

Sustainability Planning and Collaboration in Rural Canada

Taking the Next Steps

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Netukulimk Narratives

Pathways to Rebuilding Sustainable Indigenous Nations

L. Jane McMillan, Kerry Prosper, Morgan E. Moffitt, and Anthony Davis

Indigenous rights recognition and the Mi'kmaq peoples of Nova Scotia

In the past two decades, Indigenous peoples' rights in Canada and abroad have received increasing global attention. In particular, national and international organizations have, through documents and assemblies such as the Royal Commission on Aboriginal Peoples (1996), the United Nations Rio Declaration on Environment and Development (1992), and the United Nations Declaration on the Rights of Indigenous Peoples (2007), highlighted the need for governments to recognize Aboriginal rights and work in conjunction with Indigenous peoples toward creating more equitable and respectful relationships. Yet, despite these efforts, Indigenous peoples continue to struggle to achieve the benefits that are inherent to their rights. Often these struggles are played out within judicial settings, wherein "reliable evidence" is a requirement for decisions that affirm rights. Evidence utilized to support Indigenous communities engaged in legal conflicts with state powers and/or treaty negotiations may evolve out of long-term research collaborations between university researchers and Indigenous communities. Social-research collaborations

have the capacity to contribute to these processes and have the potential to create strong ties between communities and researchers. They may also develop important data to be employed by communities to attain social justice and rights recognition, and to implement culturally aligned governance strategies. This is not to say that collaborations are without difficulties; strong relationships take time, mutual understanding, and respect, and they must be grounded in community desires.

This chapter explores the research relationships that are supporting Mi'kmaq rights recognition and their expansion in the province of Nova Scotia, Canada. We outline key attributes of successful social-research collaborations between university researchers and Paqtnkek, an Indigenous Mi'kmaq community in rural Nova Scotia. The strengths and limitations of social-research processes and the contributions that these collaborations have to make are discussed through the lens of cultural sustainability framed by Indigenous resource use and local ecological knowledge. We are a group of anthropologists concerned with the potential constructive role that research partnerships play in documenting resource-use practices and local ecological knowledge to advance Indigenous peoples' legal rights and empowerment. Collectively we work toward building community capacity for long-term, integrated, public engagement in the management of Mi'kmaq moose harvesting as part of a broader movement in mobilizing Indigenous knowledge for environmental, social, and cultural sustainability.

Presently, strong social-research collaborations between the Mi'kmaq and university researchers work at the grassroots level to develop programs and provide the data necessary to support current community-development projects. This research is founded on participatory-action principles and decolonizing methodologies. As Smith (1999) advises, "the methodologies and methods of research, the theories that inform them, the questions which they generate and the writing considered carefully and critically before being applied. In other words, they need to be 'decolonized'" (p. 39). Far from rejecting traditional research principles, decolonizing methodologies pertains to a reworking of research objectives, methods, and techniques to formulate a research design that is based on community desires, involves community members, and is subject to community approval or rejection. Thus, decolonized

research is not research *on* an Indigenous community; it is research *for* an Indigenous community in collaboration *with* community members. In our research, our collaborators revealed that the rights to fish commercially or to hunt moose are not merely newly recognized rights granted by the Supreme Court but rather a set of communal rights with tremendous historical privileges that had associated customary governance strategies forged on culturally aligned principles of resource-use sustainability.

Decolonized-research relationships are an essential step toward self-government and autonomy. As Smith (1999) argues, imagining self-determination is "...to imagine a world in which Indigenous peoples become active participants, and to prepare for the possibilities and challenges that lie ahead" (p. 126). The participation of Mi'kmaq peoples in the creation and transmission of research projects is an important step en route to creating sustainable communities and conscious actions toward social justice. Transferring power and control over research goals, outcomes, and methods is as necessary to creating sustainable communities and culturally relevant programs as the devolution of power and control from the state to the Mi'kmaq. Thus, in order for effective and meaningful research to transform and rejuvenate Mi'kmaq communities, strategic research agendas must be formulated through profound and multilevel partnerships rooted in mutual respect and fixed in community control of the determination of research goals and full participation in their outcomes and implementation. Most important, as McMillan and Davis (2010) point out, inclusive research collaborations between the Mi'kmaq and university researchers have the potential

to contribute meaningfully to thorough documentation of Mi'kmaq customary intellectual property, as well as the association of these with legal interpretations and affirmations of treaty rights, the development of sustainable natural resource-based livelihoods and economic development, and the achievement of self-governance informed by Mi'kmaq culture and customary knowledge. (p. 6)

In this study we found that researching customary laws and cultural concepts such as *netukulimk* are critical to developing and contributing to

Indigenous knowledge mobilization and sustainability planning in rights-implementation work.

Netukulimk narratives

Against colonial encounters, Mi'kmaq peoples are exploring their customary relationships with land, sea, and air to re-establish the nature and form of their treaty rights. *Netukulimk* is a conceptual framework of laws recognizing the interconnection of every animate life form and inanimate object according to Mi'kmaq local knowledge. The teachings of *netukulimk* provide some guidance for uniquely Mi'kmaq approaches to resource utilization and regulation that have the potential to frame sustainable natural-resource management and inform culturally aligned governance strategies against those imposed upon the Mi'kmaq by the state and its agents. The narratives reinvigorating the principles embedded in *netukulimk* reflect shifting balances of power as Mi'kmaq negotiate their rights internally and externally. In some narratives, practicing *netukulimk* is presented as the answer to environmental exploitation and crises, and are told in ways that illuminate the impacts of colonial denial of Indigenous knowledge and practice.

Many *netukulimk* narratives articulate Mi'kmaq treaty rights and demonstrate jurisdictional hitches that interfere with living in a good way with each other, and are permeated with tales of injustice. Aggressive fisheries officers, militant natural-resource patrols, and overzealous sport hunters and fishers, whose claims to traditional rights remarkably have tremendous political and economic leverage, perpetuate systemic discrimination and facilitate the extensive oversurveillance and criminalization of Mi'kmaq harvesting practices (McMillan, 2012). In other narratives, *netukulimk* is part of the story of reconnection with land, language, and culture, particularly in reconciliation narratives—of which we are listening to many and learning of the profound intergenerational impacts of residential schools on Indigenous cultures as we work to mobilize pathways to reconciliation through Indigenous-knowledge mobilization (Prosper, McMillan, Davis, & Moffitt, 2011). In this chapter we detail *netukulimk* narratives at work in the creation of the Mi'kmaq Moose Management Initiative in the context of nation rebuilding after the Supreme Court of Canada *R. v. Marshall* (1999) decision affirmed Mi'kmaq treaty rights.

Respectful research in Mi'kmaq territory: Collaborative methodologies and participatory action

Two particular research collaborations between Mi'kmaq communities and university researchers illustrate the significant contextual considerations we take as we work to decolonize communities and establish processes that facilitate and enhance strategic cultural sustainability. The Social Research for Sustainable Fisheries (SRSF) project and the Indigenous Peoples and Sustainable Communities (IPSC) program are two examples. Together, these partnerships represent over a decade of collaboration and commitment to developing and supporting healthy and sustainable Mi'kmaq communities. Both of these research partnerships are linked to the release of the *R. v. Marshall* decision (1999) and the subsequent clarification issued in the fall of 1999.

