

**A thesis submitted to the Department of Environmental Sciences and Policy of  
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Degree of Master of Science**

**Moving toward meaningful consultation in Canada's Environmental Assessment  
process**

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**ABSTRACT OF THESIS** submitted by:

Erika MARTELEIRA

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Consultations with Indigenous groups in Canada are obligated to establish a "meaningful" dialogue to meet the objectives of 'the duty to consult'. The Inuit communities consulted in the 2017 *Hamlet River* Supreme Court Decision serves as the case study for this analysis. Literature pertaining to co-management of natural resources was reviewed along with Inuit consultation guidelines that include descriptions of Inuit epistemology. A theoretical framework was developed through the lens of dialogism in critical pedagogy, framing knowledge not as an object to be exchanged, but embedded in the subject themselves. Meaningful dialogue is then formed through a subject-subject relationship, where knowledge is tied to the cultural, social, and biophysical environment of the people. Further, the role of language in dialogue forms an important theoretical pillar of the framework and is examined in the case. Consultation transcripts were analyzed through this theoretical framework using qualitative and quantitative methods. The analysis is primarily qualitative, using quotes to identify particular aspects of the consultation that led to gaps between epistemologies. Comments from the transcript relevant to the framework were coded to demonstrate epistemological trends in comments made in Inuktitut that 1) contained knowledge qualifiers and 2) were told as narratives. 44.5% of total comments were in Inuktitut, while 62.5% of knowledge qualifiers and 78.3% of narratives were in Inuktitut. The principles of dialogism across epistemologies can be found to address consultation gaps in this case, and can be applied to advance the "nation-to-nation" relationship that the "duty to consult" was intended to advance.

**Keywords:** Consultation; Indigenous; Environmental Assessment; Dialogism; Critical Pedagogy.

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# 1. Introduction

Interest in resource development and shipping in Canada's arctic has increased in the past decade from a longer ice-free summer season (Borgerson 2013; Prowse et al. 2009). Further, anticipation for increasing proposals for offshore oil and gas projects in Canada's arctic has led both the national and territorial governments to start developing frameworks for managing environmental impacts and revenue streams from this development (Nunavut Impact Review Board 2018a). For all of these proposed projects, an environmental assessment will need to be completed (CEAA, 2012), including public consultations, a fundamental component to environmental assessments in Canada (CEAA, 2012). However, there has been recent precedent to improve consultations, especially for indigenous communities (Clyde River v. Petroleum Geo-Services Inc. 2017). In August of 2017, Canada's highest court ruled that the consultation that had taken place for a proposed offshore seismic surveying project was inadequate for the Inuit community of Clyde River in Nunavut (Clyde River v. Petroleum Geo-Services Inc. 2017). This has led to uncertainty around how best to proceed with consultation for Indigenous communities not just in Nunavut, but across Canada more widely (Lemieux, 2017). This thesis identifies the specific gaps in the environmental assessment consultation process in the Supreme Court Decision by analyzing consultation transcripts using a lens of dialogism in critical pedagogy, and through this critique presents a theoretical approach to consultations grounded in dialogue between epistemologies to move towards achieving a more meaningful process.

## Nunavut

Canada's eastern arctic territory of Nunavut was only recently established in 1999 as the result of the Nation's largest Land Claim Agreement (Nunavut Land Claim Agreement Act, 1993) between an indigenous group and the Canadian government, and the only Land Claim Agreement to result in the creation of new regional government. About 85% of Nunavut's population of around 35,000 is Inuit, the Indigenous group that continues to live in Canada's eastern arctic (Nunavut Bureau of Statistics, 2018). The population is divided between 26 permanent communities, most of which have populations below 2000 people.

The territory of Nunavut lies almost entirely above the tree line, and at one fifth of Canada's land mass, constitutes Canada's largest geographic jurisdiction. Within Nunavut lies the Northwest Passage shipping corridor, along with significant oil and gas resources both on land

and offshore (National Energy Board, 2018). In anticipation of longer ice-free summer seasons reducing costs that would have previously been required for arctic resource extraction, these industries have already submitted resource development projects for review under environmental assessments (National Energy Board, 2018).

Despite the strategic shipping route and important natural resources, Canada's arctic region has been historically neglected; Inuit children were forced into residential schools and forbidden to speak their language or practice their culture (Nunavut Tunngavik Inc 2016). "Inuit-government relations in Canada have largely been defined by power imbalances that favour government... the Government of Canada's heavy-handed approach to policy-making has left deep wounds on our society that are only now being acknowledged." (Nunavut Tunngavik Inc 2016, p 2). "This period in which government force was used to dominate Inuit culture and society and render many families powerless forms part of the backdrop for the social and cultural challenges that too many of our people experience today" (Nunavut Tunngavik Inc 2015, p 2)

### **Hamlet of Clyde River v. Petroleum Geo-Services Inc.**

In 2011, the National Energy Board (NEB) of Canada, a regulatory agency tasked with reviewing project proposals related to energy resource development, held consultations in affected communities, including the Hamlet of Clyde River for a proposed offshore seismic survey to be conducted by Petroleum Geo-Services Inc. to map offshore and near-shore oil deposits. The communities raised objections at these consultations over the impacts seismic surveys would have for bowhead and other whale species in the area; bowhead, beluga, and narwhal are all significant food sources for Inuit in the community, and there were fears that this project may affect their treaty right to traditional living (Lemieux, 2017; Tasker, 2017). The NEB nevertheless approved the project, but was met with a court injunction from the Hamlet of Clyde River, who argued that the consultations for the project were inadequate. In 2016, the case went to the Supreme Court of Canada for a final decision regarding consultation adequacy in environmental assessments; the decision on this project would affect how consultation is conducted in any Canadian jurisdiction, and particularly consultations for indigenous communities.

The Supreme Court of Canada, in its decision on this case, reaffirmed the government's "duty to consult" (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2017) affected indigenous communities regarding environmental impacts, and of particular importance those impacts that might affect the constitutional right to continue traditional livelihoods (Hamlet of

Clyde River v. Petroleum Geo-Services Inc. 2017). What was argued was not that more consultations be conducted, per se, but rather that the consultations be meaningful (Lemieux, 2017), participatory, and “deep”, stating that “Finally, and most importantly, the process provided by the NEB did not fulfill the Crown’s duty to conduct the deep consultation that was required here. Limited opportunities for participation and consultation were made available.” (Hamlet of Clyde River v. Petroleum Geo-Services Inc. 2017).

## 2. Research Aims

### Identify the gaps and the concerns of the consultation

Since the Supreme Court decision was in response to evidence presented about consultations for an environmental assessment in Nunavut, it is important to begin narrowing the research to this specific geographic area. Every province and territory in Canada has slightly different environmental assessment processes (CEAA, 2012), therefore choosing a jurisdiction to focus the scope of the project will be useful. This is especially true given that Nunavut has a single indigenous group, the Inuit, shaping the language and cultural space that consultations should be mindful of (Nunavut Impact Review Board 2018b).

