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Elsewhere and otherwise: Indigeneity and the politics of exclusion in Labrador's extractive resource governance

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ABSTRACT

Indigenous peoples have fought for recognition and inclusion in state-driven resource governance in Labrador for generations. At the same time, the settler state has tried to limit their inclusion by restricting the boundaries of indigeneity. By arguing that Indigenous peoples are not present in the project area or are not doing "traditional" activities, it aims to exclude some groups from the decision-making, monitoring, and benefits of extractivist projects. In rendering indigeneity as spatially and economically contained, government and industry pursue settler colonial fantasies of Indigenous erasure and absence.

This paper uses a recent public inquiry into the Muskrat Falls hydroelectric project as a mechanism to trace how indigeneity has been mobilized in resource conflicts between the state, industry, and numerous Indigenous peoples of the Labrador peninsula since the 18th century. Linking hydroelectric developments with examples of mining, logging, and commercial fishing, the paper explores the dynamic between government efforts to facilitate extractive industry by containing indigeneity and Indigenous assertions of a more flexible and dynamic reality. Instead of abiding to the state's limiting version of indigeneity, the Indigenous peoples of the Labrador peninsula are challenging and reforming environmental governance by demonstrating that they are, in fact, elsewhere and otherwise.

1. Introduction. Resource extraction, indigeneity, and settler colonialism

As resource extraction intensifies in the Canadian north, Indigenous peoples are playing a larger role in resource governance through Indigenous governing bodies, negotiations, and regulatory processes (Keeling and Sandlos 2016). While governing mechanisms such as land claims agreements, environmental assessments, and impact and benefit agreements have evolved in recent decades, one component has remained consistent: the negotiating ground for Indigenous rights and involvement centres around the concept of indigeneity. Canadian state interests and Indigenous peoples have long mobilized multiple definitions of indigeneity and narratives about Indigenous peoples to either justify or challenge inequality and dispossession (Alfred and Corntassel 2005; Cameron 2015; Procter 2016). Governments and industry have relied on narratives of disappearing or limited indigeneity to sanction resource extraction on Indigenous lands, while Indigenous leaders have asserted rights to land and self-determination by demonstrating ancestral connections to territory. At the root of all disputes lies the settler colonial endeavour to exploit the vast wealth of Indigenous territory.

For much of the early colonial period, British and Canadian governments justified dispossessing Indigenous peoples of their land and

resources by depicting them as too primitive to possess land or to govern themselves (Samson 2013; Ray 2016). Legal courts based decisions on outdated anthropological portrayals of Indigenous cultures as static and traditional or as destroyed through acculturation with Europeans (Johnson 2016; Ray 2016; Niezen 2009). Throughout the 1950s and 1960s, state officials discounted Indigenous land-based economies as obsolete, turning instead to assimilationist policies that enabled modern resource extraction and further eroded Indigenous connections to land (Tester and Kulchyski 1994).

In the 1970s, Indigenous peoples countered these narratives by providing evidence of sustained land tenure and self-governance in a series of successful legal challenges. Court cases such as *Calder* (1973) forced the federal government and the Canadian public to acknowledge Indigenous land rights, and a new narrative emerged that equated indigeneity with deep historical and political relationships with the land (Johnson 2016). As lawyers, judges, and government bureaucrats worked to align this new concept of indigeneity with state policies and frameworks, however, they gradually narrowed it into strict recognition criteria that acknowledged Indigenous rights only if groups could demonstrate a continuity of pre-contact activities on mutually exclusive territories (Johnson 2016; Ray 2016). Over the course of the next four decades, Indigenous peoples fought to expand these criteria in the

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courts and in government policy, often with some success (Ray 2016). But the state has endeavoured to maintain a restrictive approach, especially when significant economic interests are at stake.

According to settler colonial theorists such as Patrick Wolfe, the focus on indigeneity is central to the settler colonial project (Wolfe 1999). The settler desire for land and resources drives the state's efforts to eliminate Indigenous peoples through both physical and conceptual means, and to replace them with settler polities. This logic of elimination is enacted through either physical elimination in the form of genocide and violence, or conceptual elimination by creating historical narratives that render Indigenous peoples invisible, disappeared, or inauthentic (Wolfe 1999; Veracini 2010). Once Indigenous difference has vanished, settler colonial polities would feel legitimized in assuming authority. However, in the face of Indigenous resistance and resurgence, the project of settler colonialism is never complete (Strakosch and Macoun 2012).

The conflict over ideas about indigeneity in resource extraction is fought in many settings, from environmental governance and land claims negotiations, to impact and benefit agreements, lobbying campaigns, court cases, and public protests. Imbued in all these processes are narratives about Indigenous peoples and the state-Indigenous relationship. Land claims, environmental assessments, land use planning, and other state mechanisms for negotiation are widely seen as providing new opportunities for Indigenous groups to participate in environmental governance (Mills and Sweeney 2013; Slowey 2008). But as many have argued, these processes also allow the state to facilitate and legitimate resource extraction. Driven by settler-colonial and capitalist interests, the state structures its resource governance regime in ways that limit possibilities and manufacture Indigenous consent (Bernauer 2020; Hoogeveen 2015; Kulchyski and Bernauer 2014; Levitan and Cameron 2015; McCreary and Turner 2018; Pasternak 2014). "The Canadian state is not a neutral arbitrator," as Rebecca Hall (2013: 383) argues. Its restrictive recognition policies contain and manage indigeneity, creating certainty for investors regarding land tenure and enabling extractive industries to access Indigenous lands and resources (Egan and Place 2013; McCreary and Milligan 2014; Procter 2016; Samson 2016; Stanley 2016).

