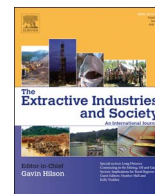




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Original article

Extracting knowledge: Social science, environmental impact assessment, and Indigenous consultation in the oil sands of Alberta, Canada[☆]Janelle Marie Baker^{a,b,*}, Clinton N. Westman^c^a McGill University, Department of Anthropology, 7th Floor, Leacock Building, 855 Sherbrooke Street West, Montreal, Quebec, H3A 2T7, Canada^b Athabasca University, Department of Anthropology, 1 University Drive, Athabasca, Alberta, T9S 3A3, Canada^c University of Saskatchewan, Department of Archaeology and Anthropology, 55 Campus Drive, Saskatoon, Saskatchewan, S7N 5B1, Canada

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ABSTRACT

This article provides a critical overview of consultation, impact assessment, and traditional land use research as these methods of extracting knowledge intersect in the oil sands region of northern Alberta. Based on our experience as anthropologists working in policy analysis, consultation, impact assessment, and community-engaged ethnographic research with impacted communities, we examine public participation and risk assessment procedures, including those conducted through documents and those conducted through personal or group interviews – primarily with Crees. Alberta's oil sands industry has expanded exponentially in recent decades; however, consultation, impact assessment, and accommodation of Cree, Dene, and Métis interests in the region have not kept up with best practices established during the same timeframe. We point to a number of examples where consultation and impact assessment processes have supported an overall political economic push to develop the oil sands as quickly as possible. We argue for improved participatory processes to inform more open political and scientific debate.

1. Introduction: “I keep complaining but nobody is doing nothing.”

In this article, we examine the collision of perspectives and imbalances in power associated with extraction from Cree, Dene, and Métis territories in Alberta's oil frontier. We argue for improved social science studies, public consultations, and government policies to assess and monitor impacts on traditional land use of First Nations and Métis people, and to protect their livelihoods. We speak from several years of experience working in the region, including ethnographic research, language training, and involvement with different components of the traditional land use, consultation, and impact assessment industries, in particular our experiences working with the Bigstone Cree Nation, Fort McKay First Nation, Mikisew Cree First Nation, Onion Lake Cree Nation, Peerless Trout First Nation, and Woodland Cree First Nation. Furthermore, we have directly participated in the processes being discussed, or have closely examined the textual records derived from such participatory processes in a systematic fashion.

We consider the direct impacts on traditional land use as well as consultation and assessment processes designed to identify and ameliorate these impacts. We focus on the impacts and processes associated

with extraction of bitumen (oil/tar sands) and heavy oil, which can be mined in some instances or more widely extracted *in situ* using new, intensive, drilling technologies including fracking. Throughout the article, we pay special attention to the qualitative aspects of loss, landscape, and livelihood, as well as the discursive and acculturative intentions of the consultations processes themselves. Ultimately, we argue that traditional land use consultation functions as an extractive industry in the region; in this case extracting and refining specialized land-based knowledge from First Nations communities, while violating the existing laws of the land and principles of respect and reciprocity. While we did not formally conduct an extended ethnographic study of the consultants and industry itself, our varied experience with the industry, in conjunction with our anthropological training and ethnographic experience in the region, provide many foundations for new scholarly findings. In this article, we build on our previous work, including insights about the potential of consultation and policy processes in impact assessment to create future landscapes and erase particular practices from consideration. In doing so we connect to cutting edge policy changes and the practical aspects of doing consultation work with First Nations and Métis communities.

While we do not wish to rob Indigenous people of their agency and

[☆] This article contains a small amount of data and analysis previously published in French (Westman, 2014), which has been refined and reworked for the present article in conjunction with Baker's insights.

* Corresponding author at: McGill University, Department of Anthropology, 7th Floor, Leacock Building, 855 Sherbrooke Street West, Montreal, Quebec, H3A 2T7, Canada.
E-mail addresses: janelle.baker@mail.mcgill.ca, janelleb@athabascau.ca (J.M. Baker), clint.westman@usask.ca (C.N. Westman).

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imply they are simply victims of industrial and political processes, we must acknowledge that regional communities, their members, and representatives have expressed deep concern with the large-scale “extreme extraction” (Laduke, 2014) occurring in northern Alberta, as well as the political and participatory processes that accompany it. By weaving our analysis of the consultation industry with our discussion of the extractive industry itself, we shed new light on the coercive and extractive nature of consultative and participatory processes in the region.

The following three quotations, taken from three environmental impact studies for projects that have been approved over the past decade or so, demonstrate the degree to which traditional land users are being impacted, not only by the oil sands industry, but by the consultation process itself:

I keep complaining but nobody is doing nothing, People are hiding everything that is going on here. The environment minister is helping oil companies and he doesn't give a shit about Indians in Fort McKay.

–A trapper quoted in an Environmental Impact Assessment – Joslyn North Mine Project “Traditional Ecological Knowledge and Land Use Report”. (Total Canada, 2006:36)

A room is the wrong place to tell information.

–An Elder at a public consultation meeting, quoted in an Environment Impact Assessment – Kearl Lake Project. (Imperial Oil, 2005:6–49)

The cumulative effect of this disappointment (with consultations and impact assessment) is a psychological and spiritual fatigue, occurring around the older, more traditional members of the community. They are tired of expressing the same concerns and telling the same stories, which seem to have no effect on the course of development.

