

**CULTURE CLASH:**

**TRADITIONAL KNOWLEDGE AND  
EUROCANADIAN GOVERNANCE PROCESSES  
IN NORTHERN CLAIMS BOARDS**

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# **CULTURE CLASH: TRADITIONAL KNOWLEDGE AND EUROCANADIAN GOVERNANCE PROCESSES IN NORTHERN CLAIMS BOARDS<sup>1</sup>**

## **INTRODUCTION**

After many decades of systematic exclusion from governmental processes, Canada's Aboriginal peoples have in recent years begun to play an important role in government decisions and policy development affecting them. Especially notable has been the emergence of substantial and sophisticated Aboriginal 'self-government' regimes.<sup>2</sup> The problems faced by these Aboriginal governments are essentially of a kind with those encountered by any government – developing capacity, securing adequate financial resources, managing internal political conflict and the like. In some ways the thorniest and most important problems are found at the intersection of Aboriginal governments and conventional 'public' governments (i.e. the Government of Canada and those of the provinces, territories and municipalities<sup>3</sup>). The co-management and regulatory boards established under the various modern-day treaties – comprehensive land claims – signed between Aboriginal peoples, Canada and the provinces and territories – are a prime example.

These boards represent a compromise between the desire of Aboriginal claimant groups to maximize their control over wildlife and environmental issues central to their existence and the insistence of the federal government that the public interest in resource issues requires public governance processes. Accordingly, the boards exist as 'institutions of public government' but with extensive guaranteed Aboriginal participation. Indeed, on many boards the majority of members are Aboriginal, and on a few, all members are Aboriginal.

If the objective is to bring meaningful Aboriginal influence to bear on important wildlife and environmental issues, should not numerical domination of the boards suffice? (Of course, a necessary condition is that the boards themselves wield real power; as seen below, this is indeed the case.) Governance is not simply a matter of raw numbers; it is very much a function of the rules – formal and informal – and the organizational culture of the institutions of governance. In turn, rules, institutions and cultures are deeply rooted in world views and values. Herein lies the problem and the focus of this paper.

For in the world of politics and government, *how* an institution gathers information, processes ideas, reaches decisions, and formulates and implements policies may be just as, if not more, important than the actual decisions it makes and the policies it develops. (And, of course, the 'how' profoundly affects the 'what'.) Thus Aboriginal influence on the boards depends a good deal on their operating according to Aboriginal principles and values.

In the context of wildlife management and environmental protection – the central missions of most claims boards – Aboriginal principles and values are frequently understood in terms of ‘traditional knowledge’ (TK), though in practice, this typically means ‘traditional ecological knowledge’ (TEK), a narrower concept. In Nunavut these ideas and values are rendered as Inuit Qaujimaqatuqangit (IQ) – literally ‘that which has been long known by Inuit’. A number of boards have made an explicit and serious commitment to including TK in their activities, analyses and deliberations. In Nunavut, incorporating IQ into all manner of governance is the policy of the Government of Nunavut, but claims boards have also taken IQ principles on board.

An extensive literature has emerged on the nature and value of TK, highlighting how its approaches, methodologies and understandings differ profoundly from those of ‘Western’ science. Still, the two paradigms, the literature suggests, are not necessarily incompatible, but can complement one another provided Eurocentric biases about the inherent superiority of Western science are set aside. While the prospects for and possible means of melding of TK and Western science are of prime importance for claims boards, they are not the subject of this paper.

This paper examines a more subtle and perhaps more intractable problem. It addresses within the context of claims boards what has been termed “a deeper question, which has hardly been raised at all ... whether the historical values and practices of Dene or Inuit society, as these have survived the massive changes of the last century, are at all compatible with modern governing procedures, mass societies and public bureaucracies?”<sup>4</sup>

The answer emerging from the paper is that the real impediment to imbuing boards with Aboriginal values lies less in the potential disjunctures between TK and Western science as in fundamental incompatibilities between Aboriginal world views and the values (implicit as well as explicit) of the Western rational-bureaucratic model of public administration, which suffuses claims boards.

Simply put, the paper’s thesis holds that the norms and operating procedures which structure the boards’ activities represent a formidable barrier to thoroughgoing, genuine Aboriginal influence on board processes. Important advances have been made in incorporating TK into various boards’ workings, but even the best intentioned efforts in this direction may not overcome the powerful values ingrained in the Western model of governance by which the boards operate.

Comprehensive claims have been settled, and boards established, in all three Northern territories as well as in Quebec and British Columbia. The empirical basis of this paper, however, extends only to boards in the Northwest Territories and in Nunavut, and indeed only to two of them in any detail.

The paper begins with a brief account of an actual board meeting. Following this is an overview of Northern claims boards. After a brief discussion of TK, TEK and IQ, the next section examines the efforts of two key boards, the Mackenzie Valley Environmental Impact Review Board and the Nunavut Wildlife Management Board, to incorporate TK or IQ into their activities. A final section examines specific examples, taken from the experiences of these two boards, of the incompatibilities between Northern Aboriginal world views and the conceptual framework underpinning Western bureaucracy.

## **A CLAIMS BOARD AT WORK – THE CAMERON HILLS HEARINGS**

The specifics of claims board decisions vary a good deal and doubtless every application or issue before a board is in some measure unique. Accordingly, the following account of a public hearing held in February 2004 in Hay River, Northwest Territories by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) is not held out as in any way ‘typical’. It is nonetheless instructive.

Paramount Resources, a mid-size oil company based in Calgary, wished to substantially expand its seismic, drilling and ultimately its extraction activities in the Cameron Hills just north of the Alberta-NWT border, south-west of Great Slave Lake. It applied in April 2003 for the requisite permits and licences to the Mackenzie Valley Land and Water Board (MVLWB). The MVLWB conducted a preliminary screening of the project, a process which included consultations with 21 organizations (governmental, Aboriginal and local communities). In May of that year, citing “the potential for public concern and significant environmental impacts related to cumulative effects,” the MVLWB referred the proposal to the MVEIRB for an environmental assessment, which began almost immediately.<sup>5</sup>

This process entailed extensive gathering of technical data, communications with Paramount, government departments and the communities and First Nations organizations close to the potentially affected area. Most of this proceeded by way of compilation and exchange of documents. However, as part of its review of the project the MVEIRB decided to hold a public hearing in Hay River, the nearest substantial centre to the area in question. Notices of the meeting were sent to various federal and territorial government departments, to potentially affected individual First Nations and to other Aboriginal organizations; the media were also alerted and publicity directed to the general public.

The day before the public hearings began, Board members and staff (joined by members and staff of the Mackenzie Valley Land and Water Board) held an informal community meeting in Kakisa, the closest First Nations community to the Cameron Hills.

Elements of informality were evident in the Hay River hearings: as is typical of the North, almost no one wore jackets and ties, but jeans were much in evidence; participants mingled freely for coffee and cookies during breaks. Overall, however, the process could hardly be called informal.

To walk into the good-size hotel meeting room where the hearing took place was to encounter an imposing setting with an unmistakable aura of formality and bureaucratic officialdom. Tables for the official participants, piled high with documents, all but completely filled the room. Six Board members, supported by four staff, a consultant and the Board lawyer, sat at a table in one corner of the room, facing the participants. At another table, the Paramount contingent consisted of nine people. Other tables held nine officials representing four federal departments and the ten staff sent by three GNWT departments. Yet another group of tables

were set aside for Aboriginal organizations. Four individual First Nations were represented at the hearing, as were two more broadly based Aboriginal organizations and one community resource management board. Not all attended in person; several were represented by a consultant (a former Board employee). Five members and two staff of the Mackenzie Valley Land and Water Board, who attended as observers, occupied yet another table. A handful of chairs for the public were set out along one wall. All told, an intimidating, unwelcoming environment for anyone not used to such settings.

