

DECOLONIZING MI'KMAW MEMORY OF TREATY:
L'SITKUK'S LEARNING WITH ALLIES IN STRUGGLE
FOR FOOD AND LIFEWAYS

by

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For Destiny Wasuek and L'sitkuk
In Memory of Joey

I hear our laughter
as it were yesterday
in the brook
where we escaped
to be children

alder fishing poles
strung with worms
swimming with
blood suckers
then basking in sun—
our hearts free

fireflies in hands
running between
summer rain storms—
our mud soaked feet
became our freedom

Sherry Pictou

TABLE OF CONTENTS

LIST OF FIGURES	v
ABSTRACT.....	vi
LIST OF ABBREVIATIONS USED	vii
ACKNOWLEDGEMENTS.....	viii
CHAPTER 1: INTRODUCTION	1
1.1 Finding the Right Tree.....	1
1.2 Why Indigenous Struggle and “Neoliberal colonial capitalism”?	5
1.3 Indigenous Struggle and Decolonization?	11
1.4 L'sitkukewey a'tuwaqn (A Story from L'sitkuk)	16
1.5 Purpose of the Research.....	25
1.6 Indigenous as Researcher/Activist.....	28
1.7 Weaving and Organizing the Chapters	33
CHAPTER 2: ELIGPETE'GET	35
2.1 Eligpete'get (Pounding The Ash)	35
2.2 Indigenous (Mi'kmaq) Relational Worldviews and Allied Theories	36
2.3 Mi'kmaq Ancestral Relational Understandings and Anthropological Perspectives on Treaty.....	39
2.4 The Made-in-Nova Scotia Process, “Modern” Treaty Making and Other Negotiations with State Governments.....	46
2.5 Internalization of neoliberalism, colonialism, and capitalism: political and knowledge economies	56
2.6 Decolonization and Indigenous Resurgence as Critical Learning	65
2.7 Ligpete'gnpil (Splints)	67
CHAPTER 3: ELISQAPEKA'TU'N.....	69
3.1 Elisqapeka'tu'n (To Weave The Bottom).....	69
3.2 Researching Back: Unarticulated Knowledges, Critical Place Inquiry and Relational Validity.....	71
3.3 Toward Mutual Decolonization with Allies	80
3.4 Indigenous Research Design.....	83
3.4.1 Indigenous Methodology and the Conversational Method	84
3.4.2 Critical Autoethnographic Approach and Extended Case Method	86

3.4.3 The Interviews (Conversations and Stories).....	88
3.4.4 Sharing Circles	90
3.4.5 Participant & Site Selection, Analysis, & Timeline	91
3.4.6 Site Selection & Participant Observation.....	92
3.4.7 Analysis (themes) and Relational Validity.....	93
3.4.8 Ethical Considerations and Informed Consent.....	94
3.5 Interweaving and Naming the Voices of L’sitkuk and Allies as Decolonization (Confidentiality and Potential Risks).....	95
3.6 Language and Other Articulations.....	98
CHAPTER 4: ELISKNUEY (AND) ELISKNUET.....	101
4.1 Elisknuey (I Am Weaving) And Elisknuet (She/He Weaves).....	101
4.2 Intergenerational Learning (Ancestral Sharing)	102
4.3 Capitalization of Places v. Weaving Names and Place (Land).....	104
4.4 Relations, Sharing and Belonging	109
4.5 All My (Our) Relations, ‘Eating the Landscape,’ and Healing	114
4.6 Colonialism and Capitalism Toxins.....	122
4.7 Treaties, Spirits and Freedom	126
4.8 Treaty Practice v. Treaty Rights	133
4.9 Learning and Knowledge Production: Resurgent Relations?	138
4.10 Decolonizing and the work of Reciprocal Spiritual Intelligence.....	141
4.11 Challenges and Visions for a Living Curriculum (living learning)	145
CHAPTER 5: CONCLUSION	155
5.1 Elokwistoq (Put On A Basket Hoop).....	155
5.2 Basket weaving as a research framework	166
BIBLIOGRAPHY	169
APPENDIX A: INTERVIEW GUIDE (L’sitkuk Participants)	192
APPENDIX B: INTERVIEW GUIDE (Allies-Participants).....	194
APPENDIX C: SHARING CIRCLE GUIDE.....	196
APPENDIX D: CONSENT FORM.....	197