State recognition policies often rely on narratives of indigeneity that focus on cultural characteristics and traditional activities, creating requirements that a legacy of settler colonialism has made difficult to satisfy (Povinelli 2002). In order to be officially recognized, Indigenous peoples often must demonstrate enduring traditional subsistence practices, as defined by the state, despite centuries of colonial violence and dispossession that aimed to destroy Indigenous land-based societies and their ability to maintain these traditions (Kuokkanen 2011; Povinelli 2002). State recognition policies also often rely on narratives of indigeneity that focus on economic need and deficiency (Procter 2016; Stanley 2016). Treated as an economic problem, indigeneity could therefore be solved through economic development, according to this approach. But recognizing indigeneity only through cultural and economic characteristics obscures the impacts of colonialism and the existence of Indigenous peoples as rights-bearers (Asch 2000; McCreary and Milligan 2014). This focus on "culture as tradition," as Audra Simpson argues, serves to deny "the political project of dispossession and containment" (Simpson 2014: 99). Instead, as Indigenous leaders and activists articulate, they represent political communities with political rights (Abele 2009; Coulthard 2014). In negotiations, resource governance processes, court cases, and direct actions, Indigenous peoples continue to pressure the state to integrate broader understandings of indigeneity in its environmental governance processes.

This paper uses a recent public inquiry into a problem-plagued hydroelectric project as a mechanism to explore how indigeneity has been mobilized in extractive resource conflicts between the state, industry, and numerous Indigenous peoples of the Labrador peninsula. The Muskrat Falls Inquiry acts as an anchor connecting diverse

examples of resource extraction going back into the 18th century. Linking hydroelectric developments with mining projects, logging, and commercial fishing, we can trace the role of indigeneity narratives in a wide range of extractivism, defined here as large-scale resource and energy extraction and export (Willow 2016). Starting with the narratives presented at the Inquiry, this paper examines the dynamic between government efforts in Labrador to facilitate extractive industry by containing indigeneity and Indigenous responses that assert a more flexible and dynamic reality.

2. Indigeneity and the Muskrat Falls Inquiry

The Newfoundland and Labrador government launched the *Commission of Inquiry Respecting the Muskrat Falls Project in 2018* to investigate the over-budget and behind schedule hydroelectric development.¹ Nalcor Energy, a provincial government corporation, was constructing a dam and generation plant on the Mista-Shipu (or Churchill River) at a falls 30 km west of Happy Valley-Goose Bay in central Labrador. The region is home to many Indigenous peoples, represented by the Innu Nation, the Nunatsiavut Government, and the NunatuKavut Community Council in Labrador, and by various Innu First Nations in Quebec. The Muskrat Falls project had been mired in controversy since its inception in 2010. Concerns about Indigenous rights, environmental impacts, dam stability, and the project's \$12-billion price tag have plagued the construction period. Now two years behind schedule and \$6-billion over budget, the project was under scrutiny by the provincial Commissioner of the Inquiry, Justice Richard LeBlanc (Cowan, 2018).

The Muskrat Falls Inquiry scheduled Indigenous representatives to speak on its first day. Commissioner LeBlanc carefully outlined the scope of acceptable testimony. The Inquiry was not adjudicating land claims or making assessments about rights, he stressed. Instead, it was examining questions only about the Muskrat Falls project (*Commission of Inquiry Respecting the Muskrat Falls Project, Terms of Reference*). Accordingly, Inquiry lawyers asked to hear only a very limited range of testimony. This succinctness serves us well for the purposes of this paper by encapsulating the narratives employed by the government to imagine and contain indigeneity. Inquiry lawyers asked the Indigenous representatives to demonstrate their indigeneity in two specific ways: 1) by describing the extent to which they carried out specific economic activities identified as "traditional" — hunting, trapping, and living on the land — with the underlying narrative that this way of life had largely vanished, and 2) by defining the location of their traditional territories. In response, Indigenous participants in the Inquiry gave testimony that questioned and extended these limitations, and in doing so, illustrated the cracks in the logic of colonial narratives.

Prompted by the lawyers, Indigenous witnesses at the 2018 hearings described their people's traditional economic activities in the area affected by the hydroelectric project (*Commission of Inquiry Respecting the Muskrat Falls Project 2018* transcript, 18 September). Carl McLean from North West River represented the Nunatsiavut Government. Before he answered the lawyer's questions, however, he stated that the Nunatsiavut Inuit have a land claim agreement and settlement area. By establishing this fact, he insinuated that they do not need to prove to the Inquiry that they have Indigenous rights. Then he returned to the lawyer's questions and provided the requested proof of indigeneity. He described how his grandfather and other men from Lake Melville would travel up the Churchill River to trap for months in the wintertime. When the Inquiry lawyer asked him, "When did this way of life come to an end?", McLean answered that many men had given up trapping to work at the Goose Bay military base [in the 1940s]. Nevertheless, he stressed, many people still rely on the river and lake for country food and as a means of transportation. The lawyer noted McLean's emphasis

¹ See <https://www.muskratfallsinquiry.ca>.

on continuity, despite his own attempts to locate the traditional activities in the past: "The trapping activity...is more or less past tense, but you're speaking in the present tense now, aren't you?" The Inquiry lawyers followed the same line of questioning with Todd Russell, President of the NunatuKavut Community Council. When asked about the NunatuKavut people's traditional hunting, fishing, and trapping on the river, Russell echoed stories of trappers going up the river for months at a time. He also stressed his people's continuing relationship with the area affected by the dam, and the damaging impact of the 1960s Upper Churchill hydroelectric project.