### Contribute to the definition of meaningful consultation

The purpose for employing consultations in the environmental assessment process is not simply to present affected people with information about a proposed project (Joly et al. 2018; Udofia et al. 2017; Booth and Skelton, 2011a; 2011b). Instead, it is to both share information on the potential impacts of a proposed project to those who are potentially affected, and to gain an understanding and acquire knowledge of their comments and concerns (Joly et al., 2018). Any time there is new information being exchanged between parties, there is some element of learning (Matusov, 2009). Considering this, consultations could benefit from being expanded by principles of pedagogy that focus on bridging epistemological differences between parties for mutual understanding in the consultative process.

### Provide through the application of principles of critical pedagogy

There is an extensive body of literature specifically discussing barriers and challenges in learning across different epistemologies in the field of critical pedagogy. In practice, consultations are often structured with the facilitator delivering technical information through presentations in one-way communication, with little opportunities for dialogue (Joly et al., 2018; Udofia et al., 2017; Booth and Skelton, 2011a; 2011b). Further, epistemological differences between Indigenous groups and the bureaucratic or scientific agency remain an ongoing source of friction (Bohensky and Maru, 2011).

A fundamental tenant of critical pedagogy is dialogism, the necessary condition for dialogue between parties in the learning process (Matusov, 2009). At its core is the principle that

learning is a social endeavour (Giroux and McLaren, 1994; Friere, 1970), and is most effective not through lecture, but through mutual meaning-making (hooks, 1994). Dialogism requires negotiation and flexibility, but importantly it requires a flattened hierarchy, where both parties are simultaneously teachers and learners (Giroux and McLaren, 1994; Friere, 1970). Critically, dialogism draws its philosophical foundation through social learning (Holquist 2002), where thought is the product of language, and language is the product of its socio-cultural environment (Holquist 2002; Roth and Lee 2007). If seen through this lens, the role of affected community members changes from attendees to participants in a consultation. If the Crown or agency are willing to engage in this way, consultations can facilitate better cross-cultural dialogue between community members and government. Through this research, I will use a lens of dialogism in critical pedagogy to develop a theoretical framework that specifically addresses the gaps identified in the Supreme Court decision.



### 3. Methodology

A comprehensive literature review was conducted to develop both a theoretical and methodological framework. First, articles pertaining to the legal history and case law of Indigenous rights in environmental assessments and consultations in Canada were reviewed. This included a review of several significant court decision judgments, such as *Delgamuukw v. British Columbia*, [1997] *Haida Nation v. British Columbia (Minister of Forests)* [2004]. Literature from law journals, such as the *Indigenous Law Journal* at the University of Toronto Faculty of Law, was specifically used to gain the broader legal perspective necessary for a comprehensive review of consultation in Canada. Recent articles published after the 2017 Supreme Court Decision on the Hamlet of Clyde River case in social science journals, such as the *Environmental Impact Assessment Review* and the *International Indigenous Policy Journal*, were principally sought. While there may be limited discussion academically about the specific impacts of this Supreme Court decision on the consultation process, this provides an opportunity for novel research to contribute to the discussion on meaningful consultation.

Next steps included conducting an academic literature review of articles relevant to consultation in Canada's environmental assessment. There is an extensive body of research discussing the issues and concerns specific to indigenous consultation (Joly et al., 2018; Udofia et al., 2017; Booth and Skelton, 2011a). Developing a foundation of academic literature on the limits and problems of consultations in the past provides an important critique to support my analysis of the Clyde River case. To compliment this, an extensive review of peer-reviewed research concerning environmental management and Indigenous people was undertaken, with a geographic focus on Canada, and specifically Nunavut or Canada's northern territories. Search terms such as "indigenous", "consultation", and "Canada" were first used to query available databases provided through the University of Manchester. Once initial texts were selected that fit the scope of this research, important references were gleaned from them to direct further peer-reviewed articles and book chapters. This included the extensive literature published by F. Berkes (University of Manitoba), D. Armitage (University of Waterloo), and B. Noble (University of Saskatchewan) relevant to co-management of natural resources, integrating indigenous knowledge in academic research, and indigenous consultation in environmental impact assessment. In addition, an academic review of critical pedagogy focused on the theoretical foundation of dialogism was undertaken. Vygotsky's *Thought and Speech* (1962) was examined in depth, along with Holquist (2002) and Matusov's (2009) interpretation of Michail Bahktin's

seminal works on the theory of dialogue in knowledge production. While a narrow scope, this literature review focused more on depth of analysis to assess the concepts of dialogism against the recurrent issues raised in the consultation process.

The methodology for this thesis is derived from a mixed-methods approach, incorporating both qualitative and quantitative methods to analyze relevant texts pertaining to the *Hamlet of Clyde River v. Petroleum Geo-Services Inc* case. The majority judgment of the Supreme Court of Canada's decision in the Hamlet of Clyde River case was used to guide the analysis of the transcripts. The Supreme Court used the transcripts as evidence in their judgment, and from them made comments specifically on the deficits of the consultation process. Specifically highlighted in the majority judgment was the technical and inaccessible information provided; the lengthy response time to provide requested information back to the affected communities; and the inability for the proponent and NEB to respond to basic questions about the potential environmental impacts of the project.

The consultation transcripts are made publicly available on the National Energy Board's website (National Energy Board 2014), which were used as a source of data to assess the characteristics of the approaches used by community members to communicate. The scope of the data analysis was limited to this specific case in order to gain a comprehensive understanding to deeply examine the gap in "meaningful consultation".

Importantly, the Government of Nunavut's (2015) *Culturally-Appropriate Consultation Techniques* provided the foundation for examining the consultation record and formal submissions with respect to Inuit epistemology and values for knowledge production. Tester and Irniq's (2008) article *Inuit Qanijimajatuqangit* provided further theoretical analysis to frame this research and contextualize IQ principles. For the purposes of this research, a broad review of the consultation records and submissions was undertaken to identify the theoretical gap in the consultation process often overlooked in the literature.

In addition, both the majority decision judgment of the Supreme Court for the Clyde River case and key principles from the theoretical framework of dialogism described by Matusov (2009), Dafermos (2018) and Holquist (2002) were used to determine additional categories used for the quantitative analysis and to select and organize quotes for the qualitative analysis. In addition, descriptions of Inuit epistemology described in the *Culturally Appropriate Consultation Techniques* (Government of Nunavut 2015), *Inuit Qanijimajatuqangit* (Tester and Irniq 2008), and Wenzel

(2004) were used. The consultation transcripts, formal written submissions to the NEB from the Qikiqtani Inuit Association and community members were examined in the qualitative analysis. The rationale for each of the categories is described below:

1. *Inuktitut*: Language is an integral component to an epistemology; therefore, it was important to identify the language of each comment when analyzing its content.
2. *Deferred*: Questions about the process or project that both the proponent and the NEB were unprepared to answer. This was mentioned specifically in the Supreme Court judgment: “the proponents eventually responded to questions raised...in the form of a practically inaccessible document months after the questions were asked.” (Clyde River v. Petroleum Geo-Services Inc. 2017, p 1072).
3. *Inappropriate Timing*: The Supreme Court judgment included this as a factor limiting participation and dialogue; information on this may indicate epistemological gaps
4. *Aajiiqatigiinniq* and *Consensus Decision-Making*: The Supreme Court cited the lack of clarity on the decision-making process as a factor in the judgment. Further, decision-making processes are components of epistemologies and are important factors in determining the level of dialogue.
5. *Dissatisfied with Process*: This was used as evidence in the Supreme Court judgment and may provide insight into consultation gaps.
6. *Knowledge Production*: The mechanism for producing and validating knowledge is a fundamental component to an epistemology, and can provide insights into consultation gaps.
7. *Pilimmaksarniq/Pijariuqsarniq*: Lived Experiences as Qualifications of Knowledge: In dialogism, explaining the source or authority of knowledge to someone with a different epistemology can help bridge epistemological divides.
8. *Story/Narrative*: Stories and narratives play a significant role in Inuit communication, although is not necessarily recognized in western scientific epistemology as a knowledge source.