The hearing began, as is customary in the North, with a prayer; one of the Aboriginal Board members offering the prayer in his language. Brief welcoming and introductory remarks by the Chair of the Board stressed that the hearing was not designed to be adversarial and that “the purpose of questioning is to seek clarification of points made in these presentations, and not to engage in debate or adversarial cross-examination”.<sup>6</sup>

Virtually all of the presentations, as well as the questioning, took place in English with simultaneous translation available into Slavey. One Aboriginal leader spoke in Slavey which was translated into English. Elders brought before the hearings by one Aboriginal group spoke in English, but indicated that they would have been more comfortable and could have spoken more effectively in Chipewyan, but no translation was available. One First Nation prefaced its submission with a 50-minute video about traditional usage of the land and animals in the area in question. Presenters and questioners were given all the time they required; no one was rushed.

Paramount made the first formal presentation; over the next two days each organization (governmental or Aboriginal) which had previously registered was given the opportunity to make a formal statement (most, but not all, did so). Questioning followed each presentation; Board members were afforded the first chance to ask questions, but generally preferred to listen to the exchanges among the other participants. Every registered organization was invited to comment on or question the organization which had just made its presentation. Once all registered participants had had their say, Board staff could ask questions, which they did on occasion to clarify technical points or to crystallize points of agreement or disagreement. Finally, the ‘public’ was called upon to voice any comments or questions.<sup>7</sup>

Most of these exchanges were civil and many were fairly technical, but some had a clear confrontational edge to them and were highly political in nature. At one point, for example, a Paramount representative referred to the local First Nations as “neighbours”; this incited an Aboriginal leader to take the Paramount “newcomers” to task and to stipulate that the First Nations were not Paramount’s neighbours but their “landlords”. The same Aboriginal leader also objected to Paramount’s conceptual approach, based as it was on such non-Aboriginal concepts as “wildlife” and “remoteness”. Even more telling, for purposes of this paper, was a sharp clash between Paramount and the First Nations’ representatives about ‘traditional usage’ of lands which stood to be most affected by the exploration and drilling. According to Paramount, since the First Nations could not produce lists of persons who had hunted or trapped in this area for the past few years, this meant that the land was not actually in use by nearby First Nations. The elders and the consultant explained that harvesting had occurred in the area in years past and might well again, depending on the animals’ migration patterns and on the harvest in nearby

regions and that accordingly they still used and occupied the land. Paramount officials aggressively and repeatedly challenged this view – and the elders who put it forward – to the visible annoyance of at least one of the Aboriginal Board members. One of the First Nations explicitly commented in its closing statement that some of Paramount’s questions were disrespectful.

That the Board held an informal community meeting and two days of formal public hearings should not obscure the dominance of documentary evidence in the Cameron Hills process. By the time the public registry was closed in March 2004 as the Board prepared to make its decision, some 234 separate documents had been logged (all of which were available for public inspection). Many were no more than one-page faxes proposing or confirming arrangements for meetings, document exchanges and the like, but many were extensive technical documents or detailed position papers. Virtually all were in English.

In June 2004 the Board issued an 84-page report presenting its analysis and recommendations to the federal Minister of Indian Affairs and Northern Development. The Board concluded that the project should be allowed to proceed, subject to a number of conditions (set out in the recommendations) ranging from air quality monitoring to measures for mitigating fish habitat to negotiation of a socio-economic agreement between Paramount and affected communities.<sup>8</sup> The minister was not prepared to accept all the recommendations and thus ensued protracted negotiations between the minister and the Board on possible modifications to certain recommendations. Agreement was reached in March 2005 and the Board’s amended conditions forwarded to the appropriate agencies for implementation.

## **NORTHERN CLAIMS BOARDS – AN OVERVIEW<sup>9</sup>**

Across the territorial North, roughly two dozen boards have been established under the comprehensive land claims settled over the past two decades. The formal mechanisms by which they are created vary; some, like the Nunavut Wildlife Management Board, have their existence and mandate explicitly set out in the text of the claim itself; others, for example the Mackenzie Valley boards, came into being with the passage of federal legislation (though the establishment of such boards was required under the claim). Since, as ‘modern-day treaties’ the comprehensive claims are constitutionally protected under section 35 of the *Constitution Act, 1982*, so too the boards enjoy a certain quasi-constitutional status.

The boards’ jurisdiction is largely limited to wildlife, land and environmental issues. No boards’ mandates extend more than marginally into more conventionally defined social and cultural policy such as education, health and social welfare.

Claims boards fall into four broad categories. One group deals with wildlife management; their activities include setting general policy as well as specific harvest levels for various species, directing wildlife research and supporting local hunters’ and trappers’ organizations. The Yukon Fish and Wildlife Management Board is an example. A second major set of boards is responsible for land use planning: such bodies as the Gwich’in Land Use Planning Board set the frameworks

which govern economic development projects, location of transportation facilities and the like. A third group which is involved in licensing projects which might disturb or damage the environment has two subsets. One subset, illustrated by the Mackenzie Valley Land and Water Board, issues licences and permits to projects ranging from small gravel pits to oil and gas pipelines. The other subset conducts environmental impact assessments on proposed projects – usually the larger ones – as part of the licensing process; their work is closely related to, though nonetheless separate from, the boards which issue permits and licences; an example is the Mackenzie Valley Environmental Impact Review Board. A final group, represented by the Nunavut Arbitration Board, serve as dispute resolution bodies for claims-related issues. This last group has thus far been of little significance; some have yet to have any cases referred to them.

Most boards have between 7 and 10 members; a few are somewhat larger. Save the under-utilized arbitration panels, the boards have permanent professional staff, some numbering only three or four, others a dozen or more working out of well-equipped offices. A number of boards make extensive use of modern communications technology, for example maintaining on-line registries containing full-text of submissions and technical reports pertaining to projects under review.

In most cases board members are formally appointed by the federal government, with appointments made on the nomination of one of the three parties to the claim (the Aboriginal organization, the territorial government and the federal government). Only in the rarest cases will the federal government refuse to approve a nominee and then only in situations such as a candidate failing a security or criminal background check. Typically each party nominates one-third of the members, though on some boards half the members are nominees of the Aboriginal organization. Some board members nominated by government are also government employees, though on some boards this is prohibited. Aboriginal organizations almost always put forward Aboriginal persons as their nominees; territorial governments frequently nominate Aboriginal persons as, on occasion, does the federal government. The net result is that on many boards, Aboriginal members constitute a clear majority.

Key to understanding the nature and role of the claims boards is the fundamental principle that they and their members are to act independently of the governments and organizations which nominated or appointed them. The legal frameworks establishing some boards explicitly state that members are to act “in the public interest” and not take direction from the parties which nominated them. Like judges, members are expected to use their best judgement and to reach decisions on the basis of the evidence before them. In this sense, the claims boards are not true ‘co-management’ bodies entailing negotiation and compromise between official representatives of various interests.

And yet this emphasis on the independence of boards and board members tells only part of the story. While they do not issue directions to ‘their’ members, governments and Aboriginal organizations take care to nominate board members whose views and approaches are known and agreeable. Moreover, it is clear that some board members do take cues from ‘their’ parties; this is the case both for government-nominated and Aboriginal-nominated board members. It would be a mistake to assume that the positions adopted in board deliberations by members who are

government employees necessarily follow government policy but at the same time the constraints they face are very real.

Funding for claims boards – for large, active boards, several million dollars a year – comes almost entirely from the federal government (the territorial governments provide some funding but by and large this is redirected federal money).

