Legitimacy on stage: Discourse and knowledge in environmental review processes in Northern Canada

Thea Luig
University of Alberta, tluig@ualberta.ca

Abstract

Based on ethnographic fieldwork, this paper investigates the interplay of discourse and knowledge within a context of structural power during public hearings for the environmental review of a proposed pipeline project in Canada. Despite much improved provision for Aboriginal participation in political and economic decision-making, negotiations between the Canadian government and northern Aboriginal people are often described as frustrating and unsatisfying by individuals involved in them. Analyzing formal procedures of the hearing process as well as interview data, I argue that legal adaptations and participatory processes are wrapped in a discourse conforming with international demands to respect Indigenous rights, but, in fact, are orchestrated in a way that favours the alliance of the state, corporations, and administrative professionals, thus ruling out effective influence on the part of local Indigenous people. Northern Aboriginal groups respond to these challenges by utilising discourses from international human rights and environmental movements as a tool to legitimise land-claim and self-governance demands, thereby attempting to transform articulations of identity into political and economic capital. As I will show, although the public discourse of the different agents involved is framed in symbolism that suggests mutual understanding and aims to generate support from the wider public, modes of knowledge production anchored in science/technology versus primary experience continue to de-legitimise one another, therefore precluding an efficient dialogue. Uncovering these mechanisms, anthropological work might add to the means for Indigenous groups to lessen their structural disadvantage in their efforts for more local control within processes that are designed to perpetuate existing hierarchies.

KEYWORDS: discourse, legitimacy, political ecology, environmental policy, public participation

The long pregnancy of a pipeline

The current rush to explore and extract oil from the reserves of the arctic regions is by no means a recent development. The application for a 1,300-km pipeline from the Beaufort Sea to the southern provinces via the Mackenzie River valley, the Mackenzie Gas Project (MGP), was first put forward in the 1970s. Justice Thomas R. Berger was commissioned to study the impact that the construction of the pipeline would have on the environment and the Indigenous people of the region. In order to complete this task, he travelled to all the communities that would be affected and listening to what local people had to say about the proposal. Following his report, all industrial development plans were postponed until after the land dispute between the Canadian government and First Nation groups had been settled. More than 30 years later during 2006 and 2007, public hearings were held again on the *if* and *how* of the pipeline. Berger's method of including public hearings in the environmental review process is now an intricate part of the regulatory process. A formally appointed Joint Review Panel travels to communities and listens to the statements given by registered interveners with the focus being the very same pipeline project as in the 1970s.

However, the current bureaucratisation and professionalisation of the procedure is hard to ignore. Contemporary discourses, such as sustainability and inclusion of traditional knowledge, have been added to the vocabulary of speakers. The legal framework of aboriginal rights and participation that has been developed in the past three decades now serves as the basis for the procedure. Nevertheless, the people who gather at these meetings face the same dilemmas surrounding industrial development, its adverse effects, and its possible or supposed benefits. The dispute today is about more than industry and jobs, just as it was then. Much has been done, written, and said since the 1970s to analyze the beliefs, values, and lifestyles of the Athapaskan-speaking Indigenous population of northwest Canada on the premise of incorporating their input in shaping the future of the region. The legal provision of consultation, cooperation, and participation of First Nations is one result of this. However, in 2006 on the stage of the exquisite Yellowknife Explorer Hotel, technical PowerPoint presentations on how to mitigate potential negative impacts in sophisticated ways continued to stand in stark contrast with stories from Elders on how they respect the land on which they go out to live and hunt. While local Aboriginal people presented their concerns at the hearings, Prime Minister Stephen Harper announced in public that he wants to see the Mackenzie Gas Project starting as soon as possible and without too many conditions on it.

In this context, my research focused on two questions: To what extent does the participatory process realise what it claims? What does the discourse applied during those hearings reveal about the relations between local Indigenous people, transient professionals, and natural resources in Canadian environmental policy?

In this paper, I argue that while the parties involved in this ongoing contest over land, resources, identities, and power have adapted their strategies, discourse, and performances to conform to the concept of Indigenous participation in resource management, their underlying assumptions about the legitimacy of arguments continue to be marked by the legacy of colonialism. However, these interactions only at first glance fit a simple dichotomy of the powerful state versus suppressed Indigenous minority. As I will show in the following,

northern Aboriginal people in Canada are actively reconstructing an identity that is far from assuming a victim role. The emic notion of the Dene lifestyle, the Dene way, is conceived as a continuum, something that was always there and, informed by the teachings of the Elders, will always prevail. Especially in the face of ongoing negotiations with industry and government, which fuel the process of re-strengthening and reconstructing an ethnic identity: a self-representation of strength that functions as social capital and, via land rights and self-government, can be transformed into economic capital (Zips 2002: 269).