A meticulous review of the consultation transcripts from each community was completed, tabulating the total number of comments and questions that were raised by participants into a Microsoft Excel table. A comment was interpreted as all utterances volunteered by a community

member on a specific topic. If a community member discussed several topics uninterrupted, each topic was counted as a separate comment.

For each comment, the characteristics from the list above deemed quantifiable were registered. These included whether the comments were: in Inuktitut, Pilimmaksarniq/Pijariuqsarniq: Lived Experiences as Qualifications of Knowledge, and Story/Narrative. The transcripts noted whether comments were translated from Inuktitut to English. These criteria were evaluated using descriptive statistics to demonstrate trends in the consultation transcriptions. In addition, the proportion of narrative comments made in Inuktitut were compared to the proportion of total comments made in Inuktitut. This comparison is to demonstrate whether there was a higher rate of narratives spoken in Inuktitut in comparison to English. This comparison was also conducted for comments that were preceded by a knowledge ‘qualifier’, a statement about the lived experience of the speaker that authorizes their knowledge on the topic they are speaking about. Importantly, the quantitative analysis only used data from the transcripts at each consultation—this is to determine trends pertaining to the consultation *dialogue* in-situ, not formal letters submitted by institutions or at a later date.

## 4. Literature Review

### Environmental Assessment in the Canadian Context and the “Duty to consult”

*“Put simply, Canada’s Aboriginal peoples were here when Europeans came, and were never conquered...”*

*(Haida, supra note 23 at para. 25).*

In Canada, the duty to consult is a “constitutional imperative” (SCC, 2017) in resource development projects, and has become an integral component in the environmental impact assessment processes nationally and in provincial or territorial jurisdictions (Canadian Environmental Assessment Act 2012, Section 19(1)(c)). It has particular significance in the context of Indigenous communities (Udofia et al., 2017; Booth and Skelton, 2011) if the proposed project may infringe on Indigenous constitutional rights under Section 35(1) of Canada’s Constitution (Canada Act, 1982); Indigenous groups in Canada have additional constitutional protection over their rights to traditional usage of the land. Consultation is conducted by either the Crown (a government of Canada representative or body), or by a regulatory agency, which is an “arms-length” organization affiliated or associated with the Crown (CEAA 2012; Joly et al., 2018). There is a number of academic papers criticizing the consultation process in Canada specifically for Indigenous communities (Joly et al., 2018; Udofia et al., 2017; O’Faircheallaigh, 2007; Booth and Skelton, 2011a; 2011b) that have stretched back over a decade, yet the consultation process has not improved significantly (Joly et al., 2018; Udofia et al., 2017). The origins of the legal framework stipulating the Crown’s “duty to consult” was explicitly stated in the case *Haida Nation v. British Columbia (Minister of Forests)* (Ritchie 2016; Sanderson 2018). The judgment for this case explicitly stated that “*consultation must be meaningful... the government’s duty to consult with Aboriginal peoples and accommodate their interests is grounded in the honour of the Crown... It is not a mere incantation, but rather a core precept... Nothing less is required if we are to achieve “the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown” (Haida Nation v. British Columbia (Minister of Forests) 2004, para 16-17).*

While there remains a comprehensive body of literature regarding the Crown’s duty to consult in both the social sciences and jurisprudence, an exhaustive review is beyond the scope of this paper. It is important frame the origin of the Crown’s ‘duty to consult’ with respect to this case, however there is a rapidly growing discourse on this subject that would benefit from additional research.

## Critical Pedagogy

“Collaborative learning” and “co-management” in environmental management with Indigenous partners have been discussed extensively in the Canadian context in the past decade (Spak 2005; Mulrennan and Scott 2005; Bonny and Berkes 2007; Berkes and Armitage 2010; Armitage et. al 2011; Bowie 2013; Sandlos and Keeling 2016). However, there are critics of the bureaucratic or institutional role of Inuit knowledge systems, considering that past economic drivers and limited proactive engagement by governments has reduced the scope of ‘traditional knowledge’ in favour of the usefulness of ‘traditional *ecological* knowledge’ (Tester and Irniq 2008). While these acknowledge the need to “bridge” epistemologies (Rathwell et. al 2015) of western science and “Traditional Knowledge” (Sandlos and Keeling 2016), many articles refrain from incorporating a robust theoretical foundation grounded in pedagogical or philosophical frameworks. (Rathwell et. al (2015) define this process of bridging different epistemologies as “a two-way exchange of understanding for mutual learning” (p 853), echoing representations of the consultative process throughout the legal literature that the duty to consult includes “procedural justice” in consultation (Sossin 2010). However, Rathwell et. al’s (2015) definition omits a critical component that has been addressed both by legal scholars and by court decision’s: the imperative of having specific consultations with *Indigenous* communities in the first place, as opposed to consultations with the general public. Important legal decisions regarding consultation— the *Delgamuukw* case (1997), the *Haida* case (2004), and the *Hamlet of Clyde River* case (2017)—referenced the rights of Indigenous people and the intended purpose of “the duty to consult”—to advance the relationship between the Crown and Indigenous people towards reconciliation (Ritchie, 2016; Sossin, 2010; Sanderson, 2018). The fact that the majority decision in *Haida* (2004) includes the statement of achieving “nation-to-nation” relationships and reconciliation inherently implies that the process of consultation must also work to resolve the inequity of power between the Crown and Indigenous people. Simply facilitating a “two-way exchange of understanding” does not challenge the Crown’s ability to make decisions to develop resources that are fundamentally part of an Indigenous identity and epistemology. If there is to be meaningful consultation, it must be grounded in a framework that can explicitly address this.

Critical pedagogy is a theory that fundamentally acknowledges and strives to work toward challenging hierarchies of power in society (Freire 1970; Giroux and McLaren 1994). Freire (1970) developed much of the framework for critical pedagogy (Aubrey and Wiley, 2016), and it has since been expanded on and developed with more contemporary perspectives from Ledwith (2011), Giroux and McLaren (1994) and Gruenewald (2003), and in particular on dialogism from

Matusov (2009). The theory of dialogism is informed by Vygotsky's writings on language and thought (1962), who inferred that, in contrast to the dominant pedagogical thinking, "*thinking and speech are the key to understanding the nature of human consciousness*" (p210); the act of thinking—consciousness—is born through human connection mediated by language. "Dialogism is unthinkable outside its relation to language" (Holquist 2002, p 39). M.M. Bahktin (Holquist, 2002), expanded on this, articulating the idea that contrary to contemporary rationalist understandings of knowledge production as an individual endeavor (Descartes' famous *cogito, ergo sum*), knowledge is created within the dialogue between people and the consciousness of subjects is shaped (Dafermos 2018). Knowledge is not an object to be exchanged, traded or delivered; it is inherently tied to the subject, and cannot be divorced from it. Dafermos (2018) offers a perspective on the etymology of consciousness supporting Bahktin's theory: "The word 'consciousness' originates from the Latin 'conscius' (con- 'together' + scientia- 'to know'). 'Conscious' means sharing knowledge." (p 3). Consider this in more practical terms: if a person possesses knowledge, but cannot communicate this knowledge to another conscious agent, can that knowledge be known to be true?