The Inquiry also heard about disagreements between Indigenous groups about recognizing each other's indigeneity and Indigenous rights. The Innu Nation, as the only Indigenous group to have signed a land claim agreement providing consent to and benefits from the Muskrat Falls project, seemed determined to prevent other Indigenous groups from infringing on its interests. Senwung Luk, the Innu Nation lawyer, disputed NunatuKavut's position before he was reminded by the Commissioner that the Inquiry was not the place to discuss land claim matters. CBC news also reported that, earlier that day, Innu Nation land claims negotiator Peter Penashue had "accused the Inuit government of Nunatsiavut of trying to extend the territory of its land claim southward" when he argued that "2700 Inuit from the north coast and their descendants [choose to] live in Happy Valley-Goose Bay,...but unfortunately it's not a land claim area" (Roberts 2018).

Sebastian Penunsi of the Innu Nation also appeared as a witness at the Inquiry. The lawyer again asked about specific identifiers of indigeneity — Innu uses of the river, sacred places, the shaking tent ceremony — and then how life had changed in recent years. When he was asked about where he used to travel, however, Penunsi refused to be limited to an exclusive territory. Instead, he stated, "the Innu travel everywhere; there was no boundaries back then. [I] travelled from north, south, east, and [I] know very well about the land in Labrador." Jean-Charles Piétacho from the Innu community of Ekuanishit/Mingan on Quebec's Lower North Shore also attended the session. Chief Piétacho represented one group of Innu from Quebec who were critical of the way in which government agencies had excluded them from project decision-making and benefit-sharing. Speaking Innu-aimun, he answered questions about how Innu travelled in the area to hunt, trap, and live. As they had done with other Indigenous witnesses, Inquiry counsel tried to establish the demise of indigeneity by asking, "when did this way of life end?" In response, Piétacho described the impact of residential schools and having to live on a reserve in Quebec. Again, the Inquiry lawyer focused on a narrative about the end of Innu traditions: "I presume that the residential school, the fact that children were taken from their parents and put into residential schools, would have deprived those children of the — how to learn the way of life that their parents and ancestors had lived? Is that correct?" Later, in discussion about reserve life, Piétacho echoed Penunsi's perspective on government-defined territories: "I have no boundaries," he said. "I'm Innu. I can go anywhere I want. There is no Labrador...Labrador is just new thing...It's just new." He continued by stressing his point: "I'm not a Quebec Innu or a Big Land [Labrador] Innu. I'm Innu."

A few weeks later, the Inquiry invited Indigenous representatives to discuss project consultation (Commission of Inquiry Respecting the Muskrat Falls Project 2018 transcript, 4 October). Todd Russell returned to describe his frustration that Nalcor had refused to adequately consult with the NunatuKavut Community Council about the Muskrat Falls project, as it had argued that the NunatuKavut Inuit had not provided sufficient evidence of "land and resource use activities for traditional purposes" in the project area. Chief Jean-Charles Piétacho also returned, but chose not to testify, as the Inquiry had not provided him with Innu-aimun translation. "I do not feel respected here," he said. "My language, my life, my culture are not being respected." Two representatives of the Nunatsiavut Government then took the stand to testify about their frustration with the project. Nalcor had initially argued during the Environmental Assessment process that the project

would not affect Nunatsiavut, as it defined the Muskrat Falls study area as extending only to the mouth of the Churchill River, where it feeds into Lake Melville (Nalcor Energy, 2009). Because the study area did not include any portion of the Nunatsiavut settlement area, Nalcor chose not to address the Nunatsiavut Government's concerns that methylmercury from dam flooding would impact Inuit farther downstream, and did not involve Nunatsiavut in any monitoring programs (NG (Nunatsiavut Government) 2019).

Over the course of the Inquiry, testimony from the Inuit and Innu witnesses focused on a diversity of issues. The Nunatsiavut Government expressed frustration with being excluded by Nalcor's limits to the geographic scope of the Muskrat Falls project's impacts. The NunatuKavut Community Council was frustrated with being excluded by Nalcor's refusal to acknowledge the existence and rights of NunatuKavut Inuit within the project area. Innu from Quebec rejected the state borders that have excluded them from any meaningful participation in the project. Representatives of the Innu Nation questioned the Indigenous rights of both Nunatsiavut and NunatuKavut Inuit to the Muskrat Falls project area, while an Innu witness echoed his Quebec counterpart by rejecting state-imposed boundaries.

Despite the variety of issues, a common thread runs through all concerns raised by the Indigenous participants — the state's attempts to render indigeneity as spatially and economically contained. In some cases, these attempts are state impositions of territorial or jurisdictional borders in project governance or land claims processes. In others cases, these attempts are state adjudications about the existence and extent of Indigenous economic "traditional" activities, with the underlying narrative that this way of life has vanished. Rendering indigeneity as contained or vanished in these ways aimed to limit Indigenous participation in the Muskrat Falls project governance. But state efforts to contain indigeneity have always been met by Indigenous assertions of more dynamic interpretations of indigeneity. The root of each of the issues raised by Indigenous participants in the Inquiry can be traced to historical and ongoing settler colonial confrontations in Labrador.

3.1. Spatial and economic containment of indigeneity in Labrador, 1770–1900s

For centuries, colonial authorities have attempted to contain Inuit and Innu to exclusive territories in Labrador and to situate indigeneity in a disappearing past through the narrative of "traditional" economic activities. In order to benefit from resource extraction on Indigenous lands and waters, colonial interests created economic and spatial boundaries around Inuit indigeneity. These boundaries continue to influence governance and Indigenous-state relations today.