In a limited number of cases, boards possess the legal capacity to make final, binding decisions on permits, harvest quotas and the like. In most cases, however, and certainly in all matters with far-reaching implications, the boards have only advisory powers. They make recommendations to government, which need not take heed of the boards' advice. Put this way, the boards appear to wield little real clout, since governments seem completely free to ignore their recommendations. This appearance is deceiving; the reality is quite different.

Over the years, governments have accepted the vast majority of board recommendations. To some extent this reflects the quality of the boards' work as well as good faith on governments' part. Rather less noble political considerations are also in play, to the boards' great advantage. Most board recommendations, while formally only 'advice' to the responsible federal or territorial minister, take the form of what might be termed a 'negative option'. Boards forward recommendations to government about granting or withholding approval of gas wells, roads, water usage, harvest quotas or about placing specific conditions on their approval. Typically – specifics vary a good deal – the responsible minister has a limited time, most often 60 or 90 days to formally reject or, in some cases, amend the recommendation. If the minister does not take the initiative in this way the recommendation automatically takes effect. Thus, boards do not have to devote time, energy and political capital attempting to convince government to adopt their decisions. Rather, the onus is on governments to expend their political capital overturning board decisions (and in most instances to provide written reasons) within a very short period. Doubtless governments have been comfortable with many board recommendations and would have accepted them on their merits, 'negative option' or not. At the same time, boards have also come forward with recommendations that governments would have preferred to ignore or overturn, but which were allowed to stand.

In short, governments can and do reject board decisions, but only rarely. Otherwise put, claims boards wield real power. Without their approval, major development projects such as pipelines or mines are unlikely to go ahead. Where wildlife is concerned, for all intents and purposes, the wildlife management boards have the final say on most issues which come before them.

## **TRADITIONAL KNOWLEDGE, TRADITIONAL ECOLOGICAL KNOWLEDGE AND INUIT QAUJIMAJATUQANGIT**

Traditional knowledge is a concept at once simple and straightforward yet complex and sophisticated. Definitions abound. The following, drawn from academic sources, government pronouncements, and observations of Aboriginal people, exhibit both common features and

variations in understanding (not all claim to constitute ‘definitions’). Worth bearing in mind here is one observer’s comment that “defining Traditional Knowledge is the responsibility of First Nations and Inuit. It may not be possible, or advisable for one definition to be adopted universally.”<sup>10</sup>

A cumulative body of knowledge, practice and belief, evolving by adaptive processes and handed down through generations by cultural transmission about the relationship of living beings (including humans) with one another and with their environment (Human Ecologist Fikret Berkes)<sup>11</sup>

The knowledge held by Inuit that pertains to the dynamic interactions that occur among all the elements, cultural as well as biophysical, within the northern ecosystem. (Geographer George Wenzel)<sup>12</sup>

Knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another (Government of the Northwest Territories)<sup>13</sup>

ATK [Aboriginal Traditional Knowledge] is a body of knowledge built up by a group of people through generations of living in close contact with nature. ATK is cumulative and dynamic. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual and political change ... traditional knowledge about the environment (or, traditional ecological knowledge), it must be understood to form a part of a larger body of knowledge which encompasses knowledge about cultural, environmental, economic, political and spiritual inter-relationships (Canadian Environmental Assessment Agency)<sup>14</sup>

[IQ is] The Inuit way of doing things: the past, present and future knowledge, experience and values of Inuit Society. (Government of Nunavut IQ Task Force)<sup>15</sup>

[IQ encompasses] all aspects of our culture ... [and] signifies the profound individuality of our culture in all its aspects including values, world-view, language, social organization, knowledge, life skills, perceptions and expectations (Mary Ekho Wilman, former head of the Nunavut Social Development Council)<sup>16</sup>

it’s not really ‘knowledge’ at all; it’s more a way of life (Kluane woman)<sup>17</sup>

The terms ‘traditional knowledge’ (TK) and ‘traditional ecological knowledge’ (TEK) are often used interchangeably. For reasons set out below, some prefer ‘indigenous knowledge’, or occasionally, ‘local knowledge’. In Nunavut, the recently developed phrase ‘Inuit Qaujimagatunqangit’ (which dates only from the late 1990’s) has supplanted TK and TEK.

Academic and official treatments of TK/TEK/IQ point out that the key word ‘traditional’ carries misleading connotations, suggesting customs and beliefs “frozen at a particular point in time (usually the distant past)”<sup>18</sup> with limited relevance to current-day realities. This indeed, is one reason why ‘IQ’ has come to be preferred over TK – “the combining of the traditional knowledge, experience and values of Inuit society, along with the present Inuit knowledge, experience and values that prepare the way for future knowledge, experience and values”.<sup>19</sup> Nonetheless, since outside Nunavut traditional knowledge seems the term of choice in both governmental and Aboriginal circles, it will be used in this paper.

What then do we mean by TK (understood as equivalent to IQ)? We follow the lead of Frances Abele, one of the few political scientists to write on traditional knowledge, who points out that TK comprises at least three interrelated components: 1) a distinctive political and social perspective, rooted in shared history; 2) local knowledge; 3) ethical and cosmological knowledge.<sup>20</sup> This formulation underlines an important point, which is not always adequately addressed in treatments – especially governmental treatments – of TK. Traditional Aboriginal knowledge and values about the natural environment, including detailed understandings of the land and the behaviour of animals in addition to ethical codes governing the proper relations of humans to the land and the animals – ‘traditional ecological knowledge’ – are clearly crucial elements of TK. However, TK is a far broader concept than TEK (rendered in this way), encompassing as it does analyses and prescriptions for all manner of social interaction among people as well as deeply spiritual and philosophical precepts (often implicit and unspoken).

This paper argues that while serious and noteworthy efforts are being made by claims boards to incorporate TEK into their processes, TK in this larger sense is little in evidence because its very essence conflicts so directly with the Western bureaucratic model by which boards operate.

## **TK AND IQ AND NORTHERN CLAIMS BOARD: TWO CASE STUDIES**

Northern claims boards are not the only government agencies in Canada which have attempted to incorporate TK into their operations, but save the Government of Nunavut and the Government of the Northwest Territories, they have arguably made the most notable progress. This section looks at the efforts of two significant northern claims boards.

### Mackenzie Valley Environmental Impact Review Board

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) was created by the *Mackenzie Valley Resource Management Act*, a federal statute passed in 1998 to implement key provisions of the Gwich’in and Sahtu comprehensive claims. Its remit is to conduct initial environmental assessments, and if required, full environmental impact reviews on proposed developments (roads, mines, pipelines, seismic explorations and the like) throughout the

Northwest Territories.<sup>21</sup> (Actual permits are issued by separate boards, also created by the MVRMA, the Gwich'in Land and Water Board, the Sahtu Land and Water Board and the Mackenzie Valley Land and Water Board.)

A few years into their work it had become evident to Board members, especially Aboriginal Board members, that despite their strong commitment to incorporating TK into Board practices, uncertainty suffused efforts at practical measures for doing so. This issue was further complicated by an unusual provision in the Act which defines environmental impact not simply in terms of effects on the physical environment but also as “any effect on the social and cultural environment or on heritage resources.”<sup>22</sup> Accordingly, the Board hired a TK Coordinator and organized a workshop in November 2002 to consider how to bring TK into its environmental assessment processes.