Further, Dafermos (2018) made a compelling argument for the nature of Bahktin's dialogism, quoting from him "Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction" (Bahktin, 1984, p. 110)." The concept of knowledge in dialogism is the collective sum of culture, events and experiences of a people, in the past and present; Vygotsky remarked on this in his critique of the former understanding of thought, where "thinking was divorced from the full vitality of life, from the motives, interests, and inclinations of the thinking individual... isolating thinking from affect at the outset, we effectively cut ourselves off from any potential for a causal explanation of thinking" (p 7). In Canada, Inuit epistemology cannot be parsed for what is considered useful for the purposes of an environmental impact assessment (Wenzel 2004); it must be respected as an indivisible aspect of the identity of subject. Wenzel (2004) captures this when recounting the purpose for developing formal Inuit Qaujimajatuqangit principles "IQ includes, "... all aspects of traditional Inuit culture including values, world-view, language, life skills, perceptions and expectations. (NSDC)" (Wenzel 2004, p 241; NSDC 1999, p 79), and "...as including the present and even the future. As put by Arnakak, IQ is a "living technology" through which Inuit "thoughts and actions", "tasks and resources," "family and society" are organized" (Arnakak 2000:1)" (Wenzel 2004, p 242).

The construction of the individual as knowledge creator and sole possessor is the overarching epistemology in western science, where knowledge is considered a 'monologue', held and known

by the self; “The commodification of human relationships reproduces a monological way of thinking, because other subjects have been reduced to the status of material objects” (Dafermos, 2018). In consultations, knowledge across cultures cannot be divorced from the place and people who confer it; people are not vessels that carry an article of knowledge (an object), because the knowledge is fundamentally embedded with the subject themselves. The idea of itemizing aspects of Indigenous knowledge in a consultation to inform an environmental assessment, or for that matter “exchanging knowledge” then becomes absurd. If consultations between epistemologies can be understood through this paradigm of subject-subject relations, the consultative process can be approached through a dialogue that can be meaningful, taking each participant’s knowledge as whole and unredacted, apart from the western science paradigm. This subject-subject dialogue can then be seen as synonymous with the Supreme Court’s edict, in that the purpose of the duty to consult is to foster reconciliation through a “nation-to-nation” relationship.

Still, the mechanisms of this subject-subject dialogue have remained elusive. While many authors have researched “knowledge exchange” between Indigenous peoples and scientists or bureaucrats, they have neglected the underlying theoretical concept of how that communication *meaningfully* occurs. Vygotsky (1962) offers a foundation to consider in communicating across epistemologies: “... true understanding and communication occur only... when I am able to relate my experience to a specific class of experiences that are known to my partner.” (p 7). Because dialogism “places so much stress on the connections between differences” (Holquist 2002, p 40), perhaps it can offer a more explicit method to bridge the epistemological differences that arise in resource management.

Bohensky and Maru’s (2011) extensive review of literature on the “integration” of Indigenous knowledge and science concludes that the process of integration should be mutually enriching, going further than simply acknowledging epistemological differences. When a change is being proposed, that could have significant impacts on a people’s culture and lives, there must be a shared understanding of what that means. Nunavut Tunngavik Inc, the organization representing Inuit in Nunavut, dryly commented that “community engagement has become a buzzword within extractive industries, academic research, and public health initiatives.” (2016, p 7); it is made clear further in their report that “Consultation and accommodation processes that do not respect consent, but tout the goals of reconciliation and partnership-building with Aboriginal Peoples, ring hollow. Inuit cannot meaningfully self-determine the social and cultural development of our society if consultation is a symbolic exercise.” (2016, p 10).



## 5. Results and Analysis

	Comments	Inuktitut		
Number	325	145		
Percentage	---	44.6%		
	Story	Story Inuktitut	Knowledge Qualifier	Knowledge Qualifier Inuktitut
Number	23	18	24	15
Percentage	---	78.3%		62.5%

Quantitative Data Summary of consultation transcripts for Pond Inlet, Clyde River, Qikiqtarjuaq and Iqaluit

### Language, Inuktitut, and Technical Jargon

*“[through interpreter] And also, when you’re unilingual, when you can’t speak English and can’t use computers, it’s kind of impossible to get these kinds of information and what the progress is.”* (para 1237, Clyde River transcript. April 30, 2013)

Language as a mediator of thought was introduced notably by Vygotsky (1962), who postulated that language was a prerequisite for the construction of thought; “Is word meaning speech or is it thought? It is both at one and the same time; it is a unit of verbal thinking.” (Vygotsky 1962, p 6). Language is fundamental to communication because language serves as the tool that a person has to express thought with. Yet language is not a system arbitrary to the culture employing it; instead, “semantic differences are patterns cut from the ideological cloth of the social world” (Holquist 2002, p 47). Language captures not just an individual’s thought, but the cultural and social fabric of the group who use it (Boroditsky, 2011; Vygotsky, 1962; Holquist 2002). If the cultural backdrop shapes language, and language shapes thought, then it can be expected that the comments spoken would reflect the cultural nuances of the language it was spoken in. A community member, fluent in both Inuktitut and English, understood this when he restated his comment: *“I’ll speak in English. I just want to clarify what I said in Inuktitut about narwhals that you don’t know where they are”* (para 1931-1932, Qikiqtarjuaq transcript. May 1, 2013).

From one perspective, communicating between language poses an additional barrier to dialogue, with the risk of important nuances being lost in translation, a fear this community member experienced. However, conveying important information in the language that reflects your epistemology is a powerful tool, captured by Tester and Irniq (2008) in their reflections on Inuit self-determination: “contests between cultures over language and definitions are critical. The outcomes determine how reality is to be constructed.” (p 49) In this sense, it would be imperative to convey ideas and messages in Inuktitut to capture the entirety of a community members’ concern, and allow for the comment to be told in the way that corroborates Inuit epistemology. Even after translation, the comment spoken in Inuktitut would still retain some of the important cultural cues necessary for a rich and deep dialogue, as discussed in further sections. Likewise, while the presentation of information by the proponent was delivered in the convention of the scientific/bureaucratic epistemology—the PowerPoint presentation—it is critical not only that the information is first translated into Inuktitut, but that concepts and technical verbiage be expanded on to broaden its accessibility. In a formal submission, a community member wrote “*The presentation was jargon-ridden and many concepts, ideas, and technical terms were not explained. Slides were not prepared in the local language... Such poor information does not allow one to be informed in order to make a judgement or decision*” (Gearheard 2011, p 1). This was echoed in the Supreme Court Decision, stating that the proponent “filed a 3,926-page document with the NEB... This document was posted on the NEB website and delivered to the hamlet offices. The vast majority of this document was not translated into Inuktitut.” (Clyde River v. Petroleum Geo-Services Inc. 2017, para 11).