The roots of the Nunatsiavut-NunatuKavut political division, for instance, are found in the history of the Inuit-European encounter. Europeans have been coming to the Labrador coast since at least the 1500s to harvest whales, cod, seals, and pelts, and were well aware of the profits to be made. As a French visitor to the coast commented in 1715, Labrador could provide France with "greater riches than the richest gold-mine in Peru, and with less trouble and expense" (Anonymous, 1715). At the time, Inuit lived along the entire coast, from Ungava Bay to the Gulf of St. Lawrence. Innu lived and travelled extensively within the peninsula, from the St. Lawrence River to the interior and to the coast of Ungava Bay (Mailhot 1997). All of the region was unceded Indigenous territory, as no treaties had been signed (Sider 2014; Samson 2013).

European over-harvesting caused many whale populations to decline and created friction with local Inuit. By the mid-1700s, violence between European fishermen and Inuit on Labrador's coast had reached an all-time high. Murder, looting, and kidnapping were common (Mitchell 2013). However, the cod fishery was lucrative, and the British government wanted to support its fishing interests in southern Labrador. British authorities made a peace and friendship treaty with Inuit in southern Labrador at Chateau Bay in 1765, but the violence

continued (NCC 2010). As a further attempt to "pacify" the coast, Britain and Moravian missionaries contrived to contain Inuit in the north, away from the southern fishery (Hiller 1967: 34). The Governor of Newfoundland, Hugh Palliser, proclaimed in 1764, "these savages [Inuit] may be stopt from coming further Southward...and we may procure what we want of them and thus keep the rest of the Coast open and free for our Adventurers" (in Hiller 1967: 42). To eliminate the Inuit threat to their fishery, British officials came to an agreement with Moravian missionaries that they would establish missions for Inuit on large land grants on the north coast of Labrador. From 1771 onwards, the Moravian Mission used both trading and religious strategies in their attempts to draw Inuit to their missions and to prevent them from living in and traveling to southern Labrador, where increasing numbers of European traders and fishermen were settling (Hiller 1967).

In establishing mission stations for the Inuit, the missionaries attempted to make a number of changes to Inuit society. The missionaries promoted their idea of "appropriate" Inuit economic behavior, curtailing the trade of "luxury" goods, and restricting the items given on credit (Brice-Bennett 1990: 225). They championed the limited needs of "authentic" Inuit, "expecting people to be content in their poverty, said to be intended for their enlightenment" (ibid.: 226). The Mission felt that for Inuit to remain as 'real' Inuit, they needed to hunt and live a subsistence lifestyle. At the same time, however, missionaries also encouraged Inuit to start commercial cod fishing and seal netting once they realized that these activities might keep them near the mission stations for longer periods of the year (Brice-Bennett 1990).

The Moravians initially used their economic and territorial authority to exclude those who had not converted to the Moravian faith, whether they were Inuit, people of mixed Inuit ancestry, or Europeans. They expressly forbid "Southlanders" (or "Settlers," as they later called them) to participate in the Moravian church until the mid-19th century, viewing them as a dangerous influence on the Inuit who lived at the mission stations (Brice-Bennett 1981). The Moravian missionaries emphasized their success in containing the 'real' Inuit by describing how those living beyond their protective shield were unrecognizable as Inuit. As Brother Freitag commented in 1851, "Southlanders" ate European foods and rarely hunted seals from kayaks: "They are, in reality, degenerate Esquimaux, unable to endure the hardships which their fathers endured, and for which the very European dress which they wear makes them unfit" (*Periodical Accounts of the Moravian Missions* 1851: 282). Using socio-economic criteria to judge authenticity, the missionaries invented and applied their own definitions of indigeneity.

In trying to contain the Inuit to northern Labrador, the Moravian Mission fulfilled the British government's goal of allowing its fishers to exploit the coastal waters of southern Labrador. The cod fishery was the largest of its kind in the world and was so lucrative that nations fought over its riches (Rose 2007). In the 19th century, thousands of British, Newfoundland, French, and American ships travelled to Labrador to fish for cod during the summer. Non-Moravian Inuit in southern Labrador worked in the commercial fishery alongside the flood of seasonal visitors, and saw their waters depleted by national and foreign overfishing.

Within this setting of resource depletion, settler colonial authorities worked to eliminate indigeneity from southern Labrador. Moravian distinctions fostered long-lasting divisions between "Moravian Inuit" and other Labradorians, including "Settlers" and non-Moravian Inuit, despite the fact that distinguishing characteristics of language, physical appearance, ancestry, or livelihood could not be used to differentiate the two groups (Richling 1978). Having defined the 'true' Inuit out of existence in southern Labrador, Moravian missionaries and historical commentators comfortably stated that southern Inuit had disappeared. "The southern tribes [of Inuit] soon became extinct. Intercourse with the White Races proved their ruin," historian W. G. Gosling asserted (1910: 212). Anthropologists echoed this narrative of disappearance. With the establishment of a final Moravian station in northernmost Labrador, argued Diamond Jenness, "the Moravians controlled the

entire Eskimo population of Newfoundland-Labrador, since the natives from Hamilton Inlet south had already merged with whites and could no longer be distinguished as a separate people" (Jenness 1965: 17).

Despite the attempts by the Moravian Mission and the state to enforce what historian James Hiller calls a "policy of containment," these attempts were always incomplete (Hiller 1967: iii). Inuit continued to live and travel in areas south of the Moravian missions (Hiller 2009; Rankin et al., 2012). These Inuit traded and coexisted with Europeans and Newfoundlanders, and founded communities throughout the south coast of Labrador. In 1851, for instance, Anglican Bishop Edward Feild reported that all but one of the resident women on the south coast were Inuit, Innu, or of mixed ancestry (Fitzhugh 1999). Trader Lambert De Boillieu ([1861] 1969: 225) wrote of his time "among the Esquimaux" in St. Lewis on the south coast in the 1860s, and described an Inuit way of life that had not been influenced by Moravian prohibitions, such as those forbidding polygamy.