R. v. Marshall (1999) affirmed that the Mi'kmaq possess a treaty right to participate in commercial fisheries as a means of acquiring a “moderate livelihood” (p. 2), but limiting the accumulation of wealth. Defining “moderate livelihood” is a legal and cultural challenge in the creation, implementation, and justification of sustainable resource management. Limiting Mi'kmaq entitlements creates an uneven playing field and disadvantages Mi'kmaq positions and beliefs in negotiating with multiple resource users. The court decision forced the creation of a framework relationship to govern the process of Aboriginal- and treaty-rights negotiations between the three governments involved in the decision: the Mi'kmaq, the Government of Nova Scotia, and the Government of Canada. Court cases, especially those that are appealed to the Supreme Court of Canada, are often extremely long, cost millions of dollars, and can end with parties dissatisfied with the outcomes. In the *R. v. Marshall* (1999) decision, the protracted and contentious legal battle resulted in the federal and provincial governments' forced recognition of the contemporary applicability of historical treaties (Coates, 2000; Wicken, 2004). Consequently, both parties were compelled to find new avenues through which to negotiate further conflicts and to implement Mi'kmaq treaty rights. As Coates (2000) testifies, “The *R. v. Marshall* (1999) decision was not just about lobster or even fishing rights. It was about recognizing the legitimacy of eighteenth-century treaties and rebuilding trust relationships between First Nations and other Canadians” (p. 206). While the relationship between the three governments remains tense at times, and

in some cases certain fishing communities have been negatively affected by the decision, it has generally evolved in a constructive manner toward a negotiation process in which the Mi'kmaq are granted a voice and a space to articulate the legitimacy of customary practices, such as *netukulimk*, for contemporary employment. These articulations are often framed against the colonial system that continues to restrain Indigenous rights to sovereign control over subsistence resources. The *R. v. Marshall* (1999) decision has therefore played a pivotal role in developing the social, economic, and political foundations that are essential to the realization of successful self-government, and vibrant, sustainable communities in Mi'kmaq territory (Davis & Jentoft, 2001).

The SRSF project began in February 1999 with the assistance of the Social Sciences and Humanities Research Council of Canada (SSHRC) through the Community–University Research Alliances (CURA) program. The SRSF was developed by Mi'kmaq and university partners and involved both Mi'kmaq and non-Aboriginal fisheries organizations throughout Nova Scotia (McMillan & Davis, 2010). This partnership was founded during a very hostile and uncertain time in the Atlantic fisheries. With the collapse of the cod fisheries in the mid-1990s, and the closure and downsizing of multiple fisheries, thousands of families had lost their livelihoods, and the subsequent reshaping of coastal communities fuelled a massive out-migration of working-aged men and women (McMillan & Davis, 2010). The small-boat fleets that remained were able to work for only short periods of the year in highly regulated, limited-entry fisheries often specializing in one or two marine resources (McMillan & Davis, 2010) and with mounting tension between Aboriginal and non-Aboriginal fishers. Igniting this already strained situation was the September 17, 1999, release of the *R. v. Marshall* (1999) decision; the relationships between non-Aboriginal and Mi'kmaq fishers were dangerously escalating toward violence. The necessity of a workable collaboration between the two parties and reinforced by outsider researchers was paramount to protecting Indigenous rights and played a decisive role in the creation of a strong partnership. Mi'kmaq partners identified the primary focus of SRSF's research as documenting local ecological knowledge of Mi'kmaq and small-boat fishers' knowledge of American eel (McMillan & Davis, 2010). Marshall was fishing eel, a culturally significant food, and a social, commercial, and ceremonial fish, at the time of his charges.

The SRSF research addressed specific issues that were identified by each partner organization. The equal participation of partners throughout the whole engaged process was embedded within the research design and methodology (McMillan & Davis, 2010). The Mi'kmaq-centred aspects of the SRSF methods began with a series of broad and holistic workshops relating to the function of social research and the results that research could and could not deliver in these contexts (McMillan & Davis, 2010). Early in the workshop process, participants (university researchers, Mi'kmaq community members, and Mi'kmaq members training to be research assistants) identified themes that they agreed should guide program design. Through the workshop process, partners agreed upon a three-phase, integrated approach to the research design: building a socio-economic context, systematically gathering reliable and specific background information and detailed documentation of Mi'kmaq knowledge and experiences eel fishing along with community-specified experts (McMillan & Davis, 2010). Throughout these phases, Mi'kmaq community researchers were active in the interview process, analysis, and dissemination of research outcomes. As a result of this in-depth and comprehensive study, a reliable body of evidence detailing Paqtneke's relationship and experience with *ka't* (eel) is available and can be used for future projects, public engagement, and education, and if necessary, legal conflicts (McMillan & Davis 2010).

The Indigenous Peoples and Sustainable Communities research initiative, supported by the Canada Research Chairs Program at St. Francis Xavier University, is an ongoing collaborative process that examines the intersections of Indigenous knowledge and legal anthropology, with the distinct goal of developing strategies for implementing treaty and Aboriginal rights. Grounded in deep ethnographic work and participatory-action research, the program examines social change, social processes, and social conflicts that relate to the communal structures and relationships emerging from the Supreme Court of Canada decision *R. v. Marshall* (1999). The research taking place through the Indigenous Peoples and Sustainable Communities program enables comprehensive and participatory studies that are focused on Mi'kmaq strategies of treaty implementation, local ecological knowledge, rights negotiation, jurisprudence, and socio-cultural perceptions and practices. Through SSHRC Aboriginal Research Grant funding, the film *Seeking*

netukulimk: *Mi'kmaq knowledge, culture, capacity and empowerment* generated opportunities for capacity building, research training, and knowledge mobilization, which we recognize as imperative to culturally aligned resource-use management and sustainability (Prosper et al., 2011; Stiegman, Prosper, & McMillan, 2013).

Netukulimk: A strategy for integrated Aboriginal rights sustainability

Emerging from the SRSF research was a desire from Paqtnek to explore their cultural and spiritual connection to natural resources and frame their economic ventures around their special connection. The combination of rights that flow down from *R. v. Marshall* (1999) and *R. v. Sparrow* (1990), a Supreme Court decision that, like *Marshall*, clearly states the best way of resolving Aboriginal rights issues is arranging self-government through negotiation (Isaac, 2004), helped us to identify priorities of rights to resources in the event of availability, conservation, and commercial economic activity. The court held that Aboriginal fishing rights are protected under the Constitution and the Crown cannot impose unjustifiably unreasonable limitations (Borrows, 2010). The *R. v. Sparrow* (1990) test outlines how priority access to a resource may be affected by conservation-management needs set out by the federal government, ranking Indigenous food fishery first, followed by recreational fishery, and commercial access third.