The quantitative analysis revealed that 44.6% of comments were made in Inuktitut. The fact that almost half of all comments were made in Inuktitut illustrates the importance of having information available to communities in their native language. When communities do not have access to translated materials, they are ill-prepared to participate meaningfully in the consultation.

## Deferred Questions: Dialogue is Two-way Communication

*“I want a consultation - good information, back and forth discussion, clear and informed answers, opportunity for more questions, time to consider information, and to talk with someone who listens and respects my questions”* (Gearheard, 2011)

Dialogue is the relationship between two conscious beings (Holquist 2002). The relationship is predicated on the response of one being to the stimuli of another reciprocated through time (Holquist 2002). If consultation is to be a dialogue, then both parties must be prepared and

willing to engage with each other. When one party is unresponsive to the other, the dialogue ceases. The Supreme Court judgment found that “community members asked basic questions about the effects of the survey on marine mammals in the region, but the proponents were unable to answer many of them... a community member asked the proponents which marine mammals would be affected by the survey. The proponents answered: “That’s a very difficult question to answer because we’re not the core experts” (A.R., vol. III, at p. 541).” (Clyde River v. Petroleum Geo-Services Inc. 2017, para 10). This was demonstrated in multiple occasions in the transcript, when questions on the basic impacts of the project were deferred by the proponent and the NEB. The proponent did not have an expert present to respond to questions regarding impacts to marine wildlife, which had previously been expressed in numerous submissions as the primary area of concern (Qikiqtani Inuit Association, 2012). The following is exchange that exemplifies the deficiency in the proponent’s obligatory “response” in the scheme of a dialogue:

*“Community Member: ...A study should be available and recommendations should be available from what they have experienced.*

*Proponent: ...I can tell you that some of that information is probably public, you can look it up.*

*Community Member: You have to reassure people here. You know, if you don’t know it, we don’t know it. So please know it and tell us. And you should not tell us to go on the internet and check it out... You know things that we don’t know. We’re not here to do your homework... --- (Applause)” (para 1460-1474, Qikiqtarjuaq transcript. May 1, 2013)*

## Culturally Appropriate Timing

Noted both in formal correspondence and in the consultation transcripts was the inappropriate timing of the consultations and the lack of prior notice to affected communities. In particular, the proponent’s consultation record from November 2012 recorded a question from a community that stated, “*Was it the company’s strategy to do this last minute so not many people would show up to the meeting?*” (TGS NOPEC Geophysical Company, Nov 2012). In addition, QIA submitted a formal letter advising that “*QIA has made the proponent aware that consultations in the late spring and summer months should be avoided due to preferences from affected communities*” (Qikiqtani Inuit Association, May 12 2015). The dates of the final consultations all occurred in this important season, held on only one occasion in each affected community from April 29 - May 2. In the final consultation prior to the decision, the NEB did not alter the timing of the consultation to accommodate Inuit traditional seasonal activities.

Discounting the importance of timing in a consultation results in respected authorities on Indigenous knowledge being absent from the consultation process, and limits the ability for Inuit to participate in the consultation. Within Inuit epistemology, knowledge is conferred to those who have lived experience with the topic at hand (Government of Nunavut 2015). This was further communicated in Iqaluit, when a community member mentioned *“Because again, you know I look to our hunters in our community as one of the most knowledgeable about our environment and the marine environment. So I would have liked to have known what they -- what their thoughts and concerns are about this project.”* (para 2207, Iqaluit transcript. May 2, 2013). The QIA made this explicitly clear in their correspondence, stating *“This current [consultation] strategy will ensure that any consultations will be poorly attended and lead to possible mistrust of the proponent’s intentions by the communities”* (Qikiqtani Inuit Association, May 12 2015).

Likewise, participants from the community wanted to have the respective knowledge authorities from the project present at consultations, who were valued as being critical to meaningful dialogue: *“The community wants to meet with people from the company and the NEB in person - they want to meet with the people who “matter”, not hired consultants. It only added to the feeling that this “consultation” process did not matter, but rather was just a box to check.”* (Gearheard, 2011). The knowledge of “hired consultants” was not valued because they were not the ones with either the first-hand experience of developing the project nor had the authority to enter into a decision-making dialogue on the project.

When understood through Inuit epistemology, holding consultations without giving adequate notice, or during seasons when many of the important knowledge holders are away from the community hunting or fishing, not only limits the scope of participation, but further impedes the ability for those community members present to speak to an issue. This was described by a community member’s dismay that the timing of the consultation coincided with the Hunter and Trapper’s Organization (HTO) meeting. *“But anyway, HTO, tonight is their regular board meeting so I -- and most of those are -- most of the HTO board members are hard core hunters and it would have been nice to see it”* (para 2227, Iqaluit transcript. May 2, 2013). Accommodating Inuit cultural activities in timing consultations ensures important members of the community are present, and is an essential component for the Crown to foster relationships built on good faith.

## **Aajiqatigiinniq, Consensus Decision-Making & Piliriqatigiinniq/ Ikajuqtigiinniq, Working Together**

*“[through interpreter] Thank you for coming. I’m very pleased that you guys came in. And the only way we can work together is by understanding each other and this is the only way we can get there so that we’ll know each other*

*and work together so we could have a good -- better plan for the future.*" (para 929, Pond Inlet transcript. April 29, 2013)

*Piliriatigiinniq/Ikajuqtigiinniq* "means working together for a common cause and stresses the importance of the group over the individual... working together for the common good is one of the strongest Inuit traditions" (Government of Nunavut 2015). A community member tried to express this, stating "*[through interpreter] [with the] National Energy Board... so we can work with each other and be friends and just keep asking us those kinds of things and we can talk to each other and understand each other.*" (para 805, Pond Inlet transcript. April 29, 2013). The concept of 'working together' was stated several times in the consultation transcripts, with the intention of this process producing the best outcome for both Inuit and the proponents. In many of the comments, community members thanked the proponent and the NEB for coming and welcomed them to the community for discussion: "*[through interpreter] I thank you all very much for coming to the community and I'm glad the company is here to talk with us today. It is much easier to talk face-to-face and get to know each other easier*" (para 398, Pond Inlet transcript. April 29, 2013). The origin of this in Inuit epistemology is traced to its development with the backdrop of community reliance and good faith for survival (Tester and Irniq 2008; Government of Nunavut 2015).