LIST OF FIGURES

Figure 1 Ash tree, photo courtesy of Frank Meuse.....	15
Figure 2 Pack Baskets, Sherry Pictou Collection	15
Figure 3 Birch bark star (2017), photo courtesy of Todd Labrador.....	41
Figure 4 Container Ship (Halifax, NS) Sherry Pictou Collection.....	75
Figure 5 Snow shoes, photo courtesy of Frank Meuse	81
Figure 6 Louis Harlow 1930, Warren Miller Collection, courtesy of Mike Parker.....	99
Figure 7 William Harlow 2015, Sherry Pictou Collection	99
Figure 8 Clam-shell, photo courtesy of Terry Wilkins.....	126
Figure 9 Joey's Pack Basket, Moose Hunt 2015, Sherry Pictou Collection	167

ABSTRACT

Treaty negotiations in Nova Scotia have been triggered by the Supreme Court of Canada decision in 1999, based on the Donald Marshall Jr. case, upholding a Mi'kmaq treaty right to fish for a livelihood. These negotiations are known as the Made-In-Nova Scotia Process. This dissertation explores questions about what the community of L'sitkuk has learned with our allies in struggle within multiple contexts to assert treaty rights, since 1999. What knowledge has evolved and what are the learning successes, challenges, and potential for realizing social change? In order to explore these questions from the perspective of L'sitkuk and our allies, I utilize the Mi'kmaq art of basket weaving as a way to center our voices against formal negotiation frameworks. Through the use of basket weaving and relational methods of storytelling, the dissertation illustrates that treaty negotiations are mired in interrelated processes of neoliberalism, colonialism, and capitalism forming what I term as 'neoliberal colonial capitalism'. Of particular concern is how these negotiation frameworks focus on Land and natural resources as only commodities. The learning of L'sitkuk and our allies form a broader notion of treaty rooted in re-learning Land-based practices of hunting, fishing, and gathering constituting food and lifeways. These understandings are relational and include a responsibility to families and communities, to loved ones and ancestors in the spirit world, and to future generations by attending to the health of the resources and to the natural eco-systems that sustain them. By focusing on learning-in-struggle, the dissertation outlines a number of challenges and recommendations that relate to restoring relational understandings and practices of treaty. Our understandings contribute to an emerging range of anthropological perspectives on treaty relations and Indigenous scholarship on Land-based practices as a form of decolonization and resurgence outside formal state-Indigenous relations. Just as important, our understandings include relations with all of settler Canada. They also inform possible ways on how to move forward as a community and gauge our way through negotiations. In this sense the dissertation weaves together a basket that continues to carry our stories and L'sitkuk keeps going – *Siaw pmiq L'sitkuk*.

LIST OF ABBREVIATIONS USED

AANDC	Aboriginal Affairs and Northern Development Canada
AANS	Aboriginal Affairs Northern Development
APTN	Aboriginal Peoples Television Network
BRFN	Bear River First Nation
CBC	Canadian Broadcasting Corporation
FAO	Food and Agriculture Organization of the United Nations
FNIGC	First Nations Information Governance Centre
INM	Idle No More
MRI	Mi'kmaq Rights Initiative
UBC	University of Cape Breton
WFFP	World Forum of Fisher Peoples

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M’sit No’kmaq
(All My Relations)

CHAPTER 1: INTRODUCTION

Our ways is who we are. We give thanks everyday when we wake up that we can breathe. I use to watch my Grandfather go outside and look around, up and down, and he would say, “I think I will get my tree. The time is right!” And he would go and harvest a tree—usually ash for making baskets (Chief Carol Potter, personal follow-up interview, July 27, 2015).

1.1 Finding the Right Tree

Finding the right tree or *Tami tl-we'jitut-k tetpaqamu'k kmu'j*, meaning “where will you find the proper kind of wood” (K. Prosper, personal communication, November 8, 2015), might seem to be an unconventional way to introduce research about learning in Indigenous struggle, especially where the struggle is marked by a Supreme Court of Canada (SCC) decision in 1999, upholding a Mi'kmaq treaty right to a moderate livelihood in the fishery (R. v. Marshall 1999, No. 1 & No. 2). This case is known as the Marshall Decision, where Donald Marshall Jr., a Mi'kmaw from the Membertou community in *Unama'kik* (Land of the Fog or Cape Breton, Nova Scotia), was acquitted of fishing and selling eels out of season without a license. While a livelihood fishery as a treaty right is one entry point for this research on learning-in-struggle, my home community, *L'sitkuk* (cutting through high rocks), also demanded a collaborative journey to explore harvesting fish and moose for food, ancestral canoe routes, community gatherings, and spirits of loved ones and ancestors in between.