Originally conceived as a small gathering, the meeting generated such wide interest across the NWT that it became necessary to hire the largest meeting room in Yellowknife to accommodate all those who wished to attend. Most of the nearly 100 delegates or observers were Aboriginal, many representing Aboriginal organizations; officials from governmental agencies (including claims boards) were also present in significant number. The latter, mainly non-Aboriginal, were primarily there to listen; the discussion and comments mostly involved Aboriginal participants, some of whom spoke in Slavey or Dogrib, which was translated for those unable to understand. Few issues were resolved and few practical procedures devised for incorporating TK into northern environmental assessment. Still, the meeting provided an opportunity for Aboriginal leaders and elders to set out clearly their views as to the nature and importance of TK and it identified many points, both of principle and practice, which the Board would need to address in developing its approach to TK. Two overriding conclusions were evident from the meeting. First, the Board was serious in trying to determine how to incorporate TK into its work. Second, this would be a huge task, fraught with difficulty.

One obvious source of difficulty is language. Again and again, Aboriginal participants at the workshop stressed the inextricable intertwining of language and TK. “Expressing some aspects of TK in English is practically impossible,” said one; another argued “we’re faced with the problem of [having to deal with] non-Dene people and non-Dene systems to make ourselves understood ... if you want to understand us [and TK] you [non-Dene] must learn our language”.<sup>23</sup> And yet, virtually all MVEIRB proceedings are in English as are all key documents; some proceedings, but few documents, are translated into one or more Dene language. Translation, when available, is often a poor substitute for understanding the unique conceptual apparatus every language carries. With TK an especially problematic concern is rendering subtle Aboriginal concepts into English and technical English terms into Aboriginal languages. In recognition of this concern, the Board sponsored a three-day Translators Workshop devoted to working out concepts and terminology which would at least partially bridge the linguistic gap between English and the Aboriginal languages for purposes of environmental assessments or impact reviews.

Some months following the Yellowknife TK-EA workshop, the Board released a draft set of *Traditional Knowledge Guidelines* for comment. A revised draft was published in November 2004 and comments again solicited. The Board has yet to finalize these guidelines. Various

considerations and recommendations from these draft guidelines, as well as comments from the Yellowknife workshop, are incorporated into the analysis below. At this point only the basic conceptualization of TK in the *Guidelines* will be examined.<sup>24</sup>

The preamble sets out the Board's understanding of the role of TK in its work:

In order to ensure that aboriginal cultures, values and knowledge play an appropriate role in its decisions, the Review Board requires the provision of traditional knowledge and has made a commitment to fully consider any first nations' or Metis traditional knowledge brought forward in its proceedings.<sup>25</sup>

Arguing that TK is an evolving concept which admits of no easy formulation, the *Guidelines* do not offer a precise definition. However, three "particularly important elements" of TK are outlined. First, "Knowledge about the environment" – essentially factual knowledge about the natural environment (in the terms set out above, TEK). Second, "Knowledge about use and management of the environment", which includes "cultural practices, land use patterns, archeological sites, harvesting practices, and harvesting levels, both past and present." In light of the discussion below, use of the term "management" is noteworthy. The third component is the most interesting and the most problematic. "Values about the environment" involves preferences as well as moral and ethical positions about "the natural and social environment" and are in large measure determined by Aboriginal spirituality.<sup>26</sup>

While the essential purpose underlying the *Guidelines* is the integration of TK into Board practices and procedures, the document well illustrates the inherent incompatibilities between the Aboriginal world view of TK and the Euro-Canadian legal-bureaucratic model of governance within which the Board functions.

### Nunavut Wildlife Management Board

The importance the Inuit accord wildlife issues is underlined by two telling facts about the Nunavut Wildlife Management Board (NWMB). First, the details of the structure, mandate and operation of the Board are set out in the text of the Nunavut Land Claims Agreement. This is noteworthy since other Nunavut claims boards warrant barely a few imprecise sentences. Second, the key article in the claim establishing the NWMB was one of the first negotiated.

The Board is designed to realize some of the claim's central objectives, relating to "rights of Inuit to participate in decision-making concerning the use, management and conservation of land water and resources ... and rights to participate in decision-making concerning wildlife harvesting".<sup>27</sup> As such it engages in a wide range of activities; it sets limits on harvesting of various species; it allocates harvesting quotas; it approves wildlife management plans; it conducts, supervises and approves research projects; it develops guidelines for various activities (guiding, harvesting techniques); and so on.

Given these powers and responsibilities, it is hardly surprising that IQ is of central importance to the Board. Indeed, its vision statement proclaims “conserving wildlife through the application of Inuit Qaujimagatuqangit and scientific knowledge”. The language of the claim underlines the importance of IQ principles in the Board’s operations, requiring for example that the wildlife management regime “recognizes Inuit systems of wildlife management” and the “need for an effective role for Inuit in all aspects of wildlife management, including research”.<sup>28</sup>

A visit to its web site makes immediately evident the Board’s commitment to IQ. All documents – annual reports, board minutes, research studies – are available in Inuktitut, though to be sure concepts such as written minutes of meetings, annual reports and the like reflect Western bureaucratic rather than IQ principles. Enjoying a prominent position on the Board’s home page are links to major studies commissioned or conducted by the Board: the Bowhead Knowledge Report, the Southeast Baffin Beluga Study and the mammoth Nunavut Wildlife Harvest Study, all of which provided the basis for important Board decisions on harvest levels and quotas. Significantly, all three incorporated extensive use of Inuit researchers employing IQ methods and interpretations.

The Board has not developed formal guidelines for the incorporation of IQ into its work, though it may do just that in the near future. To date, it has preferred to bring IQ perspectives to bear through the experience of board members and the extensive involvement of Inuit at the community level, for example through the local Hunters and Trappers Organizations, which have close links with the Board. In turn, this entails practices designed to encourage and facilitate participation in Board activities by those – especially elders – with intimate knowledge of the land and the animals. The priority given Inuktitut and the Board’s *Rules of Practice for Public Hearings*, discussed in the next section, are important elements of this objective

For all that it is evident that while the NWMB has successfully integrated IQ and Western science into the empirical knowledge base upon which its decisions rest, important elements of its structure and operation remain essentially rooted in the Western bureaucratic paradigm. The Board’s self-assessment suggests as much, maintaining that the Board

has brought together the best of the Inuit way and the best of the Anglo-European way; it has brought together traditional knowledge and modern science; it has brought together a knowledge of the land and animals, based on thousands of years of experience, and a knowledge of the workings of modern government and its bureaucracy.<sup>29</sup>

That the Board found it necessary to develop an 11-page document setting out public hearing procedures is a clear indication of the bureaucratic framework within which the Board operates. At the same time, its efforts at minimizing the impediments to participation by Nunavummiut hunters and elders unaccustomed to such formalities are evidenced in the fact that it produced not only an Inuktitut version of its procedures but also an Inuktitut audio summary.

## **CULTURE CLASH: NORTHERN ABORIGINAL TK AND EUROCANADIAN GOVERNANCE PROCESSES**

That incompatibilities should exist between Northern Aboriginal TK and the precepts underpinning the Euro-Canadian legal-bureaucratic model will not surprise anyone familiar with the clash of cultures endemic to Aboriginal-state relations in Canada. An extensive literature, for example, highlights the oftentimes fundamental incongruence between ideas and processes of justice among Aboriginal people and Canadians of European heritage.<sup>30</sup> Still, an enumeration of how the two world views differ is essential to understanding why even claims boards with extensive Aboriginal membership and which value TEK cannot be said to incorporate TK.