Principles of consensus-based decision-making and cooperation are fundamental in Inuit Qaujimajatuqangit (Government of Nunavut, 2015), and were expressed in many of the comments raised by community members. Like the principles of *Piliriatigiinniq/Ikajuqtigiinniq*, working together, community members expressed interest in having an open discussion among participants. For example, a community member asked: "*[through interpreter] I would be very happy if you would get people to raise their hand whether they support the project or they against it, so that everyone will know here*" (para 766, Pond Inlet transcript. April 29, 2013). This was in contrast to the epistemology of the consultant, who viewed decision-making as a private matter. An interesting example captures this, where in every community consulted someone asks the Proponent what the other communities think about the project:

*Community Member: "[through interpreter] And what kind of feedback did you guys get from Pond and Clyde? How did they feel?"* (para 1681-1682, Qikiqtarjuaq transcript. May 1, 2013)

*Consultant: "...each community's information is theirs and should be respected"* (para 1684, Qikiqtarjuaq transcript. May 1, 2013)

Community Member: *“Thank you for your answer but I’m going to ask my colleagues that are two Chairs [on the HTO] from two communities and they’ll tell me what the community felt.”* (para 1685, Qikiqtarjuaq transcript. May 1, 2013)

It was clear from the consultation transcript that each community was not only concerned with the opinion of the other communities, but that this was an important component of how they would form their own opinions. Aajiqatigiinni encourages Inuit “to think collaboratively” (Government of Nunavut 2015, p 4) in decision-making, in contrast to the epistemology of the consultant. The consultant in this case can be given the benefit of the doubt and was speaking in good faith; in scientific/bureaucratic epistemology—and the socio-economic system it created—the primacy of the individual and free agency are explicit. The consultant was simply acting according to what is preferential in his epistemology.

### **“Southern Institutions”: Dissatisfied with Process**

*“[through interpreter] And Inuit wanting to do it their way, which I’ve seen very much from the community, it doesn’t fit in with this regulatory process. This is a southern institution process that is not very relevant to people in how we make decisions up here.”* (para 1120, Clyde River transcript. April 30, 2013)

Knowledge sharing and decision-making require a more flexible framework than a simple recasting of “western” (Tester and Irniq 2008) or bureaucratic “management processes” (Bowie 2013) of the southern institutions described in comments by community members. These institutions were built expressly to accommodate the scientific/bureaucratic epistemology it was meant to serve. Grafting Indigenous commentary into an environmental assessment only serves to alienate people in the process and further historical mistrust in government institutions. A community member summarized this, stating: *“And the way that this process has unfolded, what I have learned from the NEB is I want an institution that’s different. I do not want the National Energy Board... And I will say the biggest issue is southerners do not want to give up responsibility and authority.”* (para 2151-2153, Iqaluit transcript. May 2, 2013)

This mistrust is not unfounded. NTI recently remarked that “Inuit–government relations in Canada have largely been defined by power imbalances that favour government. These power imbalances are reflected in policies and programs that have served to advance Canada’s interests through the colonization of Indigenous Peoples and lands.” (Nunavut Tunngavik Inc 2016, p 3). These power imbalances are reflected in the ways that institutions have granted primacy to

scientific/bureaucratic epistemology, discounting the expertise of Inuit Qaujimajatuqangit over time. It has led to what a community member commented on, where “...*you don’t -- well you don’t see any Elders here. They used to come a lot... it used to be before ...these types of meetings were packed. But we’ve come to -- I guess -- sorry to say this, but we have come accustomed to saying some things but then when it gets -- goes against the scientific community, it sort of falls off the ledge. And... it’s frustrating seeing it over time and time again.*” (para 2166, Iqaluit transcript. May 2, 2013) The concern here is further compounded by an epistemology that values the wisdom of experience; when the particularly respected opinion of Elders is absent from consultations, a critical element of Inuit epistemology is missing. In this case, not only do the bureaucrats or scientists lose out on specific information, but the community as a whole is limited in expressing their concerns. If the consultation process is reformed to empower Indigenous epistemology as an equally respected system of knowledge, the Crown can begin repairing the mistrust Inuit have with ‘southern’ institutions.

## Knowledge Production

*“That is not acceptable because the company will say, “Prove it”. Then you have to go to science to prove it. No other mechanism, no other mechanism to determine what the effects will be.”* (para 2057, 2060, Iqaluit transcript. May 2, 2013)

Tester and Irniq (2008) critique the common understanding of “traditional knowledge” and “traditional ecological knowledge” in Inuit Qaujimajatuqangit, noting that even Wenzel’s (2004) description of it as a holistic understanding of the world is a “decidedly Western way of thinking about subject matter: the notion that understanding the whole can be achieved by understanding the parts.” (p 48-49). Instead, Tester and Irniq (2004) describe Inuit Qaujimajatuqangit as “seamless... with no discernible parts” (p 49), or in Inuktitut ““*avaluqanngittuq* ‘that which has no circle or border around it.’” (p 49). Vygotsky (1962, p 9) describes systems of knowing in general with the same fluidity, where thoughts are connected in “a dynamic meaningful system... Every idea contains some remnant of the individual’s affective relationship to that aspect of reality which it represents” (Vygotsky 1962, p9). The scientific/bureaucratic knowledge system is likewise the fabric that agents create reality within. Perhaps more importantly, it is the overarching paradigm that the the global economic and scientific community operate under, along with the Crown and judicial system (Nunavut Tunngavik Inc 205; Tester and Irniq 2008). The Inuktitut term for this epistemology, “Qablunaat Qaujimajatuqangit, ‘the non-Inuit way of knowing and doing things.’” (Tester and Irniq 2008, p 52) subverts the scientific/bureaucratic system from the universal benchmark used to judge other ways of knowing to another epistemology, equal in depth to Inuit epistemology. It serves as a reminder for those who operate



within the language, culture and values enmeshed in the western scientific epistemology that there are boundaries—and limits—to this worldview.

The difficulty of the affected communities to meaningfully engage in the consultation was evident in comments describing the inaccessible process of knowledge production and validation imposed by the scientific/bureaucratic epistemology: *“That is not acceptable because the company will say, ‘Prove it’. Then you have to go to science to prove it. No other mechanism... to determine what the effects will be. NEB has to determine with Inuit and the affected communities how and what -- where it’s affected... It’s passing on responsibility.”* (para 2057, 2060, Iqaluit transcript. May 2, 2013). Another community member, evidently self-conscious of this gap, ended his comment by ‘qualifying’ his knowledge to a scientific/bureaucratic epistemology, stating, *“And... of course, when I go fishing, I will keep observing things and -- but I won’t write it on paper. That’s how I am.”* (para 1213, Clyde River transcript. April 30, 2013).

When reviewing critiques of integrating Indigenous epistemology and “western” or “scientific” epistemology, a consistent issue is the attempt to fit Indigenous knowledge into scientific knowledge (Agrawal 1995; Bowie 2013; Henderson 2007; Bohensky and Maru 2011). This “passes on” the burden and responsibility of the affected Indigenous group to mediate or translate their knowledge into the western scientific/bureaucratic arena. When examining this from a holistic epistemological approach, the process of doing this becomes onerous; one has to not only translate the knowledge so it can be understood through the value-lens of scientific/bureaucratic epistemology, but may also have to reproduce its system of knowledge production to validate their knowledge and hope that it results with the same conclusion. The task of translating across systems of knowledge production is difficult and messy, but remains an unavoidable component of dialogue. The Crown must begin accepting more responsibility in meeting Inuit at an epistemological middle-ground, instead of burdening an already under-resourced group (Clyde River v. Petroleum Geo-Services Inc. 2017) to undertake the entire operation.