The *R. v. Marshall* (1999) decision recognizes the right of the Mi'kmaq to earn a moderate livelihood. The Mi'kmaq are challenged with defining what a moderate livelihood means with respect to the interpretation of individual and communal rights with regard to community sustainability planning. The right to earn a moderate livelihood is subdued by a perceived limitation to accumulate wealth from this treaty right. This limit to wealth accumulation is often viewed as a measure of oppression designed to interfere with the full expression of Mi'kmaq rights and thus adds to the socio-legal complexity as Mi'kmaq develop economic ventures or try to plan sustainable economic management mechanisms within their communities.

In the last decade, Mi'kmaq peoples have experienced an intense period of local and provincial institution building and intergovernmental negotiation. This has far-reaching consequences for community

sustainability and community empowerment. The Nova Scotia Mi'kmaq are determining value systems and codes of conduct to regenerate cultural identities, increase social cohesion, and manage new relationships with each other, their natural resources, and the larger society. A key area in which the Mi'kmaq are working to re-establish and rebuild cultural connections is in their relationship with natural resources. Colonization had a tremendous impact on Mi'kmaq traditional subsistence strategies, limiting their access to hunting and fishing territories and criminalizing traditional subsistence activities. The result was the endangering of traditional beliefs and concepts such as *netukulimk* and the expansion of socio-economic marginalization of Mi'kmaq peoples. *Netukulimk* is a cultural concept that has been held by Mi'kmaq since time immemorial and is today being put forward as a model for sustainable resource use.

The *netukulimk* narratives are fluid, transformative, intersubjective, situated in process and performance, and grounded in everyday life, and they have political consequences. We explore the Mi'kmaq concept of *netukulimk* as a reference point for illustrating the connection of Mi'kmaq culture and spirituality in their relations with the changing environment while ensuring their survivance. This culturally rooted concept operates as a guide to responsible co-existence and interdependence. It is considered as a body of living knowledge that underpins the moral and ethical relationships that explain their world in the past and provides for the present by sustaining the future. *Netukulimk* provides a roadmap to meaningful expressions of rights and entitlements, and shapes the governance required to generate sustainable values of interaction and livelihood. The accounts of the concepts and practices of *netukulimk* are emergent in land-claim agreements and community-controlled resource management plans. The narratives are about reallocating land, resources, and political power, and are rooted in the broader issues of everyday, common sense, taken for granted categories and practices.

Indigenous knowledge (IK) of the Mi'kmaq posits that they come from the land or they were sprouted from the land. Kerry Prosper explains the tangible and intangible significance of *netukulimk* as follows:

The Mi'kmaq term “Weji-sqalia'tiek” is interpreted in English as “We sprouted from the land.” Mi'kmaq origin beliefs explain and express the development of their relationship to the lands

and resources through the concept *netukulimk*. *Netukulimk* frames the interconnected relationship Indigenous peoples have to their land, animals, and biomaterial as a result of thousands of years of constant interaction. This interconnected relationship forged each life form into its own niche of survivability and existence since creation. Different life forms that live on land, in water and the sky, for thousands of years, are connected in ways that transcend physical and spiritual boundaries. The Mi'kmaq evolved with their environment and interacted within it for well over 12 thousand years and thus created a special relationship that transcends the spiritual and physical boundaries and connects Mi'kmaq to all the biomass that exist within in their traditional territory to this day.

The life and death cycle as expressed in the nutrient exchange demonstrated by all things is the everlasting gift of creation that is in a constant circle of recycling. It is from within this cycle that the Mi'kmaq have sprouted. This ongoing cycle of life and death is an exchange that results in constant creation. Creation has no beginning and no end, a circle that is forever perpetuating life from one state of being to another. The spiritual connectedness developed in these interrelationships are bound together in the process of transferring nutrients from one life form to another, a cycle that the Mi'kmaq were and are still a part of today. Embedded in this concept is the idea that the ancestors are in everything, and one day your essence will also be providing for future generations so we must be mindful of how we interact with the world around us. (Prosper, 2009)

Universalizing classification systems that accompanied colonial expansion threatened to dislodge or trivialize local systems of meaning. Indigenous knowledge continues to be presented as an object for science rather than as a system of knowledge that could inform science. *Netukulimk* narratives are emerging as rights and responsibility discourses that are informing governance strategies in Mi'kmaq country. The research team decided to explore and animate the *netukulimk* concept and its resource-management potentials as it is operationalized through the Mi'kmaq Moose Management Initiative.

Integrated Community Sustainability Planning: The Moose Management Initiative

There are many challenges to cultural and community sustainability for Indigenous communities. Long-term thinking, resilience, and capacity building are constantly challenged by policies and laws favouring assimilation, narrow treaty interpretations, resource-consuming bureaucracy, litigation uncertainty, and complicated and inadequate funding arrangements. Systemic discrimination and internal colonization are also formidable obstacles to effective implementation of Indigenous models of environmental, social, and cultural sustainability, which are further hindered by jurisdictional conflicts and the inefficient maze of fiduciary responsibility and accountability perpetuated by the state and its agents. Non-Aboriginal resistance to Aboriginal rights is well-documented (Asch, 1997; Blaser, Feit, & McRae, 2004; Boldt, 1993; Borrows, 2010; Cornell, 1988; Niezen, 2003; Royal Commission on Aboriginal Peoples [RCAP], 1996; Warry, 2007). The Mi'kmaq have a long history of dispute regarding their liberty to exercise their treaty rights. The assertion of Mi'kmaq rights through treaty litigation and protest was and remains extremely difficult and tense for both Mi'kmaq and non-Mi'kmaq throughout the province of Nova Scotia. Despite its tremendous cultural significance, many Mi'kmaq had never participated in the moose hunt because of restrictive government legislation that reduced or ignored Mi'kmaq rights or criminalized customary activities. The Mi'kmaq who hunted moose did so discreetly and tried to avoid any contact with the any Department of Natural Resources (DNR) wardens.

The *Simon v. The Queen* (1985) decision affirmed the Treaty of 1752 and upheld Mi'kmaq hunting rights off reservation. With the security of treaty rights affirmed, many Mi'kmaq who exercised their rights had very little experience hunting and were unaware of safety regulations and other laws, causing them to be highly susceptible to charges for hunting offences and safety-regulation violations (Moffitt, 2010). In addition, these new hunters hunting under the treaty faced many challenges and contradictions. Within and between communities there was a diverse interpretation of what was considered "proper" treaty-rights implementation, increasing debate about the role of moose as a subsistence resource and whether or not moose should be sold for profit (as in earning a moderate livelihood), and concerns over the laws that should govern Mi'kmaq

hunters (Moffitt, 2010). Discourses within communities raised contentious issues of whether or not Mi'kmaq rights are collective or individual treaty rights. It is within this context that the rejuvenation of traditional ecological concepts like *netukulimk* were looked to for guidance.