Two groups of Inuit thus developed in Labrador, one under Moravian influence, and the other not (Rankin et al., 2012; NCC 2010). The NunatuKavut Community Council now represents Inuit on the south coast, while the Nunatsiavut Government represents Inuit on the north coast. But the distinction between the two has never been clear-cut. Although the Nunatsiavut settlement area generally replicates the historical Moravian territory, with an extended southern border, Inuit in both Nunatsiavut and NunatuKavut continue to have strong family and social connections with each other (GC 2005; NCC 2010).

3.2. Government definitions of indigeneity, 1949–1990

The Moravian Mission was not the only authority to try to contain indigeneity by using spatial and economic criteria in Labrador. The federal and provincial governments have also employed a number of methods to legislate recognition policies. Shortly after Newfoundland and Labrador joined Canada in 1949, the federal government acknowledged its legal responsibility for Indigenous peoples in the province. Canada and the provincial government negotiated cost-sharing agreements for expenditures on health, housing, and economic programs for Labrador Inuit and Innu (Royal Commission on Labrador 1974). Government officials struggled with how exactly to determine who was Indigenous, given the long history of intermarriage in the region. They ultimately concluded that they would confer Indigenous status on communities instead of individuals (Tanner et al., 1994; Jenness 1965). The Federal-Provincial Agreement therefore included two Innu communities (Davis Inlet and Sheshatshiu) and four Inuit communities (Nain, Hopedale, Postville, and Makkovik) on the north coast (Royal Commission on Labrador 1974). The Inuit communities were chosen because they were within Moravian territory, thus continuing the Moravian project of confining and defining Inuit. As a result of subsequent pressure from Indigenous and government officials, three historically non-Moravian communities were later added: Rigolet in 1967, Black Tickle in 1972, and Mud Lake in 1975 (Royal Commission on Labrador 1974; Brice-Bennett 1986).

Individuals who lived in non-designated communities were not recognized as Indigenous under the agreement, regardless of their background. Federal officials argued that people who lived in communities such as Happy Valley or North West River could support themselves with wage labour jobs, and therefore did not need access to Indigenous programs. In 1952, for example, the federal government informed provincial officials that it would not fund medical services for Indigenous people who lived in modern communities in wage-paying jobs (Paddon, 1955). Accordingly, the International Grenfell Association, the health-care provider in the region, applied the federal government's recognition criteria in its work. The organization used federal funding to pay for the medical care of only those who were of "Eskimo cultural orientation – inclined to lead the traditional Eskimo way of life (economic) and use of Eskimo language" (Brantenberg 1977: 402). People would lose this status if they "relocated to wage-earning

communities and independent means of employment” (ibid.). Once again, Inuit were defined in both economic and spatial terms. In order to be recognized as Indigenous, they needed to follow a “traditional economic way of life,” not participate in wage labour, and live in designated communities.

The official rationale for these restrictions was financial. As one federal bureaucrat stated in 1948, any grants or subsidies offered to Indigenous peoples of the province should not be made in perpetuity, because “in time, the need for any special assistance to Indians [and Inuit] in Newfoundland including Labrador may disappear as they become fully self-supporting members of the community” (Tompkins 1988: 23). Defined by economic status rather than by political status, the indigeneity of the Innu and Inuit could be erased through economic development, according to this project of elimination.

Fixing Inuit identity on residence in a designated community and on a traditional way of life did work to decrease the number of people who could claim official Indigenous status. It also created much inequity in the region. Inuit had always lived in non-designated communities in Labrador and beyond, and many who were originally from designated communities had moved to other communities for economic or other reasons. In 1941, when the Canadian and U.S. Armies began construction of an air force base at Goose Bay, many Inuit moved from the coast to work at the base (Zimmerly 1975). By 1959, approximately 450 people from the north coast had moved to Happy Valley-Goose Bay or North West River (DNLA 1959). People began a pattern of moving back and forth between the Upper Lake Melville area and the coast for jobs, education, and health services in the regional centre (Brice-Bennett 1986). These movements caused family members who were living in different communities to be treated as having different Indigenous status under the designated community approach (Kennedy 2015). The recognition criteria alienated people, as one Labradorian commented in 1980: “Because of the designated communities idea, people have begun to suffer from an identity crisis. Thus, instead of feeling unity as a people, there is an outside force that dictates who you are or are not!” (Watts in LINS Labrador Institute of Northern Studies, 1980: 13). The official recognition of Indigenous status was flawed in its static and arbitrary nature, but the underlying intent remained consistent: to erode the existence of indigeneity in Labrador.

3.3. State boundaries, extractivism, and Indigenous dispossession

Like the designated community policy, the division of Innu and Inuit between Labrador and Quebec is a historical construction that has had significant social and economic ramifications. In the early 1900s, Labrador was part of Newfoundland, a colony of the British Empire. The exact location of the boundary between Labrador and Canada (Quebec) was unclear. The Royal Proclamation of 1763 had stated that Newfoundland owned the “coast,” but it was vague how far inland this boundary extended (Budgel and Staveley 1987). In the 1920s, the logging industry in central Labrador was booming, and Canada (Quebec) and Newfoundland both wanted jurisdiction over the suddenly profitable land. The disagreement led to a Judicial Inquiry by the British Privy Council in 1927, which ruled in favor of Newfoundland. The newly clarified boundary between Labrador and Quebec, now defined as the height of land, divided the lands of both the Innu and the Inuit (Klain and Levesque 2019).