### **Pilimmaksarniq/Pijariuqsarniq and lived experiences as qualifications of knowledge authority**

*“[through interpreter] We are talking to you with the things that we have knowledge of and that we have experienced.”* (para 737, Pond Inlet transcript. April 29, 2013)



In Inuit Qaujimajatuqangit, the principle of *Pilimmaksarniq/Pijariuqsarniq* is the value of “developing of skills through observation, mentoring, practice, and effort” (Government of Nunavut 2015, p 4). In the consultation transcripts, many community members introduced themselves not just by their position in the community, but by their experiences on the land that would demonstrate their knowledge; for example, a community member made sure to preface his comments by stating “[*through interpreter*] I will have a question -- I forgot to introduce myself; I'm Sam Omik. I'm a hunter, a fulltime hunter. Twelve (12) miles, I go to -- down there very -- I can go down there very easily. I go through ice that's floating and go through that. I can go down there and I go hunting every year” (para 554, Pond Inlet transcript. April 29, 2013).

Inuit epistemology values lived experience (Tester and Irniq 2008; Wenzel 2004; Government of Nunavut 2015), differing from the authority earned through a scientific/bureaucratic epistemology. Tester and Irniq (2008) describe these differences thusly: “recognition, promotion, and power are related to merit, defined not by age and experience [as] with Inuit lands and culture, but by recognized educational and academic credentials” (p 50).

In the quantitative analysis, it was found that of the comments made that included a knowledge qualifying statement of lived experience, 62.5% were stated in Inuktitut, compared to the overall ratio of comments spoken in Inuktitut of 44.5 %. The relatively higher proportion of comments with qualifying statements in Inuktitut are representative of what the theory predicted: If culture shapes language, and language shapes thought and Inuit epistemology values lived experience and observation, it would be expected that there is a greater number of comments with knowledge qualifiers that were spoken in Inuktitut compared to the overall ratio of Inuktitut comments.

It was noted that community members did not feel that their knowledge authority was valued in the consultation, demonstrated in a formal submission: “what they failed to understand is what the local experts understand about seals' (and other marine life's) biology and behaviour... We also know this to be a fact from local knowledge and the Elders and other hunters in attendance provided examples and analogies to help explain their knowledge to the representatives – having found deaf animals in the past, observing the impacts of gunshot noise, etc” (Gearheard 2011, p 2). While both the consultants and community members were trying to communicate their expertise, both became frustrated when their respective knowledge was not affirmed by the other the knowledge as the result of different epistemologies. This was captured by the exasperation in a comment made by a community member: “[*through interpreter*] ...[I am] Inuk and I do a lot of things and I'm aware of it, and I'm telling the truth when I say things. And I'm not estimating or guessing. It's what I know. What I'm telling you is the truth.” (para 1234, Clyde River transcript. April 30, 2013). The community member's source of knowledge-- his lived experience and observations— was not

recognized because the consultation process, built within a scientific/bureaucratic epistemology, was not constructed to accept it as valid.

To facilitate a meaningful dialogue, the differences in knowledge production should be respected by both agents. In the scientific method, debate happens through protracted and often quantitative academic literature, where authority is bestowed to those who have published articles and are associated with prestigious institutions. Further, an interpretation of an author's conclusion is encouraged and permitted because the methodology is transparent, meaning others are free to discuss another's conclusion without them present. Conversely, Inuit systems of knowledge cannot interpret what another knowledge holder would say on a topic because it is derived from a lived experience in which they themselves did not experience (Wenzel 2004; Government of Nunavut 2015).

### Narratives and stories in Inuit epistemology

*“[through interpreter] I mean I didn't find everything out like a scientist, but I found some things out and I want to tell a short story.”* (para 550, Pond Inlet transcript, April 29, 2013).

Many participants in the consultation began their comments as a narrative, for example, a participant from the community of Pond Inlet, who through an interpreter began with *“[through interpreter] I'll give a short story for you guys to consider... I've lived everywhere in this area. I know -- I'm very intimate with the ice flow movements in the area. In Greenland, I've lived up there and I've lived higher up there”* (Pond Inlet transcript, April 29, 2013). This frames the speaker's knowledge and explains the authority and source of their knowledge to the NEB and consultants, describing their lived experiences as evidence of that expertise. The Inuit Qaujimajatuqangit, knowledge is primarily valued from personal experience that is best told through first-person narrative; it is inherently subjective and thus cannot be expressed differently without losing its integrity (Tester and Irniq 2008).

Considering this epistemology, it would be understandable why the community members would apply the same metric to the consultants, as when a participant stated, *“[through interpreter] If you had actually done these things you would know what to expect”* (para 185-186, Pond Inlet transcript April 29, 2013). The community member does not recognize the authority of the consultant because the consultant had not personally worked and experienced the project themselves. The gap in ways of knowing was demonstrated by a particular issue that was brought up in almost every community—the loudness of the seismic blast. Community members stated:

“*[through interpreter]* Without having seen how strong or loud it is, I won’t believe your statements. I do see that there’s a picture of a ship trailing equipment with pointy arrows...” (para 234, 242. Pond Inlet transcripts, April 29, 2013). The diagrams of a ‘ship trailing equipment with pointy arrows’ is not evidence of authoritative knowledge within Inuit epistemology, and cannot be demonstrated through observation. The participant is stating that he doesn’t believe the consultant because he wants to hear the blast himself, he wants to be able to experience or observe it in order to know it. Again, this same issue is brought up with respect to the decibel level of the seismic blast, “*[through interpreter]* Even if I’m told this type of number is this small, I don’t know the sound if you tell me, I have to hear it.” (para 266, Pond Inlet transcript, April 29, 2013). In Clyde River the issue was raised several times: “*[through interpreter]* And if you bring the equipment and let us hear how it sounds like and how much effect it can have on animals, on the mammals, that’s what I want to find out... when I hear the sound... I would know for sure if it would affect the mammals or not” (para 1088, Clyde River transcript. April 30, 2013). The proponent’s response to these questions were typical of a scientific/bureaucratic epistemology that uses abstraction and quantities to convey information: “*It is in the EA, the table of model distances over and so how the sound dissipates over distance... They take locations and do sound propagation modelling and how the sound, like I mentioned, dissipates over distance.*” (para 1694, 1705 Qikiqtarjuaq transcript. May 1, 2013). When examined, it becomes evident where dialogue breaks down—it is tied not just to the knowledge itself, but the epistemology that produced that knowledge. When consultations consider indigenous knowledge as an object that is exchangeable or extractable, meaningful and deep dialogue is impossible. Just like the meaning of scientific knowledge falls apart without the system of peer review and the scientific method, so too does the meaning of Indigenous knowledge without their system of knowledge production and verification.

In the quantitative analysis, it was found that of the comments made that were in the format of a story or narrative, 78.3% were stated in Inuktitut, compared to the overall ratio of comments spoken in Inuktitut of 44.5 %. The substantially higher percentage of narrative comments are representative of what the theory predicted: If culture shapes language, and language shapes thought and Inuit epistemology values lived experience and observation, it would be expected that there is a greater number of comments told through a story that were spoken in Inuktitut when compared to the ratio of Inuktitut comments overall.