In a political strategy to protect their treaty rights, the 13 Indian Act-elected Mi'kmaq chiefs of Nova Scotia, under the direction of the grand chief and the grand council, the customary governing body of the Mi'kmaq nation, set out interim guidelines as customary laws that the Mi'kmaq were going to follow as they exercised their treaty right to hunt moose. The guidelines followed the direction and concept of *netukulimk*. The unspoken concept *netukulimk* held in the consciousness was now spoken and written into a document. On Mi'kmaq Treaty Day, October 1, 1986, the majority of the leadership in Nova Scotia ratified a set of guidelines as a first step toward this end (Richardson & Erasmus, 1989). The guidelines stated:

Until the Mi'kmaq people can come to some agreement with Canada and Nova Scotia on changes to their legislation and regulations, it will be necessary to adopt some interim *netukulimkewe'l* (laws) of our own—both for our own protection and the protection of the animals and fish which form part of our inheritance from the creator. The Treaty of 1752 belongs to all the Mi'kmaq, and we must all work together to keep it strong. We therefore call upon all Mi'kmaq to understand and respect the following guidelines for the treaty right to *netukulimk* under the 1752 Treaty. These guidelines embraced the old concept *netukulimk*. The treaty was brought forward to endure and welcome the 21 century, with it came the old values and traditions of our ancestors. The Mi'kmaq culture shifted to embrace not only a renewed treaty but renewed modern and traditional law ways. (*Mi'kmaq Treaty Handbook*, 1987, p.14)

It is imperative to understand the impacts of colonization on Indigenous knowledge and ways of life in order to produce effective mechanisms for change today. The cultural and spiritual connection of the Mi'kmaq to their territory and resources is critical to the current period of nation rebuilding and cultural revitalization. Mi'kmaq peoples

are creating original, culturally relevant programs and initiatives to implement their treaty rights and establish healthy, strong relationships with their customary resources based on the objectives of *netukulimk* and thus must be considered and integrated in community sustainability planning. The following section focuses on a particular case where Mi'kmaq peoples are successfully designing and implementing their own management plans to rebuild community relationships with moose through the principles enshrined in *netukulimk*.

As noted in earlier, rather than continue to have the courts decide Mi'kmaq rights, the Mi'kmaq peoples and the provincial and federal governments created a framework agreement in 2001, the Made-in-Nova Scotia Process, as a way to negotiate effective implementation of Mi'kmaq treaty rights and self-governance within the province of Nova Scotia. Following the 2001 agreement, the tripartite forum, which is a federal/provincial/Mi'kmaq partnership, established from the Marshall Inquiry Recommendations (Royal Commission on the Donald Marshall, Jr., Prosecution, 1989), to mediate and resolve outstanding issues between these governments, was reorganized into working committees focused on specific social-community oriented and rights-based issues addressed throughout the intergovernmental negotiation process. Mi'kmaq interests in these negotiations are represented by Kwilmuk Maw-klusuaqn (KMK) or the Mi'kmaq Rights Initiative Negotiation Office. The goal of KMK is to define, recognize, and implement Mi'kmaq rights for the benefit of Mi'kmaq communities and peoples. Consequently, KMK plays a tremendously important role in ensuring that Mi'kmaq communities achieve recognition, acceptance, implementation, and protection of treaty, title, and other rights. Our research is designed to examine the values of the KMK in the development of Mi'kmaq systems of governance and resource management; to revive, promote, and protect a healthy Mi'kmaq identity; to obtain the basis for a shared economy and social development; and to negotiate toward these goals with community involvement and support.

Control over subsistence activities affirms Mi'kmaq jurisdiction and is therefore a highly contentious issue at negotiations between the Mi'kmaq, the Nova Scotia government, and the Canadian government (Moffitt, 2010). As part of the governance strategies emerging in the post-Marshall negotiation era, the expansion of Mi'kmaq jurisdiction to resource utilization has the potential to become a jumping point from which the KMK

and the newly formed Mi'kmaq House of Assembly can negotiate further self-government projects.

The Moose Management Initiative (MMI) officially created in 2006, is paving the way for treaty rights implementation in Nova Scotia (Moffitt, 2010). The project is spearheaded by the Unama'ki Institute of Natural Resources (UINR), an organization that is Mi'kmaq owned and operated, and is a direct result of community working groups established throughout the ongoing negotiations between the KMK, the Government of Canada, and the Province of Nova Scotia. Recognizing that the *Simon v. The Queen* (1985) and *R. v. Marshall* (1999) decisions established Mi'kmaq peoples' rights to access traditional resources and, in light of the new framework for rights and governance negotiations, the KMK and the UINR sought to put these rights to work in fostering culturally aligned economic development (Moffitt, 2010). After conferring with federal and provincial representatives and agreeing to proceed with the expansion of Mi'kmaq jurisdiction over the moose harvest, the KMK assigned the UINR the responsibility to develop a comprehensive moose-management plan that would govern the Mi'kmaq hunt. The program is deeply rooted in Mi'kmaq cultural beliefs, their historic *netukulimk*-based relationship with the moose, and the effect that the arrival of European settlers had on this relationship.

Today, Hunters Mountain, located in the Cape Breton Highlands, hosts the main moose population in Nova Scotia. Cape Breton enjoyed a large population of moose as did the mainland of Nova Scotia during contact. With the establishment of the settler society, the moose populations declined. By the mid- and late 1700s it was obvious that the moose herd could not accommodate the constantly growing demands for meat and hides by Natives, settlers, and market hunters (Pulsifer & Nette, 1995). The colonization of Nova Scotia deeply distressed the relationship that Mi'kmaq peoples have with moose and other customary subsistence resources (another excellent example is the collapse of Atlantic salmon stocks over the last century). Overhunting led to the decline in moose population throughout the province and subsequently triggered the criminalization of Mi'kmaq access to moose, the creation of a licence system, and sport hunting, which further separated the Mi'kmaq from their customary resource. Consequently, the Mi'kmaq were disconnected from a culturally significant subsistence resource, impeding the transference

of traditional skills and values intrinsic in the moose hunt and its management (Moffitt, 2010). The devastating effects of this separation cannot be underestimated.

The shift in resource availability and its commodification changes the context of resource use and the continued practices of sustainability. Mi'kmaq were forced into survival mode, and the changing economic position shifted customary natural resource management into a world of market-driven competition and food as commodities. The province, ignoring Mi'kmaq treaty rights, continued to intimidate and molest Mi'kmaq exercising their rights. In 1887 six Mi'kmaq were charged with fishing "violations," 23 were charged for hunting deer and moose, and three were charged in connection with commerce and taxation matters (Richardson & Erasmus, 1989, p. 93–94). Such charges were in direct conflict with the Treaty of 1752, which protected Mi'kmaq rights to hunt and fish as usual. The meat supplied by a single moose is abundant and can provide one small family with a year's supply of food. The right to hunt "as usual" as specified in the Treaty of 1752 was the same as hunting "as usual" under the concept of *netukulimk* during contact and the signing of the treaties. The double standards and treaty denial practiced by the province created two competing and conflicting ideas of sustainability. The Mi'kmaq were disempowered and removed from decision making due to institutionalized assimilation processes and discriminatory Indian Act policies, and settler society made determinations regarding resource use to favour non-Aboriginal recreational access to resources over the customary, treaty-protected access of the Mi'kmaq. This situation forced the Mi'kmaq to litigate, and through the long and hard-fought legal battles that ensued, won their rights back. As a result, the Mi'kmaq are working to reinvigorate the principles of *netukulimk* as a foundation of sustainability in the governance of their resource-management strategies.