Political ecology of contested environments

The data presented in this report are based on three months of fieldwork conducted during the summer of 2006 in the area north of Great Slave Lake in the sub-arctic region of the Northwest Territories in Canada. Two rather distinct phases complemented one another: the first consisted of research in Yellowknife, the capital and administrative centre of the Northwest Territories and in adjacent aboriginal settlements; during the second period, I was invited to accompany and stay with the extended family of an Elder and medicine woman at their bush camp, where I had the opportunity to take part in many facets of daily life of daily life. From this position, I was able to observe not only my environment but also my own experience of being in this environment. Data were collected using semi-structured interviews with local Dene leaders, Elders, families, employees, as well as Euro-Canadian lawyers, consultants, scientists, and politicians involved at various levels of the review process, archive research, and informal conversations. Participant observation during hearings and bureaucratic processes proved very valuable in the first phase whereas observing participation (Goulet 1998: xl), meaning the observation of the impact my participation had on my own perception and on my social environment, dominated the second phase.

In this paper, I will concentrate on the point of interaction of diverging discourses on environment and knowledge with the structural power enshrined in participation processes: the public hearings during the environmental review of the Mackenzie Gas Project (MGP).

At the heart of the conflict between the Dene people, the Canadian government, and the oil industry are diverging conceptualisations of humans, the environment, as well as humans' position within the environment. On the surface the debate is about environmental degradation; however, equally or even more important are issues relating to complex and contested concepts such as development, group identity, collective rights and self-governance within the framework of a post-colonial nation state.

As defined by Arturo Escobar, to analyse the political ecology of contested land and resources in the Northwest Territories one needs to study the 'manifold articulations of history and biology and the cultural mediations through which such articulations are necessarily established' (1999: 3). Considering power relations on multiple levels, histories, meanings, knowledge formation, discursive language, social change, and the agency of the natural environment, the analytical frame of political ecology strives to give a full account of the ways in which human relations and human-in-nature relations mutually shape each other. Since environmental degradation or struggles about land and resources demand solutions, 'political ecology offers the sober excitement of policy-oriented politics,

radical critique honed to influence both technical policy and public opinion'(Lowenhaupt Tsing 2001: 4).

For the analysis of power relations, Eric Wolf's (1999) concept of structural power is most useful. I will therefore draw largely on his work in examining power in relational terms in the context of the Dene people and the MGP. Research and analysis need to be guided by an understanding of how relational power not only operates within structures and settings but orchestrates these settings to direct and determine the distribution of resources.

Discourse, communication, and performance are important vehicles of structural power, and, consequently, it is crucial for research to investigate linguistic and professional codes. Of paramount importance to Wolf becomes the disclosure of the way power hegemonises these processes and works to prevent potential disruptions. Public discourse and communication between differently perceived and coded ways of thinking humans-in-their-environment and of granting authority are central to what I have witnessed in the Northwest Territories. However, in order to avoid stolid dichotomies between humans and nature, an anti-essentialist conception of human-environment-relations is needed.

In the past decade, two outstanding thinkers have moved one step further towards transcending these dichotomies. Tim Ingold (1986; 1993) has contributed major advances in theorising hunter-gatherer ontology, and his work is therefore particularly relevant to the situation of the Dene. For his part, Escobar (1999) has asserted the invalidity of essentialist usages of the terms *nature* and *society* and moved on to offer categories that describe three different identities of nature resulting" with "three categories of 'nature' that result from from major discursive patterns.

Ingold's critique aims at the distinction prevalent in social sciences between operational models of biology and cognitive models that give biological phenomena meaning (see Berger & Luckmann 1971). Based on this assumption, scientific conceptualising holds to recognise and explain both which leads to contrasting descriptions of *etic* and *emic*. Nature consequently acts in a dual role: both as the product of cultural construction and as its prerequisite. If pushed to its logical conclusion, this arguments results in infinite regressions (Ingold 1993: 71; Kukla 2000). In contrast, Ingold argues that hunter-gatherers do not make a distinction between organism and mind, and therefore are not caught in the aforementioned paradox. I will illustrate this line of thinking with an example: Dene call certain rocks 'grandfather' rocks (Luig 2008: 22). Within the paradigm of social constructivism the rocks would be perceived *as if* they were grandfathers, *as if* the relationship to them were comparable to that to one's grandfather. According to Ingold, however, humans are integrated into their environment, they are 'organism-persons' with intentional powers as are other non-human components of the environment. Consequently, the world is made up of a variety of social agents including humans and non-humans, organisms and non-organisms, which depend upon each other in a network of reciprocity (Ingold 1993: 81). Applying this back to the example of the grandfather rock, it becomes clear that the social relationship between the human-person and the rock-person *is* one of a grandchild to its grandfather with all the associated mutual obligations. It is not implied that hunter-gatherers do not distinguish between humans and animals or humans and rocks. Various manifestations of personhood are recognised by different characteristics, but in opposition to the dominant view in mainstream society, the primacy of the human is not assumed. Therefore, when

describing features, actions, or intentions of personhood in human, animal, or other terms, these are not submitted to a hierarchy. The interactions between humans and non-humans are not intrinsically different from relations among humans only. The separation of mind and nature is a construct rooted in European intellectual history, which is problematic to use as a category for describing others. Having dismantled the separation of social and natural, *interagency* is the defining aspect of humans in their environment, and knowledge arises from this interaction. As the criteria for legitimate arguments employed by Dene during the hearing process show, this definition of environment is the appropriate concept within the Dene context.