Despite efforts at imbuing them with the principles and procedures of the so-called ‘new public management’, governmental institutions in Canada – claims boards included – are still very much cast in the mould of the classic Weberian bureaucracy.<sup>31</sup> Among its essential features: it is hierarchical, with a notable concentration of power at the top; it operates according to extensive, written, formal, impersonal rules and procedures; authority is based on office-holding rather than on personal attributes; it is based on extensive compartmentalization of functions and division of labour; it is premised on a sharp division between the public and private spheres; employment and promotion within it depend on merit, defined according to formal criteria; ‘facts’ and knowledge are to be ascertained and verified by rigorous, often adversarial, challenging of assertions; decisions are reached through ‘rational’ evaluation of the empirical evidence so gathered; as much information as possible should be made available to all those potentially affected by its actions.<sup>32</sup> (Since the emphasis in this paper is on the bureaucratic rather than the political sphere of governance, such principles as majoritarian decision making and delegation of far-reaching powers to elected representatives are not considered. Even here, of course, the conventional Western distinction between the political and the bureaucratic is incongruent with Aboriginal approaches to governance.)

Bearing in mind that some are of greater relevance to claims boards than others, let us consider these characteristics in terms of their consistency with the values and practices of traditional Northern Aboriginal cultures.<sup>33</sup>

### Hierarchical with Power Concentrated at the Top

A phrase frequently applied to Western bureaucracies, which well captures their fundamental nature is ‘command and control’. The classic Weberian bureaucracy is characterized by a clearly specified hierarchy of positions, with explicitly defined reporting relationships. All members of the organization know who has authority to issue orders to them just as they know to whom they can issue orders. The higher one’s position in the hierarchy, the greater one’s power (often described in terms of ‘span of control’). As well, the powerful positions at the top of the hierarchy are few in number; indeed, typically a single person sits atop the entire organization, with authority over all others, although the few officials in the next rung or two

down from the top also wield extensive power. Recent trends in organizational engineering which have produced ‘flatter’ governmental organizations (with fewer levels) have not fundamentally altered their hierarchical design nor the concentration of power at the top.

Northern Aboriginal cultures are by no means all of a piece; however, by and large they tend to be egalitarian and non-hierarchical – though, to be sure, powerful ‘camp bosses’ were certainly prominent in parts of the North. Typically, “leaders [in Inuit society] didn’t exercise their authority by giving orders or acting superior but rather by giving advice or using their knowledge and experience to guide the group.”<sup>34</sup> Moreover, in many traditional Northern societies those who did exercise authority were circumscribed in their spheres of influence. The person who led the hunt carried no special authority in matters spiritual, while the person entrusted with dealing with others (such as non-Aboriginal traders or government figures) would not have had influence when it came to hunting or to healing.

### Extensive, Written, Impersonal Rules and Procedures

The hallmark of the Western bureaucracy is extensive reliance on precise, written rules and formal, oftentimes rigid procedures. Officials’ discretion is sharply fettered in this way, in part to avoid favouritism or prejudice. Rules are formulated so as to anticipate as much as possible all contingencies and to produce similar outcomes in similar situations. Accordingly, they take on enormous complexity, in turn requiring specialized training to understand them and/or intimate familiarity with bureaucratic culture to cope with them.

Nothing could better illustrate these features than the *Mackenzie Valley Resource Management Act*, with its 70 pages of staggeringly complex procedures set out in dense legal and technical prose (plus dozens of pages of regulations). Lawyers and experienced bureaucrats navigate the Act with relative ease, but others – well-educated non-Aboriginals, let alone Dene elders with limited English-language skills – find it little short of baffling and impenetrable. Even a much-simplified schematic diagram displaying the basic steps in the permitting process fills an entire page.

TK, by contrast, emphasizes simplicity and flexibility. One of the principles of IQ, for example, is Qanuqtuurunnarniq/Kaujimatukanut, “the ability to be creative and flexible and to improvise with whatever is at hand to achieve a purpose or solve a problem”.<sup>35</sup>

The MVEIRB must constantly be concerned with leaving itself open to legal challenges on procedural grounds and thus must conduct its business far more formally than the NWMB, which faces few such concerns. It does attempt to operate as informally as possible, as evidenced in two of its draft rules of procedure:

- 29 In conducting a proceeding, the Review Board may accept information that would not normally be admissible under the strict rules of evidence.

- 30 To the extent consistent with its duty of procedural fairness, the Review Board will emphasize flexibility and informality in its proceedings and in the manner in which it receives information or documents.<sup>36</sup>

As a quick perusal of the other 84 draft rules (let alone the pertinent sections of the Act) suggests, however, the Board's capacity to be flexible and informal is sharply circumscribed by the legal framework within which it operates.

The Nunavut Wildlife Management Board is not as circumscribed by legal imperatives. One of its rules for public hearings echoes the MVEIRB's aspiration:

The NWMB shall, consistent with the broad application of the principles of natural justice and procedural fairness, emphasize flexibility and informality in the conduct of a hearing.<sup>37</sup>

Unlike the MVEIRB, however, the NWMB has given itself scope for bringing Qanuqtuurunnarniq/Kaujimatukanut to its hearings:

The NWMB may waive or amend any of these Rules, if the Board considers it to be in the interests of fairness. Where any matter arises that is not envisioned by these Rules, the Board shall do whatever it considers necessary, to enable it to deal with the issue in a just manner.<sup>38</sup>

The emphasis on documents and written rules raises questions about the place of oral communications in claims boards operations. Traditional northern Aboriginal societies have oral cultures and often convey ideas or information through stories or metaphors (at the Yellowknife TK workshop, one Aboriginal participant explained TK as "listening to the river"). Most boards, including the MVEIRB and the NWMB, employ hearings, where oral evidence is presented and discussed (though oftentimes oral presentations amount to little more than public reading of documents). And while information and opinion gathered orally is certainly taken seriously, documents are often more extensive and more prominent in board proceedings

The NWMB does explicitly place audio recordings on the same footing as written submissions in its hearing Rules, thereby offering elders and others who may have limited facility with written English or Inuktitut the opportunity to present their views to the Board.

Such practices which facilitate (or inhibit) communications between those with TK and claims boards highlight the central role of language. TK is first and foremost a set of cultural constructs and, as is well known, culture is inextricably bound up with language. In the Canadian North, the inescapable reality is that rules and procedures are set out in English, even if they are subsequently translated into Aboriginal languages, as is the case with Nunavut boards. Clearly, this puts a premium on facility in English and emphasizes capacity to draft and interpret English documents. By extension those whose English language skills, particularly in written English, are not strong, are disadvantaged. Perhaps even more important are the implicit assumptions and

conceptualizations inherent in formulating ideas and information in English rather than in Aboriginal languages. Mention was made earlier of the difficulty – some would say impossibility – of conveying important aspects of TK in non-Aboriginal languages.

Still, translation is important, and it is noteworthy that the NWMB requires translation of all short (less than six pages) documents presented to it at hearings (less than 5 minutes for recordings), while longer documents or recordings must be accompanied by a translated summary.<sup>39</sup> Meetings of some boards, as illustrated by the Hay River hearings, are conducted largely or entirely in English. Others, especially in Nunavut, where Inuktitut often predominates in board meetings, use Aboriginal languages extensively. The NWMB's *Operating Procedures*, echoing the provisions in the claim, mandate that "the NWMB shall conduct its business in Inuktitut and as required by legislation or policy, Canada's official languages."<sup>40</sup> Nonetheless, with most non-Inuit Board members and staff lacking anything but the most rudimentary Inuktitut skills, communications frequently occur via translation rather than in the form of genuinely bilingual exchanges, where all or most participants speak and understand both languages.

