships between Indigenous and non-Indigenous Canadians are all about reconciliation. This demands grappling with different values, appreciating different ways of knowing, and learning from different ways of seeing and doing.

The concept of reconciliation leads to new models of governance for the conduct of research outside of land claims-based institutional frameworks while also borrowing from them. Policies abound for the collection, documentation and application of traditional and Indigenous knowledge, best practices in community-based research, and guidelines for ethical research. Extending their application and scope will likely require explicit commitments and requirements from all levels of government and funding institutions. In particular, Northern research programs must demonstrate that they have express support (or they must provide the opportunity to indicate it) of Northern Indigenous Peoples, communities and organizations with a substantive interest in the research proposed and whose rights, well-being and ways of life may be affected by its outcomes.

The National Inuit Strategy on Research (2018) is an important step in a post-land claims environment to articulate Inuit research expectations, preferences and priorities in research, how it is conducted, how Inuit core values and needs are affected and how they could be supported. Taken together and institutionalized, these provide the architecture for Inuit research governance that is built on the foundation of regional land claim structures but with a pan-Inuit approach across the Arctic.

The work to achieve new forms and levels of collaboration in Northern research that overcome the failures and disappointments of the past will likely result, in the near term, in research processes and programs that are more complicated, more time-consuming and more expensive to conduct. Understood as a research community’s contribution to the cost of reconciliation, it is a price worth paying.

Investments of this type are the currency with which reconciliation and trust are built. They require Canada to embrace research relationships between Northern Indigenous Peoples and their institutions, and those of governments, non-government and academic institutions that are partnerships of equals based on mutual respect and the shared pursuit of the best available knowledge and understanding. Such partnerships contribute to more informed decisions across the public policy spectrum, and benefit Northerners and the rest of Canada together. The speed of trust and what it allows for will be a powerful indicator of how far we have come.

Lindsay Staples is a Whitehorse-based social scientist and consultant. He has had the privilege of working with the Inuvialuit and the Inuvialuit Final Agreement for over 30 years. He is currently the chair of the Wildlife Management Advisory Council (North Slope).

References

Camp #2 (near Whisker [Creek])—Indians around fire roasting sheep quarter—1948.