Arturo Escobar (1999) applies Ingold's approach to his efforts to propose an anti-essentialist description of identities of nature. Taking into account the shifting meanings of nature throughout history, he suggests three so-called *nature regimes* that are the result of the major discursive articulations of the organic, of capitalism, and of techno-science.

The *organic nature regime* concurs largely with Ingold's concept of interagency comprising all elements of the environment including living and non-living beings. The *capitalist nature regime* objectifies and commodifies nature in a modern capitalist world that requires 'rational management of resources and populations based on the expert knowledge of planners, statisticians, economists, demographers, and the like – which Foucault (1991) has called "governmentality"' (Escobar 1999: 6).

Techno-science pays attention to artificiality beyond capitalist production: biology, including humans, increasingly becomes a question of design. Virtuality is one important aspect within that field in that 'real-time technologies mark the decline of place, territory, and the body in favour of a terminal-citizen, the global delocalisation of human activity, and the devaluation of local time' (Escobar 1999: 12). From this arises the possibility for marginalised groups to mobilise locally constituted resources and adapt them in the production of their identities in the course of political and economic negotiations. Hybrid natures in the sense of an incorporation 'of multiple constructions of natures in order to negotiate with translocal forces while maintaining a modicum of autonomy and cultural cohesion' (ibid) are particularly relevant to the Dene's strategy within the environmental review process.

Based on these theoretical considerations, my major focus will be the production of knowledge based on different nature conceptions and its articulations in argument legitimation and discourse utilisation during the public hearings of the environmental review process of the MGP.

Writing the script: Formal procedures of participation in environmental review processes

The 1982 Constitution Act clearly states that: 'The existing aboriginal and treaty rights of the aboriginal people of Canada are hereby recognised and affirmed' (Constitution Act, 1982). Since the Berger Inquiry and the demand to settle land claims in order for the MGP to proceed, treaty rights have been re-negotiated and extinguished in most regions of the Northwest Territories (NWT). In the 1970s, the Indian Brotherhood of the NWT, including the Métis and the Canadian government, worked on one single joint claim on behalf of the Aboriginal people of the Mackenzie Valley and the western NWT. Negotiations, though,

were characterised by considerable difficulties and the government withdrew funding on several occasions when no agreement could be reached (see Luig 2008). The scope of this paper does not allow for any detailed account of the historical events, the following events, however, are crucial to understand the political underpinnings of the situation: in 1990, the joint land claim broke off and the Gwich'in of the Mackenzie Delta region signed the first Comprehensive Land Claim Act in 1992. The Sahtu region followed in 1994, and the Tlicho in 2005. In 2003 the Gwich'in, Inuvialuit, the Sahtu Dene and the Métis of Deline signed a self-government agreement-in-principle. The North Slave Métis have been left out of all negotiations and are fighting for their own agreement. The Akaitcho in the immediate proximity of Great Slave Lake and the Deh Cho further west have so far only framework agreements on how to proceed with negotiations. Because the advance of the pipeline project is tied to the settlement of land claims, the Deh Cho and Akaitcho region are in a position where they can, in theory, effectively press for their interests.

Since treaty rights are constitutional, local Aboriginal governments are entitled to participate in the environmental review process and to have their concerns taken into account. These third party interests, however, are threatening the symbiotic agendas of government and resource extracting industries. Therefore, provisions are made and considerations allowed on various levels within a rather nontransparent institutional cluster of boards, committees, government agencies, and panels.

In the region, any industrial development involving construction and, therefore, land and water use has to apply for respective licences with the Mackenzie Valley Land and Water Board. This agency consists of scientific and administrative staff based in Yellowknife responsible for the handling of applications, information gathering on the proposed project, and dealings with industry and government. The information is then taken to local boards in affected communities, where indigenous members discuss the issue and concerns are expressed. In the case of the MGP, the application was then referred to the Mackenzie Valley Environmental Review Board for a full assessment including public hearings on technical, environmental, and community issues conducted by a Joint Review Panel.

Because of the multitude of institutions with different mandates involved, a Cooperation Plan was worked out and signed in 2002 to coordinate all activities and ensure a timely process (see Cooperation Plan 2002). Most of the management boards involved and responsible for a part of the regulatory process were established by the settlement of the comprehensive land claims in the Gwich'in, the Sahtu, and the Tlicho regions, or by the Mackenzie Valley Resource Management Act (MVRMA) and are predominantly staffed with Euro-Canadian professionals. Important to note in this legal patchwork is that the people of the Deh Cho and Akaitcho regions have no claims settled to date and are not signatories to the MVRMA; therefore, they did not participate in negotiating the guidelines for an environmental review process nor take part in the Cooperation Plan.