A rather different, but nonetheless significant illustration of the incompatibility of the formal procedures central to Weberian bureaucracy is to be found in the accountability regimes imposed by the NWMB on local Hunters and Trappers Organizations (HTOs). Since each HTO receives \$60,000 a year from the Board, it is entirely appropriate that the NWMB should expect an accounting of how the money was spent. By normal governmental standards, the reporting requirements are not at all onerous. Still, the upshot is that small local Inuit organizations primarily concerned with wildlife issues find themselves being transformed into bureaucratically constrained organizations. The uneasy relationship between Inuit interested in caribou, seal and char and the expectations of the modern bureaucratic state is evident in the administrative disarray which often characterizes HTOs.<sup>41</sup>

#### Authority based on Office-holding

In the Weberian schema underpinning Euro-Canadian bureaucracies, authority is vested in the office, not the person holding the office. On leaving the office, an official loses authority, which is transferred to the new office-holder. Northern Aboriginal societies accord influence to people based on their personal attributes not on some formal position. An important special case of this characteristic is the respect accorded elders on the basis of the wisdom they have acquired through life experiences.

#### Compartmentalization and Division of Labour

Like most indigenous cultures, Northern Aboriginal societies are holistic. They do not compartmentalize life or the world around them into discrete realms – economic, political,

spiritual, and so on. Phenomena cannot be understood in isolation, but only in a very broad context including the physical environment and the spiritual dimension. This contrasts markedly with the Western tendency to conceptualize human relations, as well as relations between humans and the natural environment, in terms of discrete spheres of activity; a telling illustration is the widespread insistence on ‘separation of church and state’. At a micro level, the division of labour and task specialization characteristic of Euro-Canadian, Weberian bureaucracies also runs directly contrary to Aboriginal ways (though of course some division of labour, most notably between men and women, was not unknown in traditional Northern Aboriginal societies). The division of responsibilities and expertise typically found in government bureaucracies which might include a polar bear biologist, a caribou specialist, an air quality expert and others with narrow specializations is decidedly foreign to Aboriginal people who perforce must know about all manner of animals and their environment.<sup>42</sup>

This deep-rooted philosophical divide appears in another important way: though the demarcation may be constantly in flux, Western societies assume a clear distinction between the private and the public. Many aspects of life – educational techniques and standards, financial transactions and other economic activities and so on – are deemed to be in the public domain and thus appropriate subjects for government intervention. Many others, however – relations with friends and relatives, personal habits and the like – are seen as essentially private matters in which the state normally plays no role. The public-private divide has evident applications in bureaucratic organizations: the worklife of the government official is entirely separate from his or her personal life. Traditional Northern Aboriginal societies knew no such arbitrary division into public and private realms; this way of characterizing the world and human relations is quite foreign to how Aboriginal people understood the world and their place in it.

One particular element of the disjuncture between holistic Aboriginal world views and compartmentalized Western concepts of the world and man’s place in it has special relevance to claims boards, especially those concerned with ‘managing’ wildlife. Western thought sees man as separate from and indeed superior to nature, and thus capable of mastering and managing its components, including wildlife. For Northern Aboriginal peoples, humans are part of nature but with no claim to enhanced status over its other elements. Accordingly, the notion that people could ‘manage’ wildlife is alien to Aboriginal understandings.

Anthropologist Stella Spak puts it well in her study of two Northern co-management boards:

[Western society’s] reductionist compartmentalizing separation and analysis of the elements surrounding us ... places humans as being in a superior position over nature ... this model is based on control, dominance and human superiority reflected in the unquestioned right to manipulate ... the term resource management itself is a European expression exemplifying European attitudes and approaches toward nature ... a resource is something to be used and controlled by humans ... this anthropocentric attitude is a key component upon which the government resource management rationale is based. The usage of the term “management” in regards to resource activities further conveys the

impression that humans actively manage a resource as if they could assign each component of the resource a specific task.

This way of seeing the world and its resources is diametrically opposed to the understandings and paradigms within which Indigenous people operate. The most important distinction between European and Indigenous attitudes towards nature is that Indigenous peoples have never seen themselves as being separate from or above nature. In this world view humans are a part of nature. They thus cannot control or manage that of which they are a part, but they can and have to regulate their own behaviour in order to ensure the continuation of the balanced reciprocity which exists between them and their surroundings.<sup>43</sup>

In short, the very notion of a governmental agency – no matter who serves on it and how much TK/IQ they bring to their work – ‘managing’ wildlife involves a fundamental contradiction between Northern Aboriginal world views and the Western bureaucratic paradigm.

### Merit

The Weberian bureaucratic model accords a central place to the ‘merit principle’, whereby officials in an organization are hired and promoted on the basis of merit rather than through favouritism or by virtue of ascriptive characteristics such as ethnicity or gender. At an abstract level, Northern Aboriginal societies were typically also merit-based, with for example, the best hunter recognized as the most appropriate choice to lead the hunt. At an operational level, though, a marked divergence is evident. In modern Canadian governments, merit is largely defined in terms of formal credentials, primarily educational achievements and experience in similar organizational environments. Practical experience outside of institutional settings counts for little, yet it is precisely such qualifications that are most valued in Aboriginal cultures. The credentialism which characterizes government bureaucracies means that someone with a university biology degree is presumed to possess the expertise needed in developing and implementing government policy, whereas an Aboriginal elder who has spent decades on the land but lacks formal scientific training is not seen in the same light. The Aboriginal perspective, of course, is precisely the opposite.

The NWMB’s hearing rules do make special provision for elders:

Recognizing the role of Elders in Inuit society, the NWMB shall provide reasonable opportunity for Elders to speak at a hearing. The Board shall make every reasonable effort to accommodate Elders, with respect to seating, order of appearance, and opportunity to raise matters and to comment on and respond to matters raised at the hearing.<sup>44</sup>

### Adversarial Challenging of Assertions and ‘Rational’ Evaluation of Evidence

Northern Aboriginal societies are non-confrontational with decisions typically reached by consensus after prolonged discussion. Disagreements are expressed in respectful, oftentimes elliptical fashion. The wisdom of elders is accepted without question. The contrast with the aggressive, adversarial approach to expressing disagreement or challenging assertions in Western bureaucratic and legal processes is stark.

Even nominally non-conflictual bureaucratic settings can take on characteristics incompatible with Northern Aboriginal practices. Meetings frequently unfold with participants strongly attacking and defending one another’s positions, questioning alleged facts and interrupting one another. These are generally not acceptable behaviours in Northern Aboriginal cultures.

By design the Western legal system is highly adversarial, built on the assumption that ‘the truth’ will come out through the cut and thrust of debate and the challenge of evidence. Assertions are not accepted at face value but are subject to demands for ‘proof’ according to specified rules of evidence which permit, indeed often encourage, aggressive cross-examination of witnesses and impugning their truthfulness and integrity. Now not all those who negotiated the land claims or who developed and drafted the legislation to implement the claims, such as the MVRMA, were lawyers but many were and they clearly brought the conceptual apparatus of their profession to bear. And while efforts were made to deal with the problem of excessive legalism and formality, board processes, especially those of regulatory boards like the MVEIRB, are shot through with exactly those characteristics.

In a board hearing, lawyers representing a licence applicant would presume it their right – as indeed it is in the legal framework underpinning regulatory board processes – to vigorously cross-examine an elder on a TK-based assertion. Such practices, however, may not just be discordant with Aboriginal customs; they may be profoundly offensive. As one Aboriginal participant at the Yellowknife workshop put it, “questioning TK is attacking the integrity of the elders ... which is the most disrespectful thing you can do.”

