



## 'Poaching' – What's in a name? Debates about law, property, and protection in the context of settler colonialism



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### ABSTRACT

Framed within debates about political ontology, this paper explores how, in a settler colonial context, state-governed wildlife management reflects a complex set of assumptions and power relations that structure understandings and enactments of law, property, and notions of protection. Drawing upon the statements of Inuit research participants, the paper examines the definition of 'poaching', and underscores the conceptually controversial assumptions underlying this word. The paper demonstrates how the term represents a culturally and historically specific set of beliefs and practices by the state that are unintelligible from an Inuit frame of reference, because the ontological, epistemological, and teleological assumptions upon which they rest are fundamentally incommensurable with their own. Critiques of political ecology and political economy claim that such forms of analysis have naturalized the assumption that there is one nature which different peoples understand differently. Instead the concept of political ontology stresses that there are many natures whose meanings are opaque and subject to negotiation. But ontological differences are only part of the puzzle. To understand the encounters between Indigenous peoples and the settler colonial state, it is not only the existence of different natures that are important, but also the ways of knowing these natures and the ends that people seek in 'managing' them. Ontology, epistemology, and teleology are intertwined; each fashions the other.

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### Introduction

Indigenous peoples generally occupy some of the last sizeable areas of the planet that have yet to be subject to widespread, large-scale resource development. Increasingly, however, private and public sectors are combining to gain access to those regions. Such is the case in the Canadian Arctic, where both the federal government's *Northern Strategy* (Government of Canada, 2009) and the Quebec government's *Plan Nord* (Government of Quebec, 2011) frame the region in terms of its potential for promoting economic development, with private resource extraction being central to their agendas.

At the same time, hunting, fishing, trapping, and gathering, which are at the root of their economies, continue to be important activities for northern Indigenous peoples (cf. Gombay, 2010), and will inevitably be affected by the northward spread of resource development. If we take the case of the Inuit of Nunavik (Northern

Quebec), they have qualms about the extent to which future developments projected for the region will affect their subsistence lifestyle (George, 2012; Kativik Regional Government and Makivik Corporation, 2010). These anxieties are compounded by concerns over food security (Murphy, 2012a; United Nations, 2012) and the discourse of climate change, which is resulting in increased government conservation efforts (Boswell, 2012).

Northern Indigenous peoples thus confront a complex dynamic. They are faced with the loss of their resource base due to the neoliberal policies of the state, which are promoting large-scale resource developments while reducing the environmental regulations tempering such development (Heynen et al., 2007). Yet that very same loss will paradoxically be furthered, due to conservation efforts by those same governments. This combination of pressures will have a direct impact upon Indigenous peoples' capacities to continue to hunt, fish, trap, and gather. It is therefore increasingly likely that they will clash with authorities in pursuing these activities. In their most extreme form, such clashes have historically culminated in the relocation of Indigenous peoples to other regions of Canada (Sandlos, 2007; Usher, 2004), while in a less extreme form, they have resulted in charges being laid against Indigenous

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peoples for breaching state regulations.<sup>1</sup> It is this latter phenomenon that I wish to examine further.

This article is based on interviews about ‘poaching’ with Inuit in Kuujuaq and Puvirnituq between 2006 and 2008.<sup>2</sup> Having worked and done community-based research in the region since the mid-1990s, I embarked upon this project with the belief that it might be a helpful response to concerns some Inuit had expressed to me about the growing numbers of non-Inuit who were, as they put it, ‘poaching’ in the region. I quickly discovered that the issue was more complex than I had presumed. During an interview early on in the research, a representative of an Inuit organization became infuriated by my questions. Unbeknownst to me, and as we shall see in more detail below, some Inuit had recently been charged by the federal government for hunting beluga. Where I had assumed that questions of poaching applied exclusively to non-Inuit, his anger reflected a view that I was to encounter repeatedly amongst the Inuit to whom I spoke about the topic: that in the application of state wildlife management measures, they felt they were being treated as poachers in their own lands. I wish in this paper, then, to unpack what the various Inuit to whom I spoke had to say about the matter.

The article builds on research that has explored the ways in which state wildlife management initiatives are tied to the exercise of colonialism and nation-building, which in turn have resulted in severe challenges to the capacities of Indigenous peoples to get food (Asch, 1989; Beinart and Hughes, 2007; Campbell, 2004; Dowsley and Wenzel, 2008; Fienup-Riordan, 1999; Hensel, 1996; Huntington, 1992; Kulchyski and Tester, 2007; Loo, 2006; Sandlos, 2007; Usher, 2004). Deconstructing the definition of ‘poaching’, I demonstrate how it represents a culturally and historically specific set of beliefs and practices by the Euro-Canadian state that are conceptually unintelligible and controversial from an Inuit perspective, because the ontological, epistemological, and teleological<sup>3</sup> beliefs upon which they rest are incommensurable with their own.

Inherent in debates about poaching are questions about how nature is envisaged and, as a consequence, ‘managed’. To a degree, these debates are taken up in the growing literature exploring posthumanism, which emphasizes the co-constitutive features of relations between humans and non-humans (Braun, 2004; Castree et al., 2004; Whatmore, 2002). Although it attempts to challenge taken-for-granted binaries dividing humans from non-humans, nature from culture, this literature is essentially an academic conceit rooted in an Occidental vision. In fact, Sundberg (2014) argues that by taking as universal ontological splits

between nature and culture, geographic engagements with post-humanism tend to echo colonial ways of knowing. In contrast, literatures grounded in Indigenous ontologies question the very starting point of such binaries.

