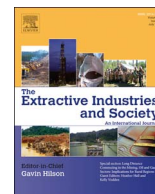




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Original article

Ethnographic refusal in traditional land use mapping: Consultation, impact assessment, and sovereignty in the Athabasca oil sands region

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ABSTRACT

Traditional land use (TLU) mapping is a key mechanism for Indigenous communities to defend their land use and occupancy in environmental impact assessments. Yet, when faced with TLU interview questions, some Métis community members express reluctance to share sensitive land use information. TLU mapping is linked to a broader history of cartographic colonialism that forces Indigenous peoples to subject themselves to western systems of geographic knowledge. This paper asks: what do moments of ethnographic refusal convey about TLU assessments and consultation? Refusal – a practice of rejecting state-driven recognition and asserting Indigenous sovereignty – reveals several methodological flaws with TLU studies that undermine the efficacy of consultation. Based on our TLU research with the McMurray Métis community, the authors describe how TLU studies can undervalue Indigenous geographic knowledge by deemphasizing cultural landscapes, compromising land use locations, and reducing understanding of impacts to site-specific analyses. These problems stem directly from state regulation that deems development inevitable and positions TLU studies as a catch-all mechanism for competing processes: impact assessments and the duty to consult. Attending to ethnographic refusal in TLU studies inspires a more culturally appropriate methodology that asserts Indigenous sovereignty of lands identified for resource extraction in Canada and worldwide.

1. Introduction

Conflicts surrounding resource extraction and land use are struggles of competing geographies and interests in the land. Underlying the vast forests and muskegs that blanket northeastern Alberta lies the Athabasca bitumen deposit (known as oil or tar sands) one of the largest hydrocarbon reserves on the planet. More than a hydrocarbon-rich place, the Athabasca region of northeastern Alberta is the homeland of Cree, Dene, and Métis peoples who are both impacted by and benefit from oil sands development. Since the onset of large-scale oil sands extraction in the 1960s and following rapid increases in oil prices in the early 2000s, the Alberta oil sands industry has rapidly expanded, fragmenting and often destroying Indigenous land (Westman, 2006; Huseman and Short, 2012; Joly and Westman, 2017; Longley, 2015). Many Indigenous communities in resource extraction areas face a difficult balance between preserving places integral to their cultural

identity while also participating in the resource economy to maintain a livelihood.¹ As a response, communities such as the Fort McMurray Métis community (hereafter McMurray Métis) increasingly participate in land use planning and impact assessments (IA), and strive to reduce impacts to social and physical environments while also leveraging benefits from industrial development in their homelands (Wanvik, 2016; Wanvik and Caine, 2017; Westman, 2017).

Among many other tools of political and economic self-determination (e.g. Zalik, 2016), Indigenous communities across the globe practice land use and occupancy mapping to show the geographic extent of their land use, assert their Indigenous rights, and report the adverse impacts of resource extraction. Indigenous land use and occupancy mapping emerged in the Canadian North in the 1970s as a mechanism for communities to prove use of their territories in land claims and IA processes (Freeman, 1976; Berger, 1977; Nahanni, 1977; Asch et al., 1986). Traditional land use (TLU) studies involve interviewing

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¹ In this paper, we refer to specific names of Indigenous communities, when possible, and provide a specific case study of the McMurray Métis community. We sparingly use the blanket term 'Indigenous' to discuss legal or regulatory issues, such as the duty to consult, that apply to many communities facing resource development, or to discuss specifically named things like Indigenous Land Use and Occupancy mapping. We use the term Aboriginal when referring to Canadian law.

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Indigenous community members and documenting their land uses on a digital or paper map, which researchers then compare with potential and actual extractive projects (Olson et al., 2016).² These land uses may include travelling trails and waterways, camping, visiting trapline cabins, hunting, trapping, fishing, plant gathering for medicine or food, and other ceremonial activities. TLU refers not only to the material act of harvesting, but also the social, cultural, and economic wellbeing that accompanies those activities (Lacombe 2012:4–5; Nadasy, 2003; Ghostkeeper, 2007; Joly, 2017). TLU mapping is now a widely used and federally recognized mechanism for researchers to assess the potential impacts of a proposed industrial project on Indigenous communities (CEAA, 2012). Communities such as the Métis in Fort McMurray (hereafter McMurray Métis) are using TLU mapping to their benefit, as a method for strategic engagement in resource development (see Wanvik and Caine, 2017).

The authors of this paper – one Métis community member (Wells) and three newcomers to Alberta (Joly, Longley, and Gerbrandt) – have a combined 16 years of experience as TLU researchers with the McMurray Métis community. The McMurray Métis is a community of around 300 members who live and have historic roots in Fort McMurray, Alberta, as well as widespread traditional land use and familial connections extending throughout the Athabasca and Clearwater River valleys (Clark et al., 2015). The McMurray Métis government represents the community in a wide array of political, business, cultural, and administrative functions, such as interacting with oil sands companies and the various levels of government. The community's leadership uses TLU studies as a powerful tool to aid in negotiating with oil companies and governments. However, in our TLU research, we observed that some Métis study participants – while providing high quality TLU data and actively engaging in studies – at times resisted sharing certain land use information. If TLU mapping is a tool to advance Indigenous self-determination in Canada, why do some community members refuse to map certain information? In this paper, we analyze individual examples of ethnographic refusal to comment on pitfalls and opportunities afforded in TLU studies, and community-level acts of asserting sovereignty.³ Specifically, ethnographic refusal, as it pertains to TLU interviews, demonstrates how TLU studies in Alberta are methodologically flawed as a product of a state-dictated consultation process in which community members feel that development is inevitable.