To elaborate further on the plurality of processes that need to be followed in the course of an environmental review would go far beyond the scope of this paper. What the above sketch illustrates is that a complex network of institutions and professional positions has been established on the premise of guaranteeing environmentally and socially sound decisions on development in accordance with the constitutional rights of the First Nations

to their land. Its core, however, consists of Euro-Canadian scientific and administrative professionals who are subject to and positioned by the Euro-Canadian legal and economic system. Not only that, but these professionals 'have a great deal personally invested in scientific management *as a profession'* (Nadasdy 2003: 122) and are therefore interested in maintaining bureaucratic structures as the exclusive domain of scientists and resource managers. Consequently, issues and problems are analyzed, evaluated, and decided on within exactly this framework, lowering the potential for actual consideration and incorporation of the opinions of local First Nations. Dene people are to participate where seen fitting within this structure.

Low local participation, however, would deprive the hearing process of its legitimacy. Therefore, the Dene are admitted through the back door: by exemptions. In the case of Elders or traditional knowledge, the panel is willing to admit individuals and information 'that would *not normally be admissible* under the strict rules of evidence' (Consolidated Hearings Procedures 2006: 7). Intrinsic to the making of such exemptions, however, is the assumption that the rules themselves are flawless and not to be questioned. Matters seen as unfitting, but requiring to be integrated – in this case by the Constitution – are set apart and tolerated as exemptions. Clearly, this cannot provide for communication or dialogue on an equal footing.

Looking at the conceptualisation of knowledge called *evidence*, namely expert technological and scientific knowledge certified by the Euro-North American educational system, it becomes clear that the Dene's individualised knowledge accumulated by primary experience (see Goulet 1994; Smith 1998) substantially diverges from the larger society's criteria for legitimate knowledge. In Canada, as in many North American or European countries, technological and scientific evidence is, however, an integral building block of power, each mutually reproducing the other throughout history. To keep knowledge within the legitimising frame of science is an essential condition for further growth of an industrial society (see Foucault in Dreyfus & Rabinow 1982). Dene ways of gaining knowledge and granting authority to it are based on primary experience, on a close relationship to all elements of the natural environment. The evidence brought to the fore by local Dene is permitted to appear as *traditional knowledge* and positioned as an exception apart from *normal* knowledge.

This is not to presume that professionals working with government departments or different boards would not value and appreciate Indigenous input. In interviews, several of them expressed their great respect for Dene *culture* and their good intentions towards improving living conditions in the North. As one said: 'The government wants aboriginal people to have all the advantages that other Canadians have, but respect their culture, their need for sustainable development, self-sufficient communities …' (interview data, see Luig 2008: 55).

Under the premise of equal opportunities, official rules and settings are designed to reduce all possible and existing modes of legitimacy to the hegemonic one. Until then, local knowledge is – with an invitation to try and comply – granted a special position, as an exception, outside of the legitimate workings of the institutions.

Local Aboriginal people I have spoken to are well aware of the national interest in the development of profitable natural resources as well as the secondary role their participation in the decision-making process plays. As a result, demands for compensatory money and royalties assume great importance as a way to benefit from development that is anticipated to have considerable adverse social and economic impacts for some local Aboriginal communities. The economic benefits for the region – advertised by the proponents as extensive – will, in fact, be limited and in no relation to the expected losses. In the Gwich'in and Inuvialuit region in the north of the Mackenzie Delta area more than one hundred permanent jobs will be created. Conversely, for the Deh Cho region through which most of the pipeline will cross, the jobs offered during the operation phase of twenty years will amount to a mere seven. Compared with the Gwich'in and Inuvialuit regions, the money spent in the Deh Cho region during a construction phase of four years will be inversely related to the amount of transportation tonnage and land needed for construction and infrastructure. That means the Dene of this area will face the most negative impacts and benefit the least economically (personal communication with Deh Cho Nation consultant).

Taking the formalities of the consultation and review process, the dominant role of scientific and technological knowledge, and the inherently unequal financial and infrastructural resources of government and industry compared to local communities into account, it can be argued that Aboriginal participation procedures are orchestrated in a way that reinforces established political, economic, and administrative structures. The media reported on the hearings accordingly, showing snapshots of local Aboriginal leaders talking about the land and requesting financial benefits in broken English without providing much context information. Such an image confirms assumptions about northern Aboriginal people that are widespread in mainstream Euro-Canadian society and rooted in the country's colonial history.

In summary, diverging modes of knowledge production and legitimation represent a major communication barrier for effective Aboriginal participation during environmental review processes. Decision-making pathways are shaped according to Euro-Canadian patterns. Even though traditional knowledge is formally recognised and taken into consideration, without knowledge of the rules and conduct of Euro-Canadian society and its legal system it is impossible for indigenous groups to fully and on an equal basis take part in decision making. Access to financial and structural resources then assumes an importance that creates tensions with local Aboriginal communities. Financial capital allows local leaders to hire professional consultants who provide services within the state-legitimized professional knowledge framework. Money also buys, as the local discourse labels it, Aboriginal leaders to agree to developments which members of their communities might oppose. Monetary economy and formal post-secondary education are increasingly embraced in order to preserve the possibilities of living with Dene values and/or native economy, to preserve or regain an acceptable degree of self-governance. However, at times these adaptations result in the estrangement of those Dene leaders who do participate actively in the Euro-Canadian political system from local social realities and from life on the land, lessening their legitimacy within the community.