–From the remarks of the authors of the Environment Impact Assessment – Kearl Lake Project. (Imperial Oil, 2005:6-2)

Clearly both the land users who are the target of impact assessments and participatory consultations and at least some of the consultants administering such studies agree that the process is seriously flawed, in that it does not register the dissent of those who are most impacted by the inevitable project approvals, while continuing to engage their participation in emotionally draining and ineffectual bureaucratic processes. This is particularly egregious given that Cree, Dene, and Métis peoples in the region hold Treaty rights and/or Aboriginal rights to land and livelihood that are constitutionally protected. These rights are in the process of being fully defined by Supreme Court judgements such as the *Powley* decision regarding Métis rights to harvest (R. v. Powley, 2003), the *Mikisew Cree First Nation* decision regarding the duty to consult (*Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005), and the recent *Tsilhqot'in* decision regarding Aboriginal land title (*Tsilhqoot'in Nation v. British Columbia*, 2014). Most relevant here is the *duty to consult* Indigenous people (Newman, 2014), with the duty being legally vested in the Crown (i.e., governments), but in practice frequently devolved to industry.

Oil companies may tout their engagement with First Nations and Métis communities through full page ads in major newspapers, showing pictures of smiling Elders standing by pristine lakes, but our collaborators in First Nations governments and consultations offices have told us that they experience such developments as a “tsunami” (Gerbrandt, 2015:7). Indeed, as reported in the *Edmonton Journal* (Klinkenberg, 2013), since 1980, oil sands production in northern Alberta has increased fifteen fold: from 100,000 barrels of synthetic crude per day, to 1.5 million barrels per day (bpd). These figures do not incorporate growth in production of conventional oil, natural gas, or ancillary extraction such as sand and gravel, or the significant expansion in wood and pulp extraction that occurred in the same timeframe. Before the dramatic drop in oil prices in late 2014, oil sands production was projected to increase to 4.8 million bpd by 2030 and capital investments in Alberta oil sands projects were projected to exceed \$500 billion by 2038 (Healing, 2014). Several oil sands companies have recently slowed production (and consultation activities) due to current market conditions, but the moment the price of oil increases, they will

again be operating and expanding with full force.

As these brief statistics show, Canada's oil sands are a globally significant example of extreme extraction on Indigenous lands that disrupts existing relationships and practices in this corner of the boreal forest. Our study is unique in part for its consideration of ongoing consultation dynamics in this globally significant, capital-intensive extractive example. What is of further significance is the scale and pace of the growth in extraction, particularly since 2000 or so, and the global impacts in terms of climate and pollution. Drilling down to the local level, one finds equally catastrophic impacts affecting livelihoods, knowledge transmission in families and communities, and important cultural sites and practices. Furthermore, we closely sketch the practical meaning and effect of the capture by the fossil fuel industry of the non-professionalized consultation and assessment industry, as well as of the regulators who are supposed to be ensuring quality in the monitoring and assessment of cumulative socio-economic and socio-cultural effects. This is occurring notwithstanding an increasingly well-developed body of case law on consultation and the rights of Indigenous people in the area, in part due to the political power of the fossil fuel industry as well as the industry's prominence in the national and regional imagination and economy. As such our study is a cautionary one with broader application.

What does it mean to those who live in relationships with landscapes suddenly highly valued by settlers, while still using ancient practices to draw both sustenance and spiritual meaning from them? Not only are the companies that harvest natural resources in Alberta extractive industries, but the legally required consultation process is also an extractive industry. We use the word ‘extraction’ with deliberation (Preston, 2017), considering the *Oxford English Dictionary definition* “[t]o get out (the contents of anything) by force, effort, or contrivance; to take out (anything embedded or firmly fixed)” (2014). Traditional land use studies and Environmental Impact Assessments (EIAs) are extractive in that they take knowledge from communities without giving back: violating Cree, Dene, and Métis systems of respect and reciprocity (Baker, 2017). We demonstrate that traditional land use studies and EIAs in the oil sands region are not acting to protect Treaty rights to land and livelihood, as they are required to do by law, but that traditional knowledge extraction is instead acting as a form of negative reciprocity. Once knowledge is extracted from Aboriginal peoples, it is refined and distilled to meet consultation requirements, so corporations can extract bitumen from sand.

In addition to their concern for traditional livelihoods and the natural environment, First Nations and Métis governments are trying to secure benefits and infrastructure in a region that has historically been largely isolated from government support. While we provide a critique of how the duty to consult is enacted in Alberta, we are not criticizing any given community's decision on how they decide to cope with industrial development in their territories. Their particular “life projects” (Blaser, 2004) are responses to complex histories that can only be met with survivance (Vizenor, 2007). It is not our place to say whether or not someone should sign a benefit sharing agreement or engage in consultation. In fact, due to provincial and federal government consultation guidelines, if a First Nation refuses to consult with a company, their concerns are not recorded or considered, and the company likely would still receive project approval. If the First Nation does engage in consultation, the company effectively interprets participation to be consent, especially when the First Nation receives contracts or funds from the company to carry out traditional land use assessments. In this context, First Nations are faced with a true dilemma. As in extreme extraction zones around the world, Indigenous people's desires for environmental protection and the processes that force them off of the land and into the labour for the companies extracting natural resources are not opposing forces, but rather the same interlinked issue (Broto, 2013:10). Their actions are “rooted not in opposition or opportunism, but in the practice of everyday life in communities and on the land” (Feit, 2004:93). Such everyday life is informed by respect and

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