The dualistic rationality embodied in the separation of nature from culture reflects a logic of domination that has been assumed and built into the institutions enacted through settler colonialism (Plumwood, 1993). For many Indigenous peoples, who do not make such ontological divisions, their interactions with these institutions are deeply problematic. In part, these struggles stem from a fundamentally different understanding of the relationships between humans and other entities with which they interact. Whereas the official Occidental view of nature presupposes a clear division between humans and animals, let alone other elements of nature, Indigenous ontologies generally reflect an understanding of humanness as expansive (Norton-Smith, 2010). The various elements that constitute ‘nature’ – animals, plants, water, and so on – share a common set of properties, such as sentience and intentionality. This engenders in many Indigenous peoples the requirement for morally grounded relationships with a vast range of entities. Thus, Fienup-Riordan (2005: 43) cites a Yup’ik man: “Our ancestors took great care of everything around them as they lived their lives because they fully understood that everything had awareness. They knew that even fish bones were conscious and perceptive”.

Thus, multiple entities occupy at once shared and parallel worlds; they are shared to the degree that as sentient beings many of the sensibilities that propel their behaviours are common, but their perspectives vis-à-vis the elements that constitute their surroundings are multiple. Thus “[...] what is blood to us is manioc beer to jaguars, a muddy waterhole is seen by tapirs as a great ceremonial house. [...] What is nature to us may well be culture to another species” (Viveiros de Castro, 2004; 471). These multiple perspectives give rise to many natures reflecting the different worlds inhabited by varied experiencing subjects. Natural ‘facts’ are therefore always multiple. Rather than there being one world about which many cultures have different perspectives, there are many worlds, and thus many natures (Blaser, 2009; De la Cadena, 2010; Descola, 2005; Latour, 2009; Viveiros de Castro, 2004).

To the degree that representatives of the colonial state are aware of differences between their own perspectives and those of Indigenous peoples, their general assumption is that there is one nature about which different cultures have varying understandings (Blaser, 2009; De la Cadena, 2010). People are thus inclined to assume that the sources of disagreements between state and Indigenous peoples about how to manage the environment are epistemological. Those espousing what is variously called perspectivism or multinaturalism point out that multiculturalist assumptions built into state management schemes are politically charged, not because there is one nature about which there are differing cultural perspectives, but rather due to the fact that there are *multiple natures*. Blaser (2009) argues that analyses based on political ecology and political economy naturalize the assumption that there is one nature which is differently understood. Instead, we ought to think in terms of many natures whose meanings are opaque and subject to contestation. This would help to explain how, in situations where representatives of the state and Indigenous groups attempt to manage the environment collectively, there are (mis)understandings about what constitutes the world(s) they inhabit and interact with, which result in people talking past one another (cf. Bakker and Bridge, 2010; Braun and Wainwright, 2001; Nadasdy, 2011; Willems-Braun, 1997).

Analyses of “political ontology” would better underscore that the incomprehension between Indigenous peoples and their colonizers vis-à-vis the environment reflect the existence of many

<sup>1</sup> Although both the federal and provincial governments have programmes to prevent what they explicitly call ‘poaching’ (cf. Fisheries and Oceans Canada n.d.; Québec, Développement durable, Environnement, Faune et Parcs n.d.a, n.d.b), people who are in breach of the laws regulating hunting, fishing, and trapping are actually charged with committing a range of infractions under a variety of acts and regulations. At the federal level people may be accused of violations under such acts as: the *Migratory Birds Convention Act, 1994* (S.C. 1994, c. 22); the *Species at Risk Act* S.C. 2002, c. 29 (SARA); *Marine Mammal Regulations, SOR/93-56*; the *Fisheries Act, R.S.C., 1985, c. F-14*; and the *Canada Wildlife Act (R.S.C., 1985, c. W-9)*. At the provincial level pertinent legislation includes: *An Act respecting hunting and fishing rights in the James Bay and New Québec territories, CQLR c D-13.1*; *An Act Respecting the Conservation and Development of Wildlife, CQLR c C-61.1, An Act respecting threatened or vulnerable species, CQLR c E-12.01*, and the *Parks Act, CQLR c P-9*, I. Government representatives to whom I spoke during this research stressed, though, that Inuit could not be charged with ‘poaching’ since they have a guaranteed right to subsistence hunting under the terms of their agreement. See later in this paper for discussions about subsistence harvesting under the terms of the James Bay and Northern Quebec Agreement.

<sup>2</sup> Inuit research participants included employees of local, regional, provincial, and federal wildlife management bureaus, representatives of Inuit organizations (including Makivik, Kuujuaq’s landholding corporation, and the regional hunters’ association), owners of outfitting camps, and members of co-management boards.

<sup>3</sup> For more detailed discussion about these concepts see Blackburn (2008). He defines ontology as the theory of being or existence, epistemology as the theory of knowing, and teleology as the study of the ends or purposes of things.

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