Together, this approach formulates what I argue is a much broader concept of what Treaty (rights) means to L'sitkuk and our allies beyond how Treaty Rights continue to be confined within political and legal milieus as regulated commercial activities of natural resource harvesting or extraction. What I mean by allies in this context are non-Indigenous people (settlers) who individually or through organized efforts have supported L'sitkuk in struggles for food and lifeways as a treaty right (see chapter three). Part of this research journey is also multi-scalar in scope as well as autoethnographic in the sense that, in addition to my participation in our struggle at a local level, it has also involved my participation internationally. This is a part of an international struggle working with the World Forum of Fisher Peoples (WFFP) in asserting the rights for livelihoods by small-scale fishery organizations located in various countries around the world (Pictou 2015).

Historically, the Mi'kmaq traveled overseas to directly petition the British Crown to honour its obligations to the Peace and Friendship Treaties signed in the eighteenth century (Upton 1979; Whitehead 1991; Wicken 2012). I, too, have made this journey, but in the context of participating in the United Nations International Committee on Fisheries (COFI) and other related meetings of the Food and Agricultural Organization (FAO) in Rome, Italy and other countries. The fact that I am not directly petitioning the British Crown (the original treaty signatory), but instead petitioning other state governments through a social movement, indicates just how long and complicated this struggle has been and continues to be. In the context of COFI, our struggle includes calling international attention to Canada's obligation to protect fishing livelihoods, and in particular, Indigenous-fishing livelihoods that have been legally recognized as a treaty right. For Indigenous and small-scale fishery

peoples, livelihoods encompass a broader set of social and cultural relations beyond just economic ones. These relations demand a deep respect for the sustainability of resources in order to support land-based practices for food and livelihood, as well as for the role of women in small-scale fisheries (FAO 2015; Pictou 2015). This notion of livelihood derived from harvesting a natural resource is quite different from the global free market system that relies on the overexploitation of natural resources (and labour) solely for profit. Therefore, from the perspective of L'sitkuk and our allies, livelihood or in its broader context, lifeways, is what is at the heart of our struggle and is a main focus of this thesis.

Our struggle is also in great part a political one that involves learning how federal and provincial governments engage with the broader Mi'kmaq and Indigenous leadership across Canada—within a political framework of treaty negotiations and consultation— about fisheries and other natural resources. Up until the 1980s, there had been little to no negotiations about Aboriginal or Treaty Rights with the exception of the Comprehensive Land Claims (CLC) process that was initiated in 1973. It is important to point out that Aboriginal Rights evolve from rights that are inherent to Indigenous Peoples' lifeways prior to European contact and include “rights to the land, rights to subsistence resources and activities, the right to self-determination and self-government, and the right to practice one's own culture and customs including language and religion” (Hanson 2009; also see Slattery 2000). Legally recognized Treaty Rights on the other hand are historically based on written agreements entered into by Indigenous Peoples with the British Crown, and following Confederation, with the Canadian Government.

The CLC was established as an attempt to settle the issue of uncertainty about Aboriginal Title to lands in the absence of treaties in British Columbia that was generated by a split between the Supreme Court of Canada Justices in the Calder case on this matter (Calder et al. v British Columbia (Attorney General), [1973] SCR 313; Coulthard 2014). Thus it was no surprise the CLC policy demanded the “extinguishment” of any further claims to Aboriginal Title and Treaty Rights in exchange for sections of land over which Indigenous Peoples could govern, but within the confines of federal and provincial law. It was only after a long struggle of lobbying the federal government that Indigenous leaders were able to have Aboriginal and Treaty Rights recognized and written into the 1982 Canadian Constitution under Section 35. But even after the patriation of the Canadian Constitution, it took more court cases before Aboriginal and Treaty Rights became politically recognized. In particular, the Delgamuukw case in 1997 ruled that governments had a “duty” to negotiate or consult with Indigenous Peoples about any development that could potentially impact their Aboriginal and Treaty Rights (Delgamuukw v British Columbia [1997] 3 S.C.R. 1010; also see chapter two). This set the pretext for policy frameworks for negotiating and consulting with Indigenous Peoples, now known as the “negotiation tables” (AANDC 2014a; Diabo 2012).