Legitimacy on stage: Knowledge and discourse during public hearings

The hearings of the Joint Review Panel are where First Nations participation is presented to the eyes of the public. It is also at the hearings where orchestrations of power relations, legitimisations of knowledge, and different ways of thinking the natural environment are articulated, intersect and interact as a culmination point of what is advertised as being a fair and equal participation process.

Dene people endeavour to question current power structures and their presentations at the hearings are intended to demonstrate the illegitimacy of the present situation within a multilevel attempt to negotiate, resist, and accommodate with the aim of regaining an acceptable degree of self-determination. The presentations of the industry, however, are clearly business oriented, in a canvassing language, and tactically use key symbols of Dene discourse to persuade the *customer* to buy. Lastly, the Review Panel, as an independent body under the premise of making objective recommendations to the government, exists because of and for the current politico-economic conditions and, therefore, subtly works to maintain them.

In the following, I will describe how I observed the interaction of these multiple fields of meaning, power, knowledge, and discourse during the hearings in Yellowknife in August 2006. The set-up was reminiscent of a court case: individuals did not speak to each other but addressed the chairman who then redirected the right to speak, preventing any direct exchange of arguments. Speakers had a maximum of 15 minutes, except for the proponents whose presentation was about one hour and therewith the longest on hearing days. The time limit was strictly enforced by the chairman as was the requirement to register 30 days in advance in order to be able to ask any type of question. Consequently, the interested audience – or in other words: the participating public – was not allowed to ask any questions if not registered. Rather, those individuals who had approached the panel with their request to speak up were put off to wait for the community hearing scheduled for December, four months later. Questions from the Joint Review Panel were almost exclusively asked by its two Euro-Canadian members. The legal advisor to the panel explained that for the Aboriginal people, it had something to do with their level of confidence in asking questions (interview data, see Luig 2008: 69). As a result, power and leadership during the hearings remains solely in the hands of Euro-Canadian panel members.

First, the representatives from the proposing oil and gas companies presented the results of their *Environmental Impact Statement*. Referring to concerns from the local public regarding socio-economic effects known from past industrial development in the NWT, such as insufficient training for locals to have a realistic chance of employment, the lack of competitiveness of local businesses to secure contracts, the boom and bust cycle, safety, community infrastructure and maintenance issues due to a massive influx of transient workers, social disruptions, and increased substance abuse, the proponents conclude:

> The project will bring positive economic effects during construction and operations to the people of the North through increases in income, employment opportunities, and procurement. The project will also bring some social disruptions to the people of the North. These disruptions will be short

term, mainly during construction, and will be over a localised area. Most social effects will depend on how people choose to spend income earned from the project or project-related opportunities (Transcripts 18 August 2006: 4219).

Natural resources, such as oil, are separated from the environmental context, objectified, and instrumentalised as a commodity. Science facilitates this perception of components of the environment and provides the 'rational forms of management of resources and populations based on the expert knowledge of planners, statisticians, economists, demographers, and the like …' (Escobar 1999: 6). As positive effects of the MGP, the proponents name increases in labour opportunities and income. The instrumental use of the objectified component of the environment allows humans, through the mediation of investment and labour, to separate themselves from the immediate environmental context and the consequences of their *production of nature*: '"Society" emerges from "nature", resulting in the production of what has been called a second nature, namely, the ensemble of social institutions which regulate the exchange of commodities, including the nature(s) produced by humans' (Escobar 1999: 7). As Escobar concludes, after this production of nature had become the 'dominant reality' the distinction of the first and the second nature became insubstantial. This gives the speakers of the industry the sense of justification to call ecological and social disruptions 'short term' and 'localised' on the grounds that construction will be limited as such.

Further, within the rational of the *capitalist nature regime*, it is possible to attribute adverse social effects solely to 'how people choose to spend income', in other words, to the extent to which people comply to social institutions and value management within the hegemonic second nature.

The same applies to the proponents' assurance that 'qualified and interested Aboriginal' residents and 'qualified, competitive Aboriginal' businesses (Transcripts 18 August 2006: 4219) will be given preference. Such qualities are categorised and defined within the dominant rationale of capitalist modernity. To reduce discrepancies which are anticipated to emerge when individuals conceptualised as outside the *capitalist nature regime* are to be introduced to it, the proponents suggest: 'on-the-job support systems and resources, such as cultural awareness training and life-skills guidance, and including money management …' (ibid.). The promise in this message is that compliance to the current historical form of capitalist modernity will maximise capital accumulation for everyone participating in it. This leads the proponents a little while after to state: 'The socio-economic impact assessment for Yellowknife also found no significant adverse socio-economic effects in Yellowknife, the Northwest Territories or beyond' (Transcripts 18 August 2006: 4221).

However, what is even more important for the analysis of the discourse used during hearings is to pay attention to the criteria that determine the legitimacy of arguments exchanged. Within the *capitalist nature regime* only expert knowledge is legitimate. The information and estimations produced by environmental and physical scientists as well as economists allow the conclusion that there will be no significant negative impacts, the meaning of *significant* likewise being defined by the same experts. By law, though, the proponents are required to take local knowledge into consideration. Maximum capital accumulation today increasingly depends on a successful diversification in strategy and

participation in the ecological and sustainability discourse (Escobar 1999: 7). Part and parcel of this is to pay attention to local residents and incorporate their input.