Pathways to rebuilding a sustainable Indigenous nation

The KMK established the MMI to demonstrate to the federal and provincial governments, as well as their constituents, that the Mi'kmaq have the capacity to create culturally aligned resource-management strategies to benefit their membership. Based on customary governance practices, the MMI used a dynamic community-based, consensus-building model to develop guidelines for governing resource use (Moffitt, 2010). The

program coordinator set up numerous workshops to discuss community priorities regarding the moose hunt with Mi'kmaq communities. The MMI, after holding at least two community sessions in each of the 13 Mi'kmaq communities in Nova Scotia, compiled and disseminated the information at a province-wide symposium on moose called *Mawikwamk Wjit Tia'muk* at the cultural centre in the Watmatcook Mi'kmaq community, Cape Breton. Each community sent delegates of Elders, women, hunters and gathers, and youth, who all had some cultural, political, economic, social, and ceremonial interest in moose. The gathering reflected grassroots level representation that holistically expressed community concern for the moose.

The symposium brought diverse community members together to share their experiences and ideas on how best to exercise their rights as Mi'kmaq peoples. This was an important symposium because it identified *netukulimk* as the culturally appropriate mechanism to regulate Mi'kmaq moose harvests and marked a critical rejuvenation of *netukulimk* practice within Mi'kmaq institutions, communities, and homes. *Netukulimk* was central to developing a sustainable hunt that maximized community benefits while simultaneously maintaining a healthy moose population. The debate about harvesting moose for profit has been particularly contentious within communities. Because of the high rates of poverty and few job opportunities in Mi'kmaq communities, the sale of moose was perceived as a potential solution to dire socio-economic conditions. On the other side, moose was understood as a customary food source and an integral aspect of culture whose sanctity is marred by commodification.

Many hunters struggled to align the concept of *netukulimk* within the discourses of collective and individual rights. Resource commodification is complicated by the moral and ethical underpinnings of living right together as espoused by the concept. Collective commodification challenges the individualistic tendencies of capitalism and requires an effective economic redistribution model that will prevent contest and conflict. A strategy to legitimize commodification of wild meat and fish within Mi'kmaq communities may rest the necessity to address the serious and declining health conditions of the Mi'kmaq. According to Health Canada (2011), the incidence of diabetes and heart disease within most of the First Nations communities in Canada is very high. Type 2 diabetes is three to five times higher on reserve than for other Canadians (Health

Canada, 2011). The Mi'kmaq articulated that their health and well-being were dependent upon a healthy and sustainable moose population, as is framed in the concept of *netukulimk*.

During the symposium, a well-respected leader of the Mi'kmaq Rights Initiative gave a presentation on the history of Mi'kmaq rights, from the creation of the treaties to their abuse by the colonizers, through to the events surrounding the court proceedings and the Supreme Court of Canada decision that led them to the day where they were sitting down to manage the treaty rights. Part of the presentation included storytelling, a typical Mi'kmaq knowledge-mobilization practice. In this case the presenter recounted a story that he heard from his grandmother, who was from Potlotek Mi'kmaq community. The story revealed that the grand council members were sitting together discussing and allocating the hunting and fishing areas to family districts, a practice that went on for hundreds of years prior to colonization. The historical practices of Indigenous sustainable management are evident in the distant and recent past. Our research documents the patterns and explores how they are revisited today under the concept *netukulimk* as negotiated within Mi'kmaq communities through these processes.

Four central themes emerged from the resource-management strategy consultations and instructed the next steps needed for institution building:

1. hunter safety,
2. selling moose meat and products,
3. establishing a no-hunting period during the year and involvement of non-Natives in Aboriginal moose-hunting activities, and
4. establishing advisory committees.

Deep concerns were raised regarding the environmental health of moose and the continued availability of this resource for future generations. The topics of sustainability, access, and treaty entitlement to non-Native spouses and offspring and seasons were vigorously debated and revealed important power dynamics that need to be comprehended in order to make effective, lasting change. The commodification of moose and reintroduction of commercialization of moose meat in an unsustainable manner was a major worry. Non-Native involvement in the

trade of and access to markets was particularly contentious as Mi'kmaq struggle to protect their rights from co-optation but also need regulations to reflect the reality of their daily lives. Prior to the Mi'kmaq hunting guidelines, some Mi'kmaq hunters would exceed vaguely agreed-upon catch limits and sell the moose to non-Aboriginal people for self-profit. Various regulatory strategies were put in place by the Department of Natural Resources to reduce this practice, but the creation and enforcement of regulatory procedures needs to be in the control of the Mi'kmaq in order to fulfill their rights to self-determination.

The Moose Management Initiative is indicative of the process Mi'kmaq use to work through some very contentious issues with their membership about access to and the extent of individual and communal rights. Sustainable access to food and sustenance was prioritized against the competition and conflicts created by commodification and recreational utilization of moose. Sustaining the herd for non-Aboriginal sport hunting was not the definition of sustainability that interested the Mi'kmaq. Furthermore, shifting definitions of sustainability, representing non-Native access to moose through intermarriage or recreational hunting, and those representing the food requirements of the Mi'kmaq, were juxtaposed by the potential of the commercial activities ending cycles of dependency of oppressed peoples. The practice and reimplementation of the concept *netukulimk* is seen as a way to define and legitimize the future sustainable uses of moose by the Mi'kmaq and those who interact with the Mi'kmaq using methods that are more culturally palatable and practicable than the rules imposed by outsiders.

The complexity of addressing inequality in uneven playing fields of power became apparent through the consultations. Mi'kmaq saw many innovative ways by which they could command control of the moose resource for economic development, emphasizing the health benefits of customary foods and producing value-added products for commercial sale that reified Mi'kmaq identity. Distribution of the proceeds of collective-right procurements is a considerable challenge. Trust issues exist at every level of interaction, from the reliability of the Department of Natural Resources management of the herds to the accuracy of population counts, from the bureaucracy in food safety and inspection to the ability of Mi'kmaq government to answer accusations of malfeasance.