The narratives and stories used in comments are not a meaningless preamble. They serve to not only qualify the speaker, but to explain a particular point in a way that agrees with Inuit epistemology, as explained by a community member “*[through interpreter]* I also appreciate that you can appreciate why we say these things when we do because they mean -- everything we say means something to us...”

*that's Inuit knowledge, that's Inuit qaujimajatuqangit. And if you would be kind enough to take that seriously and study it, I would strongly recommend that you [do]*" (para 366, 368, Pond Inlet transcript. April 29, 2013). Narratives become a useful tool to communicate information constructed within an epistemology like Inuit Qaujimajatuqangit that does not view the world as the sum of constituent parts, but considers it "holistically" (Wenzel 2004), or more precisely, "seamlessly" (Tester and Irniq 2008).

This conflict on worldview presents perhaps the greatest challenge in bridging the "multiplicities of logic" Agrawal (1995) between the overarching scientific/bureaucratic epistemology and Inuit epistemology. To respect Inuit knowledge as whole, useful attributes cannot be teased out. Therefore, in consultations about potential environmental impacts, spiritual and social concerns cannot be dismissed as an irrelevant community concern. When a community member stated "*[through interpreter] there have been so many suicides in the north and I've lost so many friends, and they were -- they wanted their culture back but they couldn't and we can't do anything about our culture anymore. We have to follow your laws.*" (para 1049, Clyde River transcript. April 30, 2013), it must be understood as deeply relevant to the impacts the project may have on the community; environmental impacts are also social impacts are also spiritual impacts. These stories then cannot be plucked for "traditional ecological knowledge", as Tester and Irniq (2008) assert, because "without considering these dimensions [social and spiritual], IQ... can be bent to purposes at odds with Inuit values" (Tester and Irniq 2008, p 52).

## 6. Discussion

From the analysis of the transcripts, along with pertinent quotes from letters sent on behalf of the QIA and community, it was clear that the community did not consider the consultation adequate in light of their outstanding questions, the inappropriate timing of the consultation, the limited ability to participate in the formal written aspect of the process, and confusion about the decision-making. Further, each of these areas highlights incongruences between western scientific epistemology and Inuit epistemology that were neglected throughout the process. In these cases, knowledge was viewed as an object, instead of treating the consultation as a subject-subject dialogue. The analysis of the transcripts and formal letters are examined for qualitative evidence that supports the argument for reframing consultations in a way that respects and is inclusive of differing epistemologies. The results have been mapped out to build the analysis, beginning with the foundation of epistemology in language, dialogical communication, and culminating with Inuit-specific epistemological values.

The conceptual implication of this research demonstrates the gap in how the Crown neglects systems of knowledge in its approach to consultations with Indigenous groups. Epistemological differences need to be recognized and affirmed in the consultation process itself by not only accommodating cultural customs when able, but by creating a process that values Indigenous ways of knowing. As Tester and Irniq (2008) summarized over a decade ago, “more effort needs to be put towards the design of social processes and social spaces that help Western scientists and Inuit understand each other’s historical, cultural, and political contexts.” (p 59)

There is often a misconception that consultations should produce ‘useful’ information that can enrich our scientific understanding and fill in gaps of information. However, “IQ is not merely something useful to a development agenda” (Tester and Irniq 2008, p 51). In the endeavour to reconcile nation-to nation relationships with Indigenous groups, the Crown must be willing to honour the sovereignty of Indigenous epistemologies. This requires the difficult task of re-examining the institutional framework that the consultation process was built on, incorporating flexibility in the process to accommodate the unique epistemologies of the range of Indigenous groups in Canada.

In addition, ‘culturally-appropriate consultation techniques’, like what was produced for Inuit by the Government of Nunavut (2015), can be developed by Indigenous groups that introduce respective epistemological principles to consider and integrate into consultation processes. However, long-term and meaningful relationships require consistent engagement and

consequential response from the respective partners; this means that processes must be able to adapt to feedback from either party.

The theory of dialogue considers knowledge as embedded with the subject; epistemologies must be considered as the fundamental basis of knowledge, not decontextualized from the place and culture that it was born from. Further, scientific/bureaucratic epistemology be repositioned from the dominant institution that Indigenous epistemologies are made to fit within. Both scientific/bureaucratic and Inuit epistemology have a rich history derived from language, culture, and place that when respected can facilitate meaningful dialogue. Once the system of knowledge production and authority is understood in relation to its epistemology, sincere dialogue can begin that is not paternalistic or exploitative, but assumes a subject-subject relationship.

A critical component to dialogue is agency, in which each party has access to respond freely to the other and the ability to decide when and how to ‘stimulate’ or provoke a response from the other. The current imbalance of power holds Indigenous groups hostage to the systems and institutions of the Crown in consultations, where there is limited space for Indigenous people to participate in the decision-making process outside of litigation. Relinquishing this power equitably with an affected Indigenous partner is not inconceivable; half of the deciding members on the Nunavut Impact Review Board are appointed through Inuit organizations. However, the Crown must be motivated in joining Inuit “to create a *kappianangittuq* ‘a safe, or non-scary, place’ where these matters can be discussed across cultures” (Tester and Irniq 2008, p 59) and advance toward developing more meaningful dialogue.

## 7. Future Research

Based on this exploration and research there is compelling evidence that a gap remains not just in the Crown's consultation practice, but in its approach to Indigenous epistemology, particularly in decision-making for resource development. This could benefit from further ethnographic research in partnership with authoritative knowledge holders of an Indigenous group to identify epistemological gaps and develop an adaptive method specific to an Indigenous group's epistemology to bridge the consultation process. It was beyond the scope of this research to explore the differences in data between communities, or between narrower community demographics (women, youth, elders, etc) but this could be a useful meta-analysis to gain a richer understanding of epistemological gaps between the affected Inuit communities and the Crown.

## Conclusion

The *Culturally-Appropriate Consultation Techniques* produced by the Government of Nunavut (2015) provide a useful entry-point for understanding the broader application of ‘meaningful’ consultation with Indigenous groups nation-wide. While the techniques described include descriptions of customs and practices to recognize while in discussions with communities, it extends further by offering a description of Inuit Qaujimajatuqangit, principles important to Inuit epistemology to help non-Inuit understand Inuit systems of knowledge production. This is the critical component to engage meaningfully across epistemologies. When Indigenous systems of knowledge production are not validated in the institutional concept of consultation, the value of Indigenous knowledge becomes a means to fulfilling an end. The knowledge they are acquiring loses its meaning when dislocated from Inuit epistemology; stories of deaf seals or unresponsive narwhal are validated through Inuit knowledge production, but become mere anecdotes when appended into Environmental Impact Statements.

To fulfil the objectives of “the duty to consult”, consultations cannot remain an impersonal and extractive activity. Consultations need to be adjusted for each Indigenous group in culturally-appropriate ways that go beyond acknowledging custom, but include within the process itself the affirmation of Indigenous group’s system of knowledge. The identity of a group cannot be recognized without respecting the epistemology that empowers its cultural identity. To move towards reconciliation, the Government of Canada must then meaningfully value the epistemologies of the Indigenous groups residing in its political boundary in order facilitate a true nation-to-nation relationship.



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