Meanwhile, governments enthusiastically encouraged resource extraction on what they called the “uninhabited and unexplored” lands on both sides of the border (Samson 2013: 95). After World War II, American and Canadian mining interests eyed the rich iron ore deposits along the boundary between Quebec and Labrador (Thistle and Langston 2016). To encourage development, both provincial governments offered large concessions of Indigenous territory to mining companies and provided significant tax incentives. Iron ore mines

opened at Schefferville, Quebec, in 1954, and in Labrador West in following years, making billions of dollars in revenue for both companies and governments. At the height of production in 1979, the Labrador mines extracted iron ore worth \$2.9 billion dollars (Thistle 2016). In the decades following, the mines produced about \$1.5 billion dollars annually (ibid.). Driven by narratives of Quebecois nationalism and American geopolitical interests, government and industry officials on both sides of the border either erased the Innu presence through “empty lands” narratives or argued that encouraging Innu settlement and employment at the mines was a progressive move towards modernity (Boutet 2014; Thistle and Langston 2016; Samson 2017). Disregarding the state’s narratives about them, Innu participated actively in prospecting, guiding, and labouring at the mines, all the while, as Boutet (2014: 81) describes, “reaffirming indigeneity amidst dominant settler activities.”

The Newfoundland and Labrador government also facilitated hydroelectric development on the Mista-Shipu (renamed the Churchill River) to provide power for the iron ore industry. In the early 1950s, government and investors formed the British Newfoundland Corporation to develop Churchill Falls (Smith 1975). Once again, the provincial government provided industry with land rights to huge tracts of land as an incentive to develop it. The hydroelectric dam at Churchill Falls flooded the heart of Innu territory, destroying ancestral homes, trapping grounds, and grave sites (Samson 2003). The impacts on freshwater and marine ecosystems were felt far downstream, and Inuit fishermen argue that the dam caused significant damage to coastal salmon and cod stocks (Jackson 1982; NG 2016). Innu and Inuit were not consulted and their existence was ignored by the developers who had expropriated their territory. The government rendered Indigenous peoples invisible through patriotic narratives of Newfoundland economic domination, much as Quebecois nationalism had driven other hydroelectric developments (Desbiens 2013). As Premier Joey Smallwood stated at the Churchill Falls power plant construction site in 1967, “This is our river, this is our waterfall, this is our land!” (Gwyn 1999: 330). The hydroelectric development at Churchill Falls has generated billions of dollars since it opened in 1972. Ironically, most of this immense profit has gone to the Government of Quebec, which signed a long-term contract with the Newfoundland Government to buy the electricity at a reduced price (Feehan 2009). Innu and Inuit in Labrador and Quebec gained only flooded territory and destroyed livelihoods.

3.4. Land claims, mining, and indigeneity

In the 1970s, with Indigenous groups across Canada forcing the federal government to acknowledge Indigenous rights, the Labrador Innu and northern Inuit both submitted land claims proposals. Federal and provincial narratives about indigeneity again played a major role in arbitrating the claims. The state recognized Indigenous rights to subsistence harvesting, for example, but not to extractive resources (Procter, 2012). Ignoring the long history of Indigenous involvement in commercial activities and the ways in which subsistence harvesting articulated with the cash economy (Kuokkanen 2011; Natcher 2009), the federal government used a “template” for indigeneity of “lands, subsistence harvesting, and forestry,” as an Inuit negotiator described it (Andersen, 2008). The provincial government’s approach to Labrador land claims in the 1980s was especially restrictive. It recognized Indigenous rights only to resources to which they had a “traditional” connection: “Provincial involvement in the negotiation and settlement of aboriginal land claims is based on traditional use of renewable resources by aboriginal peoples....Rights to other non-renewable resources, marine or terrestrial, will not be included in the negotiations” (GNL Government of Newfoundland and Labrador, 1987: 8). John McGrath, a government official at the time, described the provincial position towards the Inuit claim as “sort of like the meek shall inherit the earth, but not the sub-surface rights” (Wegenast 1981: 224). The

state identified the Inuit through their economic and social characteristics — “the meek shall inherit the earth” — but not as a political entity with political rights. Sub-surface rights, claimed under settler governance for provincial jurisdiction in Canada (Pasternak 2014), were too valuable for Newfoundland to consider relinquishing.

In the 1990s, however, Indigenous rights to sub-surface resources suddenly became of central concern in Labrador. One of the world's largest nickel deposits was discovered at Voisey's Bay, south of Nain, on land used for generations by both Inuit and the Innu. Having struggled for decades and made very little progress in negotiating their land claims, the Indigenous groups watched in frustration as prospectors staked more than 250,000 mining claims in northern Labrador in 1995 through a simple process at a government office in St. John's (Pope et al., 1997). Equally frustrating, provincial negotiators unilaterally removed the Voisey's Bay region from the land claims negotiations once they became aware of the scope of the discovery (Warren, 2009). When Inco Ltd. paid \$4.3 billion for the mining rights to their unceded land, the Indigenous groups were outraged (Lowe 1998). With a provincial government reluctant to resolve their land claims, and Inco moving ahead on building project infrastructure without their consent, the Labrador Inuit Association (LIA) and the Innu Nation launched court challenges and intense political lobbies (Lowe 1998; Samson 2003). In a rare instance of cooperation, the two Indigenous groups also co-ordinated a protest on the project site, demonstrating that they would resort to direct action if necessary (O'Faircheallaigh, 2016).