Additionally, concerns raised about the possibility of offending the moose clan people through the killing and selling of moose were coupled with fears that commodification might interrupt important cultural practices of sharing meat that are integral to the food, social and ceremonial purposes of the customary hunt, according to the *netukulimk* principles. Multiple accountability concerns emerged as tensions between the interpretation of treaty rights as individual and as collective rights. People favouring the exercise of individual rights did not agree that their abilities should be bound by restrictions that may abrogate their treaty rights. The imposition of tags and bag limits troubled hunters who interpreted the *R. v. Marshall* (1999) and *Simon v. The Queen* (1985) decisions as unfettered access to hunting and fishing. After centuries of discriminatory regulations, any attempts to regulate the moose hunt through the Nova Scotia chiefs and the tripartite forum involving the federal and provincial governments were viewed with distrust. The hunters were worried about the restriction of their rights through agreements that may be signed by the chiefs without their involvement and notice, as happened problematically in the post-Marshall era with fishing rights, licenses, and their distribution.

Consensus was reached in regard to prioritizing conservation of the herds. *Netukulimk* principles inform a philosophy of “never going without” and respectful use of resources requires that nothing goes to waste (Barsh, 2002). In order to avoid spoilage and sustain *netukulimk* teachings that require the entire resource to be used, it was suggested that meat-processing sites close to Hunters Mountain be provided. Having seasonal closures that reflect Mi'kmaq environmental knowledge were integrated into the sustainability plan. To further enhance the possibility of compliance and equitable enforcement of Mi'kmaq management schemes, an agreement was reached to establish community advisory groups to help manage the moose hunt. Included in the advisory committee are Elders, women, the customary leadership of the grand council, and hunters who could represent the interests of the moose and the Mi'kmaq to governments and provide counsel on ethical hunting. Members of the advisory council are seen as knowledge holders and conduits to the exchange of information from the hunters to the management committee and the representatives sitting at the government table, as well as the Mi'kmaq nation at large.

This approach was used to generate guidelines that were created and agreed upon by Mi'kmaq community members for community members, rather than imposed by some remote authority. Multiple discussions, workshops, and drafts were created by the MMI and resulted in the creation of the community-based consensus-building mechanism that ensures that the guidelines reflect the Mi'kmaq conceptualizations of their relationship with the resource and each other. The strength of this approach lies in the deep and thorough consultation process and the foregrounding of culturally relevant principles of resource management. By creating multiple drafts of the hunting guidelines and involving hunters, youth, Elders, and non-Mi'kmaq hunters in the consultation process, the UINR and the MMI is ensuring that all parties have a say in the final guidelines. This type of consensus building resulted in comprehensive guidelines that promise to ensure the sustainability of the hunt for many generations.

The program is deeply rooted in traditional and contemporary cultural beliefs and practices of the Mi'kmaq people. The concept of *netukulimk* is particularly important in the MMI, as well as other contemporary rights movements in Mi'kmaq territory, and has been a central unifying principle for the MMI. In the wake of the *Simon v. The Queen* (1985) and *R. v. Marshall* (1999) decisions, the present is best characterized as a period of restoration due to the reintroduction to the hunt and the re-emergence of *netukulimk* in many communities (Moffitt, 2010).

Mi'kmaq communities are very diverse, yet, through the MMI, communities have reached a general consensus on how to define and conduct what they have determined as responsible hunting practices, to develop alternative strategies for development, such as the potential for ecotourism, to increase the sustainability of cultural and economic well-being in a manner that is more aligned with cultural beliefs and supports the maintenance of the moose population (Moffitt, 2010). The MMI's inclusive, consensus-building model assures that the final guidelines created through the MMI reflect Mi'kmaq conceptualizations of their relationship with the moose and sustainable resource management. The MMI is a process of cultural production encompassed within a larger nation-building strategy (Moffitt, 2010). Mi'kmaq peoples are coming together to discuss what it means to be a Mi'kmaq hunter in the 21st century and what aspects of their customary philosophies should be incorporated into hunting

guidelines, and they are generating cultural values that will eventually become recognized as Mi'kmaq law.

Other sustainability-planning strategies involve the mobilization of Mi'kmaq knowledge across generations. Mi'kmaq youth leadership forums and Elder hunters along with Mi'kmaq enforcement agencies are strategically passing on their combined knowledge of hunting and safety to the youth. The Mi'kmaq communities of Indian Brook and Millbrook actively mentor the youth hunters of their communities. RCMP officers and community hunters collaborate to provide the resources for hunting trips to Hunters Mountain. Youth are instructed on ethical hunting traditions and *netukulimk* protocols. Young hunters have the opportunity to spend several nights on the mountain each year, learning to exercise their treaty rights through sustainable hunting practices and community feasting (Mi'kmaq Maliseet Nation News, 2006).

The participation and cooperation between the youth and the RCMP officers carries on the traditions of cultural transfer of knowledge as well as breaking down prejudices and stereotypes that prohibited such exchange from taking place in the past. The mentoring program has become an integral component of the MMI, teaching hunter safety, survival skills, and responsible, respectful utilization of the benefits of Mi'kmaq treaty rights. The young hunters hunt for their community feasts and are taught to take just what they need in the culturally aligned manner. The concept of *netukulimk* is teaching youth how to provide for themselves, their families and communities, and their futures. The bonds formed between the youth and the RCMP officers and community hunters informs respectful relationships with the moose.

Thus, the MMI is a symbol of contemporary cultural beliefs and community values incorporated within larger jurisdiction-building strategies, as the guidelines are formed within Mi'kmaq communities and must be agreed upon at the community level before their implementation (Moffitt, 2010). The Mi'kmaq are identifying the values and beliefs that are integral to their identity as a cultural group and are applying these values to the moose harvest and the management of this traditional subsistence resource.

The guidelines developed through the MMI process are symbols of Mi'kmaq cultural identity and the development of the guidelines is a process of identity formation. Consensus on issues such as safety, community

authority, and hunting-advisory groups is symbolically sustainable because it represents how Mi'kmaq peoples believe the moose harvest should be managed (Moffitt, 2010). This is an identity-building process because the Mi'kmaq are developing ideas of what it means to be Mi'kmaq and simultaneously rejecting the aspects of non-Mi'kmaq models that they believe are incompatible with their cultural belief system (Moffitt, 2010). The result of this process is a unique system of resource management that is based on specific community-outlined values, which is likely to foster a successful and long-term relationships between peoples and resources.

Overcoming state obstacles to cultural sustainability

The Unama'ki Moose Harvesting According to Netukulimk or Tia'muwe'l Netuklimkewe'l guidelines were published and distributed in 2009. The guidelines emphasize hunting safety, community authority and hunting-advisory groups, the no-hunting time, identification and non-Mi'kmaq helpers, and hunter reporting for herd management. Initially, voluntary compliance from Mi'kmaq community members was requested from the UINR for a period of two years, during which time revisions, community feedback, and another round of consultations took place (Moffitt, 2010). In conjunction with the UINR initiative, the KMK and the Mi'kmaq Legal Support Network (MLSN) developed alternative justice models that can be used to adjudicate resource-extraction offenses related to moose and will allow for hunting offences to be heard within community justice circles (Moffitt, 2010). At the end of the two-year period, the guidelines were instituted as Mi'kmaq law. The lengthy process was exacerbated by jurisdictional disputes between and federal and provincial governments over regulatory control, fiduciary responsibility, and a lack of willingness on either side to give up power to the Mi'kmaq. These are familiar obstacles in Mi'kmaq rights negotiations and treaty implementation. A focal point of our research partnership is to reveal these impediments and develop nation-rebuilding strategies to overcome the jurisdictional barriers (Jorgenson, 2007).