Local knowledge, however, lacks legitimacy within the dominant regime. Consequently, information given by scientific or technical experts will generally be given priority. A first example is provided by a young Dene man who said: 'Bad about science is that they get it all wrong, but what they say is taken as truth and preferred to what Dene say!' (interview data, see Luig 2008: 66).

The proponent's account of community participation and consultation provides a second example. The label *traditional* attached to the knowledge on which local Indigenous people base their actions, carries meanings of being out-dated, fixed, transmitted from the past, not applicable to modern circumstances, remembered and therefore incomplete, pre-science and therefore outside modern rationality. For the proponents, the incorporation of *traditional* knowledge was, in fact, achieved by 'a review of pre-existing and publicly available traditional knowledge' (Transcripts 18 August 2006: 4215). No communication took place with Dene who will be directly affected by the project. The workshops, open-house event, and public participation meetings were all held in Yellowknife, the capital city of the NWT which is not located within the project area (ibid.: 4214). The community-based 'Traditional Knowledge Studies' that have been carried out in several regions remain firmly within the scientific rationale by design, method, and realisation. According to a Chief of one region, Euro-Canadian consultants interviewed 25 out of 1200 people in the settlements. The resulting 'map looked like we're not using the land' (interview data, see Luig 2008: 66). In this case, the environmental review process failed to recognise local knowledge as a living and adaptive body of knowledge and skills that is is applicable to the current situation. Rather, it is treated as an expression of a time gone by and expected to be replaced by the expansion of scientific and capitalist knowledge production into Indigenous life world.

The tendency within mainstream Euro-Canadian discourse to conceptualise Aboriginal people as a group belonging to the past, bound to lose its distinctive lifestyle and assimilate into the dominant society has been pointed out before (see Willems-Braun 1997). Changes in material cultural, lifestyle, and technology is seen as proof of this development occurring, revealing an evolutionist notion of culture change (see Asch 1982). As we have seen, the discourse of the proponents in the current review process reflects that very same position. What is new is the strategic use of symbols during negotiations. An example for this would be the emphasis on the incorporation of *traditional knowledge* and *public participation*, as well as frequent use of such terms as *sharing* which represents a crucial value in Dene social life. One slide in the proponents' PowerPoint presentation was particularly striking. It represented Dene people, industry, and government as overlapping equally-sized circles. The image was meant to illustrate how all three parties 'share' rights and responsibilities, cooperating in the project as equal partners. Sitting in circles is seen by Dene as one of their characteristic ways of surviving socially and physically. Government and industry actions, in contrast, are held responsible for the division of these circles and the resulting danger for Dene cultural continuity. The circle, as a strong symbol of the continuity of the Dene way, is used by the presenter to reduce this perception of danger,

to distract from the Dene attribution of the causes of social disruption to industry and government, and lead the audience into accepting this model of shared responsibility.

After the proponents finished their talk and none of the registered interveners had any questions, it was the turn of local groups and individuals to speak up. Apart from a few Euro-Canadian concerned citizens and environmentalists most of the subsequent speakers were Dene. Dominating was a group from several communities from the Deh Cho region: three Chiefs, several Elders and harvesters brought their concerns before the panel. Most spoke in English with accent, some spoke one of the Athapaskan languages and were translated. Recurring topics throughout the course of the presentations were the necessity to protect water and land for the animals and humans to live off, as well as scepticism towards and disappointment with the promises and behaviour of government and industry. Whatever argument was presented was supported by references to the speaker's own experiences on the land, either as part of their self-introduction: 'I lived on the land most of my life' (Transcripts 18 August 2006: 4281), or directly to support their opinion:

> Mr. Michel: (No Translation) – there's a lot of things that we do, and we also do a lot of trapping and hunting and fishing all the way to Slavey Point. We do all that. We travel a long ways. We do – and our trapline extends all the way down to different areas of the lakes along the lake shore. We go even to Providence and we do that. And we do survive on one land and everybody survives on it. We know that. We're aware of it. We also even live along the shore of the Great Slave Lake (ibid.: 4233).

Contrary to the *capitalist nature regime* with its hierarchical positioning of humans above nature, able to control it, produce it and consequently separate themselves from it, within the *organic nature regime* (Escobar 1999: 10) relations between organisms, non-living environment and non-beings are intrinsic to the development of new organisms, persons, and therefore survival. Any action that damages one part will have a destructive influence on other parts. The reason for knowing and legitimate anticipation of consequences lies in experience. Primary experience is for Dene the preferred material for the production of legitimate knowledge.