The MVEIRB is clearly sensitive to concerns of this nature yet is constrained by its mandate and legislation. On the one hand, for example, its draft TK *Guidelines* stipulate that “traditional knowledge submissions do not have to follow the strict rules of evidence as long as the nature of the evidence is relevant to the EIA [Environmental Impact Assessment] process.” Yet on the other hand, this statement is immediately followed by the stipulation that “the information must be supported and proven by the parties sharing the information”, with the subsequent admonition that “Traditional knowledge evidence provided to the Review Board during a formal hearing shall be subject to verification in the same manner as all other evidence.”<sup>45</sup>

The NWMB, which need not be especially concerned – as must the MVEIRB – with formal rules of evidence, does attempt through its hearing procedures to ensure IQ principles are followed in its meetings, specifying that “the NWMB shall make every effort to ensure that all participants and witnesses at the hearing are treated with respect”.<sup>46</sup>

### Maximum Public Release of Information

Aboriginal communities are often prepared to share their TK with scientists, governments or anyone else who is interested in it, but this is by no means universally the case. Aboriginal people may not wish to provide information to governments or to industry for fear that it will be used in ways contrary to their interests and wishes, for example, in attempts to bolster the case for developments such as mines or oil and gas exploration which might harm the land or interfere with its use. Even more problematic are elements of TK which are simply not to be shared with outsiders; deeply held ethical codes may proscribe any discussion of certain matters with anyone not of the community.

Though Western governments certainly have their secrets, key elements of modern government activity are subject to pervasive requirements of transparency and public access to information. This is very much the case for Northern co-management and regulatory boards. Like other regulatory agencies, for example, the MVEIRB maintains a public registry of documents submitted to it in the course of environmental assessments and reviews. Board procedures require that all documents, both routine administrative correspondence as well as substantive reports, requests and comments, be made public via its registry save in unusual circumstances. Full text of all documents on the registry is available via the Internet.

The Board is aware of the potential conflict between the desire not make public certain elements of TK and the procedural need for openness. Its draft TK *Guidelines* as well as its draft *Rules of Procedure* provide for the possibility of exempting – on request – particular information from inclusion in the public record. The presumption, however, rests with making TK public:

The Review Board's acceptance and use of traditional knowledge will be sensitive to the nature and source of the information and it will respect any arrangements made for its collection. However, public access to information that influences a Review Board decision is an important part of a fair process, and the Review Board will carefully consider any requests before granting confidential status to information.<sup>47</sup>

Ultimately, moreover, the decision rests with the Board. In order to agree to an exemption, the Board "must be convinced that significant harm may result from the release of such information, and the onus for showing harm rests with the party seeking to impose confidential status on the information. The proprietary status, if any, of traditional knowledge will not be sufficient to impose the status."<sup>48</sup> Giving up control of TK in this manner may not be satisfactory to Aboriginal communities or organizations, which may thus decline to provide it – presumably to the detriment of the assessment/review process. And of course, such a procedure cannot address issues arising when the TK touches matters which are to be kept in the community.

In addition, Board records are subject to freedom of information requests by way of the federal *Access to Information and Privacy Act*.

## CONCLUSION

It is evident that both the Mackenzie Valley Environmental Impact Review Board and the Nunavut Wildlife Management Board have made sincere, sustained efforts at bringing TK/IQ into their operations. Evident as well is the advantage the NWMB enjoys in this enterprise by virtue of the nature of its mandate. Wildlife conservation and harvesting and related matters such as wildlife research can be seen as modern-day extensions of traditional Inuit pursuits, though of course the “management” framework and other aspects of the Board’s activities are decidedly non-traditional. By contrast it is difficult to imagine licencing and assessing the environmental impact of diamond mines and pipelines as having even the remotest links to traditional Dene activities.

Still, for both boards while the collection of data reflects, to varying degrees, TK/IQ methods and while TEK itself is taken seriously into account in decision making, the conceptual framework within which they operate significantly limits the influence of TK/IQ.

A strong parallel exists with respect to progress on imbuing the Government of Nunavut (GN) with IQ, an admittedly far greater challenge. The GN’s own IQ Task Force makes the point forcefully:

At present there is a chasm – a cultural divide – separating the Inuit Culture on the one side from the Nunavut Government’s institutional culture on the other side ... we cannot develop an Inuit government by taking the IQ principles, extracting them from their cultural context (life on the land) and forcing them into a new context (life within the Government of Nunavut). Because the Inuit culture is much broader than the government, we must incorporate the government into the culture.

This becomes quite clear once we understand that public governments – all public governments – have their own cultural characteristics. When we try to incorporate Inuit IQ into the existing Nunavut Government we create a “culture clash”. And, as is usual in all culture clashes, the dominant culture dominates. The Inuit culture is forced to take on the shape of the dominant, rather than the other way round.<sup>49</sup>

Based on his study of TEK use in wildlife management in the Kluane region of the Yukon by a non-claims-based co-management board, anthropologist Paul Nadasdy offers a decidedly negative interpretation of the culture clash between First Nations cosmology and the apparatus of the modern state:

Although on the surface land claims and co-management seem to be giving Aboriginal peoples increased control over their lives and land, I argue that these processes may instead be acting as subtle extensions of empire, replacing local Aboriginal ways of talking, thinking, and acting with those specifically sanctioned by the state.<sup>50</sup>

The experiences of Nunavut HTOs, alluded to above, certainly supports this interpretation. And yet it would be a mistake to ignore the substantial gains for Aboriginal people that the claims and the co-management regimes across the North represent (significantly, perhaps, the co-management board which provided the empirical focus of Nadasdy's study is not a claims board and wields far less policy clout than claims boards). At the Yellowknife TK workshop, a young Dene man angrily attacked the MVEIRB as unrepresentative of the local Aboriginal people proclaiming "your [MVEIRB] views don't fit with ours ... the real decision-making power should go to the communities ... the MVEIRB doesn't really work". At this, an Aboriginal MVEIRB Board member – a respected elder with long years of Dene politics behind him – responded with equal force, defending the claims regime of which the Board is a key element: "25 years ago we were nothing ... now I can make a decision and tell the government what to do ... I sit on the board to do the work our elders said we should do 25 years ago".

So it is with TK/IQ in claims boards. Clearly, the structure and operation – indeed the very essence – of boards like the MVEIRB and the NWMB are fundamentally rooted in EuroCanadian governance processes, with all their Weberian bureaucratic characteristics and their legalistic, evidence-testing paradigm. Accordingly they cannot conduct themselves within the all-encompassing philosophical/ethical framework that TK/IQ entails. However, they have made important strides towards incorporating TEK ideas and methods into key elements of their work.

A veteran Inuit leader, acknowledging that the Nunavut claims boards are for many Inuit off-puttingly formal and bureaucratic, accepts this as "a necessary evil" in light of their notable successes "in bringing issues down to the people in the communities and speaking their language." Similarly, an official of Nunavut Tunngavik Incorporated, the Inuit land claim organization, observed, "bridging the two worlds of Inuit ways and Western ways is the real challenge. Bringing the Inuit way into land and wildlife decisions is the strongest argument in favour of the IPGs [Institutions of Public Government; the common term in Nunavut for claims boards] in the first place ... the IPGs create the opportunity for the little guy in the community to have an impact."

In short, as far as TK/IQ in claims boards is concerned, the snowmobile's tank may be seen as half-full or half-empty. The purpose of this paper has not been to denigrate the efforts of boards like the MVEIRB and the NWMB at bringing TEK to bear in their operations, but to argue that the nature of the modern bureaucratic state, of which they are a part, puts firm limits on just how far such efforts can go.