In October 2011, through the Made-in-Nova Scotia Process, the Mi'kmaq and the Province of Nova Scotia agreed to undertake a customary law pilot project for the regulatory offences related to the moose hunt in Cape Breton. Established under the authority of the Attorney General

of Nova Scotia and the province in partnership with the MLSN, the pilot project will see MLSN manage referrals and conduct Mi'kmaq customary justice circles for eligible offences. Mi'kmaq peoples are hopeful about the future of Mi'kmaq governance; however, organizations like the MLSN and its Customary Law Program are chronically underfunded and do not have the resources to autonomously enforce the new regulations (McMillan, 2011).

The three parties to the agreement could not determine the appropriate strategies for Mi'kmaq commodification of the resource and so commercial regulations were left out of the guidelines. As such, the processes of community rejuvenation and the renewal of relationships with resources and territory are not without difficulties. For example, the moose guidelines are subject to the approval of the provincial and federal governments, which also determine how, and to what extent, they can be implemented. In addition, while the Province of Nova Scotia has been relatively supportive of the moose project and the implementation of Mi'kmaq law, participants all noted that it is highly unlikely that the Government of Canada would ever allow similar sets of Mi'kmaq laws in the fisheries industry (Moffitt, 2010). Constant lobbying by the recreational interests to the resources that the Mi'kmaq depend upon for food creates another set of obstacles to sustainable rights mobilization. Sport hunting and catch-and-release salmon fisheries displace the Mi'kmaq food fishery and distance them even further from opportunities to earn moderate livelihoods. It is evident that there is hesitancy within the negotiation process to truly relinquish state power and control to the Mi'kmaq peoples despite the obligation outlined in the *R. v. Marshall* (1999) decision to acknowledge Mi'kmaq jurisdiction. However, the customary law pilot project is an important first step in collaborative approaches for wildlife and moose management and may lead to wider application of culturally relevant principles and practices of sustainability across the province.

Conclusion

Critical to sustainable rights mobilization is the understanding that the cultural health of the Mi'kmaq Nation requires recognition of Mi'kmaq rights and title, meaningful consultation, and fulfillment of the fiduciary obligations of the Crown. Without rights education and the implementation of Mi'kmaq treaties, systemic discrimination and poverty

will continue to contribute to, rather than limit, culture loss and with it Indigenous ecological and environmental knowledge. Such recognition will enhance nation-rebuilding strategies and afford opportunities for reconciliation between Mi'kmaq, federal and provincial governments and their constituents. This is a necessary project of decolonization and cultural realignment. Without proper resources, Mi'kmaq communities and the organizations and institutions within them will struggle to survive and have difficulty thriving.

It is through exploration and explication of these processes that our research partnership with Mi'kmaq communities operates. We cannot begin to understand the present without engaging the past. The colonial injuries are raw wounds informing legal and cultural consciousness. The impacts of policies of assimilation—from the Indian Act to residential schools, to Department of Fisheries and Oceans licenses schemes that removed Mi'kmaq from their customary territories and resources and led to criminalization of Mi'kmaq customary practices as substantiated by the charges that led to the *Simon v. The Queen* (1985) and *R. v. Marshall* (1999) decisions—and their attending ontological structures that have created an adversarial atmosphere, collectively have wrought undue harm as evidenced by the impoverished state of many Mi'kmaq communities today. The court decisions demonstrate the recognition of Mi'kmaq nationhood, and the challenges of capacity building, public engagement, and education are being met with coordinated, collaborative, integrated planning for cultural and environmental sustainability. Our projects seek to not only amass and secure Indigenous knowledge of the natural environment and its natural resources but also to build the capacity and ability of Aboriginal communities to participate as equal partners and stakeholders with industry for the sustainable management of those natural resources. Enormous commercial opportunities lie in the full participation of Aboriginal communities with natural resource development, and there is an increasing responsibility on industry to fully and meaningfully consult with Aboriginal communities when industry wishes to extract natural resources or impact the natural landscape.

Under federal and, increasingly, provincial and territorial government legislation, industry has a responsibility to consult and engage Aboriginal communities in major natural resource developments. An area of frustration for industry is the uncertainty in defining and complying

with meaningful and lawful consultation. Community members are also concerned that consultation respects and protects sacred knowledge. Competing concerns of unintended consequences in divulging protected and unprotected knowledge, without prejudice to treaty and land-claims negotiations, often represent delays to resource-development interests. All parties would be better served where Indigenous knowledge of the land is comprehensive and centrally located, where processes to access this information are transparent, and where industry can have greater assurance that they can more effectively and efficiently fulfill their duty to consult with Indigenous communities in order to adequately engage, incorporate, and compensate Indigenous knowledge in their industries and governance.

The Supreme Court of Canada *R. v. Marshall* (1999) decision instigated a redistribution of access to natural resources, allowing for increased opportunities for economic development and autonomy. The potential to remedy patterns of dependency and subjugation for Mi'kmaq communities and other Indigenous peoples across the country, in favour of sustainable community advancement through the affirmation of treaty and Aboriginal rights and through the substantiation of traditional knowledge, marks an unprecedented turn in colonial relations. Our ethnographic and interdisciplinary research investigates Mi'kmaq strategies of treaty implementation, rights negotiation, social-capital expansion, and how they are translated into legitimate actions within Mi'kmaq ecological knowledge, governance, jurisprudence, and socio-cultural perceptions and practices. The Mi'kmaq have entered an intensified period of institution building that has far-reaching economic, political, and cultural consequences for community sustainability. The Mi'kmaq are determining value systems and codes of conduct to help regenerate distinctive cultural identities in neoteric contexts to increase social cohesion in a period of rapid change and to assist in the management of their new relations with each other, their resources, and the larger society. The negotiation processes and the management of new relations are integral to the sustainable success of self-governance, economic independence, and social justice. The empowerment of Mi'kmaq communities is imperative for the creation of negotiated settlements that are in the best interests of the cultural health of the communities and finally break the cycles of negative colonial relations that have

plagued developments in these vital areas. These are processes that will be repeated across the country as treaty and land claims are settled in other Indigenous communities.

The program's processes and goals are critical to a variety of immediate needs, including research-capacity development, research-linked dialogues through research inputs for treaty negotiation, and entitlements respecting access to and governance of natural resource use, documentation of cultural history and languages, customary understandings, and practices of core importance to cultural identity, affirmation, and learning. This and future research will contribute to building stand-alone research expertise within the Mi'kmaq Nation in the Atlantic region. This approach enhances the independence and confidence of Mi'kmaq research capacity, thereby empowering Mi'kmaq capacity to define and direct research issues, agendas, and partnerships. The evidence intersects critically with treaty processes, dialogue with governments, public education, and public policy.