In this rationale, the assessment of government and industry are being questioned. Learning is equal with being and working on the land, which is required if someone is to be trusted and believed. The following quote shows that this authority is not granted to employees of government and industry not living in the North:

> So if anybody thinks this is a real long trapline [referring to the pipeline corridor; note of the author] and it's really good for hunting and so on, well, they better go back out there and live that lifestyle because you could see it when you sit in these big boardrooms that there's a lot of things happening over there. To tell you the truth, it ain't. (Transcripts 18 August 2006: 4244)

From this brief analysis it can be concluded that a decisive reason why the debate on the *if* and *how* of a development project such as the MGP has continued for more than three decades lies in the mutual rejection of legitimacy. However, two more crucial factors have to be added: first, participating agents are embedded in historically, politically, and

economically uneven power structures, that are rooted in colonial history and account for the hegemonic position of scientific ways of knowing. Second, neither Dene nor Euro-Canadians are homogenous groups that exist in a bounded system. Local Dene people are part of multiple networks within diverse contexts such as universities, work places in industry, administration, government, or business with foreign tourists. Experience taken from these interactions is transformed into knowledge and the associated discourse is used in local situations. Just as the proponents utilise symbols of sharing and listening to Elders, Dene lend their arguments more weight with scientific data as well as global discourses of sustainability, Indigenous rights movements and human rights. A young woman working for the *Artic Indigenous Youth Alliance* used her insight in Indigenous movements in other parts of the world in her presentation. With this diversification of discourses into the sphere of contemporary public and global issues, she hoped to strengthen her position, moving local resistance into a worldwide community:

> Northern youth want sustainable communities. Our future needs to come from a collective vision and planning of northern people and not come from large multi-national oil companies who have a continuing history of abusing human rights of indigenous peoples across the world (interview data, see Luig 2008: 81).

Concluding remarks

The exercise of power occurs at the point of designing discourse, participation, negotiation, or compensation. The point of departure for these processes is the fact that the Canadian state in alliance with trans-national oil and gas corporations takes the control over northern lands and resources for granted. This discourse rooted in Canada's colonial history continues within Euro-Canadian society and secures public support for development plans in the North.

In analyzing the discourse during the hearings to the MGP it became clear that the major factor perpetuating these mechanisms is the production and resulting legitimation of knowledge. Within the argumentation of Dene speakers, scientific knowledge is not legitimate and cannot be trusted for its lack of lived experiences on the land. The reference point of government boards, however, is firmly located within scientific knowledge production, not recognising the legitimacy of local knowledge. Arguments brought forward by Dene are then regarded as a mere addition that needs to be respected but is seen as of little actual value for resource management decisions. The exemption status granted to local input then undermines the formally provided specific rights for Indigenous people and places local First Nations in a weak and unequal negotiating position.

Nevertheless, Dene individuals and leaders are eager to defend the treaty according to which they never surrendered their land and to regain a certain degree of autonomy that would allow them to decide on, carry out, and profit from potential development. Discourses about human rights violations, sustainability, and nation building are used to strengthen the legitimacy of their arguments with the wider public.

Many leaders have to work within a dilemma of attempting to redefine discourse and structures towards more local control within discursive patterns and practices which are designed to reinforce existing schemes. This process carries the danger that those very leaders and profes-

sionals will be drawn into hegemonial practices, as they are actively engaged with them.

Simultaneously, individuals in various positions, such as spiritual leaders, Elders as well as young activists, positively promote remembering, recreating a context for learning on the land and listening to Elders, and consequently reconstructing and re-enacting a regionally based Dene identity. As Jan Assmann (2005) shows, for historical examples, new beginnings repeatedly occur in the disguise of the past. In the face of massive industrial development in the Northwest Territories and social disruptions in communities, Dene groups are engaged, at multiple levels, in the process of creating as much open space as possible for the redefinition of a distinct Dene identity flexible enough to include various transformations. The construction of 'economic opportunities in terms that are not strictly those of profit and market' (Escobar 1995: 226) is part of that. However, the success of an alternative representation of the future is a political question. It requires the breakdown of the dominant criteria of legitimacy for discourse and knowledge production. Why Dene people have gained so little control over their land and life ways over the past decades." with "The difficulties of achieving this in the context of structural power reaching from the global and national to the local level are part of the explanation for the continued frustrations of Dene people over local control and self-governance.

References

Asch, Michael. 1982. Dene self-determination and the study of hunter-gatherers in the modern world. In: Eleonor Leacock & Richard Lee (eds.), *Politics and History in Band Societies.* Cambridge: Cambridge University Press, pp. 247–372.

Assmann, Jan. 2005. *Das kulturelle Gedächtnis. Schrift, Erinnerung und politische Identität in frühen Hochkulturen.* Munich: Beck.

Berger, Peter L. and Thomas Luckmann. 1971. *The Social Construction of Reality. Treatise in the Sociology of Knowledge.* London: Allen Lane.

Constitution Act 1982. 2006. In Degah Alliance Society, unpublished.

Northern Pipeline Environmental Impact Assessment and regulatory Chairs' Committee 2002. *Cooperation Plan.* Mackenzie Valley Environmental Impact Review Board: www.mveirb.nt.ca

Dreyfus, Hubert L. & Paul Rabinow (eds.) 1982. *Beyond Structuralism and Hermeneutics.* Brighton: The Harvester Press.