The LIA and the Innu Nation forced the governments to conduct an environmental impact assessment that addressed some of their concerns. Again, narratives about indigeneity were central to each party's arguments. In its Environmental Impact Statement, the mining company focused on cultural and economic aspects of indigeneity instead of political aspects. Inco deemed harvesting as the main Indigenous relationship with the land, and framed the subsistence economy as problematic, implying that it was uneconomical, un-modern, and in need of a solution: “The subsistence economy is a central feature of northern Aboriginal communities. At the same time, many people will welcome opportunities in the modern economy” (VBNC 1997: 49). Emphasizing job opportunities that could support hunting and trapping activities, Inco presented the mine as a panacea for the economic shortcomings of Indigenous life northern Labrador. In negotiations around impact and benefit agreements (IBAs), the company offered preferential job hiring and other financial benefits to both the Innu and the LIA. But the Indigenous organizations called for more than project-specific economic benefits; they demanded political rights, and their strong negotiation position bolstered their claims. The EA review panel agreed, recommending that land claims be signed before any development started. While both Indigenous groups signed robust IBAs with Inco, land claims negotiations proved to be more challenging. The Innu Nation claim progressed only to a Framework Agreement in 1997, while the LIA, under a “fast-track” mandate, signed a land claim agreement that outlined provisions for land tenure, resource royalty sharing, and self-governance (O'Faircheallaigh, 2016).

The final Labrador Inuit Land Claim Agreement formally defined what the state recognized as indigeneity. Reflecting colonial attempts at isolating and containing Inuit to the north coast, away from economic interests, the boundaries of the settlement area generally follow the historical Moravian territory, with the Voisey's Bay area carved out (GC 2005). But the LIA had succeeded in disrupting the government's “template” that equated indigeneity with subsistence harvesting. Inuit in Labrador had fished commercially for cod and seal since the early 1800s, and for the first time in Canada, the LIA managed to negotiate commercial fishing rights in an Inuit land claims agreement (Procter, 2012).

The final agreement also contains clauses that reflect the historical idea of Inuit as having limited economic needs. The agreement outlines economic benefits that the Nunatsiavut Government will receive from developments in the Settlement Area. Chapter Seven stipulates that any

benefits that Inuit receive from resource royalties must not make them richer than other Canadians: “The amount due to the Nunatsiavut Government from the Province...shall not exceed the amount that, if distributed equally among Inuit, would result in an annual average per capita income for Inuit equal or greater to the Canadian average per capita income” (GC 2005: section 7.4.4). LIA negotiator Toby Andersen described how the provincial government had wanted the per capita income to be set at the Newfoundland level, so that Inuit would not become richer than other people of the province. The Inuit negotiators refused, and so they settled on the higher Canadian average income. As Andersen said, “The province wanted this cap....[The provincial negotiator] thought it was crazy, too – it was just a public perception thing. If you look at how the agreement works, it's just a turn of phrase” (Andersen, 2008). In “public perception,” Inuit must not become overly rich if they are to be recognized as Inuit. Just as the Moravian missionaries had believed, the government approach maintains that Nunatsiavut Inuit must be “content in their poverty, said to be intended for their enlightenment” (Brice-Bennett 1990: 226).

In other cases across Canada, the state has recognized specific Indigenous rights to earn a “modest livelihood” through commercial activities (Imai 2008; Coates 2000). In land claims negotiations about resource rights in the Yukon, Stephanie Irlbacher-Fox (2009: 70) describes a federal negotiator as stating, “We are not here to make anyone rich. We are here to rebalance the situation.” The definition of what constitutes “rich” or even a “modest livelihood” is difficult to determine. It also leads to the question of why Indigenous peoples must content themselves with state-imposed wealth limitations while the state itself facilitates and benefits from the continued dispossession and exploitation of Indigenous lands and resources. But again, Indigenous governments are pushing back against the state's containment of indigeneity. In the 2011 Labrador Innu Land Claims Agreement-in-Principle, Innu negotiators seem to have successfully rejected the per capita income limitation, as the clause is nowhere to be found (GC 2011).

4. Resource governance, indigeneity narratives, and Indigenous refusal

While Indigenous peoples have successfully pressured the Canadian state to acknowledge their rights in resource governance, the state has developed regulatory frameworks that maintain the goal of minimizing Indigenous involvement and harnessing it to settler-colonial interests. The Muskrat Falls Inquiry, as viewed from the historical context of this paper, illustrates the state's ongoing attempts to contain and adjudicate Innu and Inuit claims in resource extraction. However, it also illustrates Indigenous resistance and refusal of the state's limiting versions of indigeneity, and the success of Indigenous peoples in challenging and reforming resource governance.

Echoing many similar historical efforts, Nalcor used both spatial and economic definitions of indigeneity to exclude Indigenous peoples from the governance and benefits of the development. By defining the Muskrat Falls study area as physically separate from the Nunatsiavut settlement area, Nalcor attempted to exploit the rigidity of land claims settlements by containing Nunatsiavut concerns to its settlement territory. Nalcor excluded the NunatuKavut Inuit from full participation in the regulatory process and, initially, from benefit agreements because it argued that they had not adequately demonstrated a traditional presence in the project area (NCC 2019). The Muskrat Falls project also relied on territorial boundaries to exclude various Innu groups from economic benefits, as well as from compensation for the 1960s flooding of the Upper Churchill. The provincial government signed a land claims agreement named Tshash Petapen (“A New Dawn”) with the Innu Nation that outlines land rights and Muskrat Falls project benefits, among other things, but that excludes Innu who live in Quebec. In fact, as Colin Samson notes, the agreement unilaterally extinguishes the Indigenous rights of the Quebec Innu to territory in Labrador (Samson 2013: 89). The Tshash Petapen agreement compensates the Innu Nation for

damages caused by the Upper Churchill hydroelectric development, but as it relies on the provincial boundary defined in 1927, other Indigenous groups have not received similar consideration (GC 2011).