## NOTES

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1. I wish to record my thanks to the dozens of members, staff and observers of northern claims boards, government officials and representatives of Aboriginal organizations who consented to not-for-attribution interviews with me over the past few years. Special thanks also to the various board staff who answered follow-up questions and provided documents. My thanks also to Gina Cosentino for her expert research assistance. The research reported in this paper was supported by a grant from the Social Sciences and Humanities Research Council of Canada. Finally, I freely acknowledge appropriation of the evocative term “culture clash” from the Government of Nunavut’s IQ Task Force.
  2. A key distinction lies between, on the one hand, Aboriginal self-government, in which typically office-holding and voting are restricted to Aboriginal people with services provided primarily if not exclusively to Aboriginal people and, on the other, ‘public’ governments, in which voting and office holding are open to all residents and services are provided to all residents.
  3. Numerically dominated as it is by Inuit, Nunavut is a special case of a public government bearing more than a family resemblance to Aboriginal self-governments.
  4. Frances Abele, “Traditional Knowledge in Practice,” *Arctic* 50 (December 1997), iv.
  5. MVEIRB, *Report of the Environmental Assessment and Reasons for Decision on the Paramount Resources Limited Cameron Hills Extension Project, EA03-005*. June 1, 2004. This report provides a detailed description and analysis of the project and contains the Board’s recommendations.
  6. Transcript, Mackenzie Valley Environmental Impact review Board, Paramount Resources Ltd. Environmental Assessment Public Hearing, Hay River, NT, February 18, 2004, I, 13.
  7. For most of the hearing, the ‘public’ consisted of a solitary University of Toronto political scientist, who declined to put forward any opinions or questions. Occasionally, one or two real members of the public would wander into the hearing room, but few stayed for any length of time and none spoke.
  8. MVEIRB, *Report*, 55-7.
  9. For a more extensive analysis of northern claims boards, see Graham White, “Treaty Federalism in Northern Canada: Aboriginal-Government Land Claims Boards,” *Publius: The Journal of Federalism* 32 (Summer, 2002), 89-114.

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10. L.F Brooke, quoted in Stella Spak, “Canadian Resource Co-Management Boards and their Relationship to Indigenous Knowledge: Two Case Studies,” PhD thesis, Department of Anthropology, University of Toronto, 9.
  11. Fikret Berkes, *Sacred Ecology: Traditional Ecological Knowledge and Resource Management* (Philadelphia: Taylor and Francis, 1999), 8.
  12. George Wenzel, “Traditional Ecological Knowledge and Inuit: Reflections on TEK Research and Ethics,” *Arctic* 52 (June 1999), 116.
  13. Government of the Northwest Territories, “Traditional Knowledge Policy” November, 1993.
  14. Canadian Environmental Assessment Agency, “Considering Aboriginal traditional knowledge in environmental assessments conducted under the *Canadian Environmental Assessment Act – Interim Principles*” updated May 7, 2004 <[www.ceaa-acee.gc.ca/012/atk\\_e.htm](http://www.ceaa-acee.gc.ca/012/atk_e.htm)>.
  15. Government of Nunavut, *The First Annual Report of the Inuit Qaujimajatuqanginnut (IQ) Task Force*, August, 2002, 4.
  16. Mary Ekho Wilman, “Governance Through Inuit Qaujimajatuqangit: Changing the Paradigm for the Future of Inuit Society,” in Murielle Nagy, ed., *The Power of Traditions: Identities, Politics and Social Sciences – ICASS IV – Keynotes presented at the Fourth International Congress of Arctic Social Sciences* (Quebec City: International Arctic Social Sciences Association, 2002), 35.
  17. Quoted in Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: UBC Press, 2003), 63.
  18. *Ibid.*, 120.
  19. Government of Nunavut, *The First Annual Report of the Inuit Qaujimajatuqanginnut (IQ) Task Force*, August, 2002, 4.
  20. Frances Abele, “Between Respect and Control: Traditional Indigenous Knowledge in Canadian Public Policy,” unpublished paper, Carleton University, November 2004, 13-4. In turn, Abele draws upon Nadasdy (see note 17)
  21. The Inuvialuit Settlement Area, defined under the Inuvialuit claim (settled in 1984), is not covered by the MVRMA or its boards.
  22. *Mackenzie Valley Resource Management Act*, Statutes of Canada, 1998, c25, s 111.

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23. Direct quotations and paraphrases of participants' comments at the Yellowknife workshop taken from author's notes made during the public sessions of the workshop.
  24. It must be emphasized that at the time of writing these remained draft guidelines, which had not been formally approved by the Board.
  25. MVEIRB, "DRAFT 2: Traditional Knowledge Guidelines," November 2004, 4.
  26. *Ibid.*, 5-6.
  27. Minister of Indian Affairs and Northern Development and Tungavik Federation of Nunavut, *Agreement Between the Inuit of Nunavut Settlement Area and her Majesty the Queen in right of Canada* (Ottawa, 1993), 1.
  28. *Ibid.*, Article 5.1.2.
  29. Nunavut Wildlife Management Board, "Submission of the Nunavut Wildlife Management Board to the Five Year Independent Review of the *Nunavut Land Claims Agreement* and the *Implementation Contract*," September 1999, 4.
  30. See, for example, Royal Commission on Aboriginal Peoples, *Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues* (Ottawa: Supply and Services Canada, 1993).
  31. Max Weber was a prominent German sociologist of the late nineteenth and early twentieth centuries, whose writings established the basic model by which academics still understand bureaucracy.
  32. This last characteristic is hardly Weberian, but has increasingly become an important governance norm in recent decades.
  33. Customs, norms and practices of Canada's Aboriginal peoples vary widely; this paper only attempts to consider those of the Dene and the Inuit of the territorial North. Moreover, not all Northern Aboriginal peoples are of a piece; substantial variation exists both across and within Dene and Inuit groupings in terms of the issues considered in the following paragraphs (See for example, Marc Stevenson, "Traditional Inuit Decision-making Structures and the Administration of Nunavut", report prepared for the Royal Commission on Aboriginal Peoples, 1996.)
  34. Kathrin Wessendorf, "Traditional Knowledge and Authority in Nunavut" paper presented at the International Congress for Arctic Social Sciences, Quebec City, May 2001, 1.

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35. *Wildlife Act*, Statutes of Nunavut, 2003, c 26 s 8 (a).
  36. Mackenzie Valley Environmental Impact Review Board, “Draft Revised Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings,” November 2004.
  37. Nunavut Wildlife Management Board, *Rules of Practice for Public Hearings of the Nunavut Wildlife Management Board*, March 1999, 9. While these rules are unquestionably important as a signal of the Board’s commitment to bringing IQ into its processes, it is worth noting that at the time of writing, the NWMB had not held any “public hearings”. It had visited many communities and held informal community consultations but did not designate them as “public hearings”. The Board may be reconsidering whether such consultations should not be accorded the status of public hearing.
  38. *Ibid.*, 1.
  39. *Ibid.*, 7.
  40. Nunavut Wildlife Management Board, *Operating Procedures*, May 1997, revised November 2001, 20.
  41. See for example, Sara Minogue, “Iqaluit HTO Produces Sketchy Financial Records,” *Nunatsiaq News*, December 17, 2004.
  42. Nadasdy, *Hunters and Bureaucrats*, 123-6.
  43. Spak, “Canadian Resource Co-Management Boards,” 5, 14-5.
  44. Nunavut Wildlife Management Board, *Rules of Practice*, 10.
  45. MVEIRB, “DRAFT 2: Traditional Knowledge Guidelines”, November 2004, 13-4.
  46. Nunavut Wildlife Management Board, *Rules of Practice*, 9.
  47. *Ibid.*, 7.
  48. *Ibid.*, 8.
  49. Government of Nunavut, *The First Annual Report of the Inuit Qaujimajatuqanginnut (IQ) Task Force*, 11, 6.
  50. Nadasdy, *Hunters and Bureaucrats*, 9.