Escobar, Arturo. 1995. *Encountering Development: The making and unmaking of the third world.* Princeton, New Jersey: Princeton University Press.

Escobar, Arturo. 1999. After nature. Steps to an Antiessentialist Political Ecology. *Current Anthropology* 40(1): 1–30.

Goulet, Jean.-Guy. A. 1994. Ways of knowing: towards a narrative ethnography of experiences among the Dene Tha. *Journal of Anthropological Research* 50(2): 113–36.

Ingold, Tim. 1993. Jagen und Sammeln als Wahrnehmungsformen der Umwelt. In: Andre Gingrich & Elke Mader (eds.), *Metamorphosen der Natur. Sozialanthropologische Untersuchungen zum Verhältnis von Weltbild und natürlicher Umwelt.* Vienna, Cologne, Weimar: Böhlau Verlag, pp. 69–101.

Consolidated Hearings Procedures. 2006. Joint Review Panel Directions on Procedures for Hearings. Available at: Paula Pacholek. Joint Review Panel Manager. Suite 302, Professional Building, 125 Mackenzie Road, PO Box 2412, Inuvik, NT X0E 0t0.

Kukla, André. 2000. *Social Constructivism and the Philosophy of Science.* London and New York: Routledge.

Lowenhaupt Tsing, Anna. 2001. Nature in the making. In: Carole L. Crumley, A. Elizabeth van Deventer & Joseph J. Fletcher (eds.), *New Directions in Anthropology and Environment. Intersections.* Walnut Creek, California: Altamira Press, pp. 3–23.

Luig, Thea. 2008. *Discourse and Knowledge in Environmental Review Processes. The Example of the Dene and the Mackenzie Gas Project in Northern Canada.* Unpublished Masters Thesis. Free University of Berlin.

Nadasdy, Paul. 2003. *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon.* Vancouver: UBC Press.
News North NWT, 21 August 2006.
Smith, David M. 1998. An Athapaskan way of knowing: Chipewyan ontology. *American Ethnologist* 25(3): 412–32.
Willems-Braun, Bruce. 1997. Buried Epistemologies: The Politics of nature in (Post)colonial British Columbia. *Annals of the Association of American Geographers* 87(1): 3–31.
Wolf, Eric. R. 1999. *Envisioning Power. Ideologies of Dominance and Crisis.* Berkeley and Los Angeles: University of California Press.
Zips, Werner. 2002. Theorie einer gerechten Praxis oder: Die macht ist wie ein Ei. Wien: Wiener Universitätsverlag.
Transcripts. 2006. *Northern Gas Project Secretariat.* http://www.ngps.nt.ca/jrphearings_e.html. Accessed on 6 September 2008.

POVZETEK

Prispevek v kontekstu strukturne oblasti med javnimi zaslišanji za okoljski pregled predlaganega projekta plinovoda v Kanadi in na podlagi etnografskega terenskega dela, raziskuje prepletanje diskurza in vednosti. Kljub precej izboljšani določbi za staroselsko sodelovanje v političnem in gospodarskem odločanju, so pogajanja med kanadsko vlado in severnimi staroselskimi ljudstvi s strani posameznikov, ki sodelujejo pri njih, pogosto opisana kot frustrirajoča in nezadovoljiva. Na podlagi analize formalnih postopkov zaslišanja kot tudi intervjujskih podatkov, trdim, da so pravne prilagoditve in udeleženi postopki sicer zaviti v diskurz ki ustreza mednarodnim zahtevam po spoštovanju staroselskih pravic, vendar pa so v resnici organizirane na način, ki daje prednost zavezništvu med državo, korporacijami in administrativnimi uslužbenci, s čimer izključuje učinkovit vpliv lokalnih avtohtonih prebivalcev. Severne staroselske skupine se na te izzive odzivajo z rabo diskurzov gibanj za mednarodne človekove pravice in okoljskih gibanj kot orodij za legitimizacijo zahtevkov po vrnitvi zemljišč ter pravice samoodločbe. Na ta način poskušajo artikulacijo identitete preoblikovati v politični in ekonomski kapital. Kot bom pokazala, načini produkcije vednosti, ki so zasidrani v znanosti/tehnologiji namesto v primarnih izkušnjah, še naprej delegimitizirajo eni druge ter onemogočajo učinkovit dialog kljub temu, da je javni diskurz vpletenih akterjev prežet s simbolizmom medsebojnega razumevanja, ki ga splošna javnost podpira. Antropološko delovanje lahko z razkrivanjem teh mehanizmov staroselskim skupinam omogoči izboljšanje njihove strukturne podrejenosti v njihovih prizadevanjih za samoodločbo znotraj procesov, ki so namenjeni ohranjanju obstoječih hierarhij.

KLJUČNE BESEDE: diskurz, legitimnost, politična ekologija, okoljska politika, sodelovanje javnosti

CORRESPONDENCE: THEA LUIG, University of Alberta, Faculty of Arts, Department of Anthropology, 13-15 HM Tory Building, Edmonton, AB, T6G 2H4, Canada. E-mail: tluig@ualberta.ca.