In this paper, we characterize these moments in which Métis community members have not always been willing to share information as examples of Mohawk scholar Audra Simpson's (2014) concept of ethnographic refusal. Refusal, at face value, is the act of saying 'no' to a gift, event, or structure. Ethnographic refusal can also be a method employed by researchers who wish to conceal sensitive information and protect communities. More recently, scholars have recognized ethnographic refusal as a concept that is also theoretically generative as it illuminates historical processes and political structures, revealing more than it conceals (McGranahan, 2016). In her ethnography, *Mohawk Interruptus*, Simpson (2014:78) articulates refusal as a tool long employed by Mohawk people in their relationships with the state. For Simpson, refusal is a means of rejecting state sovereignty and the logics of settler colonialism, while making a claim for Mohawk sovereignty (Simpson, 2014; cf. McGranahan, 2016; TallBear, 2016).

² In keeping with our argument about ethnographic refusal, we do not include an example of a TLU map in this paper. For an example, please see Tobias (2009), McMurray Métis (2012:80–160), or the Canadian Environmental Assessment Agency and Alberta Energy Regulator databases for TLU maps on the public record.

³ In this paper we use the term "refusal" in specific reference to Audra Simpson's (2014) concept of ethnographic refusal, which we broadly define as moments of resistance to ethnographic research, or, in this case, the land use consultation process. We do not state or otherwise imply that McMurray Métis members provide anything other than accurate land use information to the TLU consultation process. The McMurray Métis community consistently participates in all regulatory and consultation processes in an accurate, punctual, and professional manner.

Similarly, reluctance to share land use information in TLU research is both a means of rejecting an existing methodology of IA and consultation, as well as generating alternative IA methods which may be more inclusive of Indigenous voices and the possibility of consent; ultimately, it is a means of asserting Métis sovereignty. Examples of ethnographic refusal in this paper reveal how TLU mapping is a problematic practice that forces Indigenous peoples to conform to western mapping systems that can be culturally inappropriate and linked to a broader history of cartographic colonization (Eades, 2015; Edney, 1996; Harley, 2001; Harris, 2003). The moments of reluctance in TLU studies we describe are subtle,⁴ reflecting issues of privacy in a cultural context of reciprocal relations with the land (Scott, 1996; Ghostkeeper, 2007). We assert that ethnographic refusal stems in part from the fact that resource maps are fundamental tools of industrial colonization that portray the Athabasca region exclusively as a resource extraction zone. As a result, in some instances, the TLU process violates both the confidentiality and nature of Indigenous geographic knowledge, which leads Métis community members to evade the disclosure of certain land uses. This ethnographic refusal, at a community level, is a means of rejecting settler colonial structures and ongoing dispossession of Métis homelands, and an assertion of self-representation and self-government in a context of state-defined rights.

Using a case study of the McMurray Métis community, we critique problems with consultation and IAs with international importance for resource extraction and Indigenous rights in Alberta. In Sections 2 and 3 of this paper, we describe the theoretical, methodological, and political context of TLU studies. TLU mapping is an invaluable (and often the only) way for Indigenous communities to contest the portrayal of their traditional lands as extraction spaces and to negotiate with industry and government for economic benefits and protection of rights and the environment. However, the process of TLU mapping misrepresents Indigenous geographic knowledge in several ways, which leads to community members' reluctance to share land use information. We outline these moments of resistance in Section 4.

TLU mapping requires Indigenous peoples to translate their geographic knowledge into a western medium that freezes, codifies and simplifies a complex and changing relationship with the land. By mapping their historic and current land use, communities feel they are restricting any future expansion of their land use, which is necessary for subsistence, cultural growth, and to ensure adaptive capacity given the growing realities of climate change impacts. TLU mapping further forces land users to reveal knowledge of their environment to an unlimited number of outsiders, an act that compromises the places and ecosystems they reveal and that is disrespectful to the land itself. The IA process places the responsibility to provide evidence of Indigenous rights practice (i.e. occupancy and use of land) on Indigenous communities themselves, rather than on the Crown or proponent. Many of these issues are amplified by the structure of consultation in Alberta. In almost all instances of development, the Government of Alberta delegates the duty to consult to the proponent (Laidlaw, 2016:26; Passelac-Ross and Potes, 2007). The proponent typically fulfills this duty by funding a TLU study while also using the TLU study results in its Environmental Impact Assessment. However, consultation and IA are two separate processes, and by combining them, the Alberta regulatory process serves to limit Indigenous land use rights. In the final section, we conclude with principles that have the potential to render TLU mapping a more culturally sensitive and less problematic method for

⁴ These moments of ethnographic refusal should not be confused for the rejection of oil sands development altogether. Indeed, while many communities in Canada "say no" to development by rejecting it outright (e.g., Bowles and MacPhail, 2017; Kunkel, 2017; Veltmeyer and Bowles, 2014), many communities in the Athabasca region, including the McMurray Métis, aim instead to slow development and work to minimize impacts and maximize benefits for their communities. The ethnographic refusal we document in this paper, then, is about improving a process of development and consultation for Indigenous communities.

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