Netukulimk narratives work to destabilize epitomizing narratives of "us versus them" and "traditional versus contemporary." They push issues of authenticity, challenging hegemonic ideas of Indigenous peoples as romanticized environmentalists, harmonious peacekeepers, or damaged relics of assimilative policies. The fixed meanings imposed by structural violence are unhinged. Meaning is not fixed; it emerges in practice. *Netukulimk* narratives provide a framework for experiencing the material world and how local stories intersect with larger social, historical, and political processes. The stories make meaningful connections and provide order and continuity in a rapidly changing world. They often subvert official orthodoxies and challenge conventional ways of thinking (e.g., bureaucracies, Indian Act governments, and Supreme Court decisions) that limit the expression and practice of Indigenous rights. *Netukulimk* is resistance to oppression, its practice is the exercise of Mi'kmaq rights, and its translation is cultural mobilization.

References

- Asch, M. (Ed.). (1997). *Aboriginal and treaty rights in Canada: Essays on law, equality, and respect for difference*. Vancouver, BC: University of British Columbia Press.
- Barsh, R. (2002). Netukulimk past and present: Mi'kmaq ethics and the Atlantic fishery. *Journal of Canadian Studies*, 37(1), 15–42.
- Blaser, M., Feit, H., & McRae, G. (Eds.). (2004). *In the way of development: Indigenous peoples, life projects, and globalization*. Ottawa, ON: International Development Research Centre; and New York: Zed Books.
- Boldt, M. (1993). *Surviving as Indians: The challenge of self-government*. Toronto: University of Toronto Press.
- Borrows, J. (2010). *Canada's Indigenous constitution*. Toronto: University of Toronto Press.
- Coates, K. (2000). *The Marshall decision and Native rights*. Montreal and Kingston: McGill-Queen's University Press.
- Cornell, S. (1988). *The return of the Native: American Indian political resurgence*. New York: Oxford University Press.
- Davis, A., & Jentoft, S. (2001). The challenge and the promise of Indigenous peoples' fishing rights: From dependency to agency. *Marine Policy*, 25, 223–237.
- Health Canada. (2011). First Nations, Inuit and Aboriginal health: Diabetes. Retrieved December 2, 2011, from <http://www.hc-sc.gc.ca/fniah-spnia/diseases-maladies/diabete/index-eng.php>.
- Isaac, T. (2004). *Aboriginal law: Commentary, cases and materials* (3rd ed.). Saskatoon: Purich Press.
- Jorgensen, M. (Ed.). (2007). *Rebuilding Native nations: Strategies for governance and development*. Tucson: University of Arizona Press.
- McMillan, L. (2011). Colonial traditions, cooptations, and Mi'kmaq legal consciousness. *Law and Social Inquiry Journal of the American Bar Foundation*, 36(1), 171–200.
- . (2012). "Mu Kisi Maqumawik Pasik Kataq—we can't only eat eels": Mi'kmaq contested histories and uncontested silences. *The Canadian Journal of Native Studies*, 33(1), 119–142.
- McMillan, L., & Davis, A. (2010). "What does this tell about us?" Social research and Indigenous peoples: The case of the Paq'tnek Mi'kmaq. *Traditional Marine Resource Management and Knowledge Information Bulletin*, 27, 3–16.
- Mi'kmaq Maliseet Nation News. (2006). *Mi'kmaq Maliseet Nation news*, 17(3), 1.
- The Mi'kmaq Treaty Handbook*. (1987). Sydney: Native Communications Society of Nova Scotia.
- Moffitt, M. (2010). *Nova Scotia Mi'kmaq: Restorative justice and resource management. Alternative methods for managing fish and moose*. Honours thesis. Antigonish, NS: St. Francis Xavier University, Department of Anthropology.
- Niezen, R. (2003). *The origins of indigenism, human rights, and the politics of identity*. Berkeley: University of California Press.

- Prosper, K. (2009). *Netukulimk: A circular relationship in shifting ideologies. An investigation into the altered and realigned spiritual and cultural connection shared by moose and Mi'kmaq*. Honours thesis. Antigonish, NS: St. Francis Xavier University, Department of Anthropology.
- Prosper, K., McMillan, L. J., Davis, A. A., & Moffitt, M. (2011). Returning to *netukulimk*: Mi'kmaq cultural and spiritual connections with resource stewardship and self-governance. *The International Indigenous Policy Journal*, 2(4). Retrieved from <http://ir.lib.uwo.ca/iipj/vol2/iss4/7>.
- Pulsifer, M., & Nette, S. (1995). History, status and present distribution of moose in Nova Scotia. *Alces*, 31, 209–219.
- Richardson, B., & Erasmus, G. (Eds.). (1989). *Drumbeat: Anger and renewal in Indian country*. Toronto, ON: Summerhill Press and The Assembly of First Nations.
- Royal Commission on Aboriginal Peoples (RCAP). (1996). *Report of the Royal Commission on Aboriginal Peoples*. Ottawa: Canada Communications Group.
- Royal Commission on the Donald Marshall, Jr., Prosecution. (1989). *Digest of findings and recommendations*. Halifax, NS: Canadian Cataloguing in Publication Data.
- R. v. Marshall, 3 Supreme Court of Canada. (1999). Retrieved from <http://scc.lexum.org/en/1999/1999scr3-533/1999scr3-533.html>.
- R. v. Sparrow, 1 Supreme Court of Canada. (1990). Retrieved from <http://scc.lexum.org/en/1990/1990scr1-1075/1990scr1-1075.html>.
- Simon v. The Queen, 2 Supreme Court of Canada. (1985). Retrieved from <http://scc.lexum.org/en/1985/1985scr2-387/1985scr2-387.html>.
- Smith, L. (1999). *Decolonizing methodologies: Research and Indigenous peoples*. London, UK: Zed Books.
- Stiegman, M., Prosper, K., & McMillan, L. J. (2013) *Seeking netukulimk: Mi'kmaq knowledge, culture, capacity and empowerment*. Film. Canada. Retrieved from <http://sites.stfx.ca/anthropology/crc-jane-mcmillan>.
- United Nations Rio Declaration on Environment and Development (UNDRIP). (1992). A/CONF.151/26(Vol.I). Retrieved January 2, 2011, from <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.
- United Nations Permanent Forum on Indigenous Issues (UNPFII). (2007). *United Nations declaration on the rights of Indigenous peoples*. New York: Secretariat of the Permanent Forum on Indigenous Issues. Retrieved January 2, 2011, from <http://www.un.org/esa/socdev/unpfi/en/declaration.html>.
- Warry, W. (2007). *Ending denial: Understanding Aboriginal issues*. Peterborough, ON: Broadview Press.
- Wicken, W. C. (2004). *Mi'kmaq treaties on trial: History, land and Donald Marshall Junior*. Toronto: University of Toronto Press.