This use of exclusive territories and restrictive recognition policies to contain Indigenous interests has caused widespread inequity and resentment among Indigenous peoples. Moments have existed in Labrador when Indigenous groups successfully joined forces to confront state-sanctioned dispossession, such as at Voisey's Bay in the 1990s (Horowitz et al., 2018; O'Faircheallaigh, 2016). But the threat of indigeneity had not yet been "managed" by the state through negotiated Indigenous claims. At Muskrat Falls, the government provided different levels of state recognition to Indigenous groups, diverting the target of frustration from the state to other Indigenous groups, and causing significant tension. The Innu Nation, in particular, with a land claim tied to the project, has attacked the claims of other Indigenous governments by using the state's territorial mechanisms (in containing Nunatsiavut to its settlement area and Quebec Innu to their own province) and recognition criteria (in challenging NunatuKavut's indigeneity). A general lack of co-operation between the Indigenous governments, with one exception described below, serves to quell large-scale dissent to the project.

The regulatory mechanisms of resource extraction governance also limit the scope of political discussion and negotiation. Environmental assessments and IBAs are both project-specific processes that attend only to technical and economic concerns, obscuring the broader political issues of settler colonialism (Cameron and Levitan 2014; Hall 2013; McCreary and Turner, 2018). Questions around differential state recognition of the Nunatsiavut and NunatuKavut Inuit and the Labrador and Quebec Innu, stemming from the historical settler-colonial context outlined in this paper, are left unexplored and unaddressed through these mechanisms. Land claim agreements, although fueled by imminent resource development projects, similarly rely on restrictive indigeneity criteria and aim to "manage" the risk posed by indigeneity to extractive industries. The Innu Nation land claim agreement was developed to provide "full and final consent" for the Muskrat Falls project to proceed (Samson 2013: 89). Much as the Nunatsiavut land claim does (Procter 2015), the agreement positions Labrador Innu as stakeholders in the development, tying compensation to future profits and promoting self-sufficiency through increased resource extraction. The agreement also tries to prevent further dissent by providing indemnity to Nalcor against any future Innu claim or protest (Samson 2013).

But Indigenous governments and individuals have found ways to pressure the state and industry to address their interests and concerns. When negotiations and regulatory processes concerning the Muskrat Falls project failed to achieve their goals, people turned to direct actions and public lobbying to challenge the state's confining indigeneity narratives. As others have noted elsewhere in Canada (Kulchyski and Bernauer 2014; McCreary and Milligan 2014), these last resort grassroots efforts, although a substantial drain on people's energy and resources, can meet with limited success. The NunatuKavut Community Council used protests, legal challenges, and political lobbying to pressure Nalcor to recognize its people's rights. Finally, in 2018, Nalcor signed a community development agreement that serves to recognize the rights of the NunatuKavut Inuit to be involved in resource projects in the region (Breen 2017). The Nunatsiavut Government also fought against Nalcor's spatial confinement approach by arguing that boundaries can be porous, especially when dealing with water and wildlife (NG (Nunatsiavut Government) 2019). In 2016, Nunatsiavut launched a campaign to convince the provincial government to address its concern that Inuit will be impacted downstream from the dam. The *Make Muskrat Right* campaign attracted national attention, and Indigenous and non-Indigenous people from across Labrador gathered in solidarity to protest at the Muskrat Falls site.² Several young Inuit launched a hunger strike, and, for perhaps the first time, the Nunatsiavut,

NunatuKavut, and Innu Nation leaders stood together to denounce the province's approach. Under severe pressure from this united Indigenous front, the government agreed to establish an independent committee to examine the methylmercury issue (Barry 2016). The Independent Expert Advisory Committee issued recommendations for mitigating the impact of the flooding in 2018, including establishing a community-based monitoring program (IEAC Independent Expert Advisory Committee, 2018). The provincial government failed to approve permits for Nalcor to undertake mitigation activities in time, however, so it provided \$30 million in compensation to Indigenous groups instead (White 2019). While Indigenous solidarity contributed to the movement's partial success, it was short-lived, as the disputes between Indigenous groups at the Inquiry later demonstrated.

Centuries of settler colonialism have witnessed ongoing attempts by the settler state at containing and erasing indigeneity in order to benefit from the vast wealth of Indigenous territory. The latest approach to resource extraction governance in Canada, while acknowledging Indigenous rights, continues in aiming to "manage" indigeneity. The governance regime attempts to control and re-align Indigenous interests through restrictive recognition criteria, technical processes that obscure the existence of settler colonialism, and agreements that position Indigenous governments as stakeholders in economic development. But while state processes continue to rely on confining interpretations of indigeneity, Indigenous governments and individuals continue to defy these definitions. As the witnesses at the Muskrat Falls Inquiry illustrate, Indigenous peoples have consistently refused the state's established narratives about indigeneity and governance, calling attention instead to the broader political framework of settler colonialism. Questioning the authenticity of boundaries between provinces, between peoples, and between ecosystems, and asserting their contemporary connections to the land, Indigenous peoples are challenging the borders imposed on them. Refusing settler-colonial narratives that identify indigeneity solely through past-tense cultural characteristics or limited economic need, they are instead continuing to reshape environmental governance by defining their indigeneity in their own terms, as elsewhere and otherwise.

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² See *Make Muskrat Right* campaign website: <http://makemuskratright.com>

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