Building on the work of Indigenous and other scholars, I demonstrate how these negotiation and consultation frameworks represent an extended form of colonization and processes of neoliberalism and capitalism through which informal learning experiences and knowledge, especially Indigenous worldviews, continue to be marginalized, distorted, or excluded from mainstream society. As a way to employ an analysis of learning against power relations operating in these multiple and multi-

scalar (local and international) contexts, I borrow Griff Foley's concept of learning-in-struggle that "connects learning to its context" (1999:9).

1.2 Why Indigenous Struggle and "Neoliberal colonial capitalism"?

One of the greatest challenges in analyzing processes of neoliberalism, colonialism, and capitalism is that they are frequently associated with certain time periods in history. Colonialism is often used in reference to earlier modes of settler colonialism: settling, expanding territories, and exerting power over Indigenous Peoples or the original inhabitants. Indigenous and other scholars argue that current state-Indigenous negotiations are extended forms of colonialism where the goal remains the same—to dispossess Indigenous Peoples from land. In classical Marxist theory, capitalism occurs in a progression from pre-capitalist to capitalist societies. Capitalism marks the advancement of accumulation of capital and wealth by dispossessing others from wealth or land and exploiting workers in a free market system fully controlled by and for private interests. Neoliberalism was initially a response to the financial crises marked as the Great Depression in the 1930s by state intervention with social policies that were suppose to provide social wellbeing such as better wages, health, and education. In other words, state intervention marked a degree of regulation over capitalism with social welfare. However, neoliberalism is more frequently attributed to the 1970s and 1980s when social welfare became unhinged by policies of deregulating the market system under President Ronald Reagan of the United States and Prime Minister Margaret Thatcher of Britain. This was in response to the over-accumulation of capital causing underemployment and inflation in advanced capitalist countries that gave way to economic restructuring on a

global scale—globalization—in efforts to re-gain profitability in the market system. Here, neoliberalism becomes a complex process of deregulation on one hand, and a process for re-regulation through militarized and legal means of protecting neoliberalism on the other (Coulthard 2014; Foley 1999; Gordon 2010; Harvey 2005; Tuck & McKenzie 2015; also see Fanon 1963 [2004]; Marx & Engels 1932[2000]).

Neoliberalism as a concept is further complicated in how it plays out in what constitutes decolonization. Internationally there is a geopolitical hegemony that sustains the notion of post-colonial societies as a progression from developing to developed and independent statehood rooted in liberal notions of becoming “democratic”. Yet, defining states as “post-colonial” or “developed” distort how neoliberalism, colonialism, and capitalism are interrelated and continue to influence globalization from within countries domestically and on the international stage globally (Gordon 2010; Tuck & Yang 2012). Boaventura de Sousa Santos (2009:228) writes:

[K]nowing to what extent we live in postcolonial societies is problematical. Moreover, the constitutive nature of colonialism in western modernity underscores its importance for understanding not only the nonwestern societies that were victimized by colonialism, but also the western societies themselves, especially as regards to the patterns of social discrimination that prevail inside them.

Western and non-western societies posited as developed and developing, or colonial and post-colonial, pose a major challenge for advancing social justice and social change by global social movements because, though these categories are interrelated to processes of globalization, Third World countries (D’Souza 2012, Fanon

1963[2004]) and dispossessed peoples within countries are impacted differently (Alfred & Cornassel 2005; Bargh 2007; Coulthard 2014; Gordon 2010; Lowman & Barker 2015.). For example, Radha D'Souza (2012:433) points out that:

Constituted with reference to economic interests rather than citizenships, it is unsurprising that everywhere in the Third World, economic development after independence remained state-centred. It is hardly surprising that international organizations like the World Bank, the International Monetary Fund, and the World Trade Organization were able to restructure Third World states everywhere through contractual agreements with states on lending policies in Structural Adjustment Programs.

The unproblematic use of the language of rights by protest movements—as if it refers to the same type of citizen-state relationship as in the First World—has the effect of reifying and embedding unequal relations between societies, even when the intention is to the contrary. Using the same vocabulary to analyze different social realities has the effect of reifying unequal relations between First and Third Worlds.

Therefore, how is it possible for marginalized peoples within First World countries to strategize for social justice (locally and globally) when it is those very countries driving globalization and the marginalization of other countries? Indigenous global movements at the United Nations have made some strides in asserting international human rights in establishing a Permanent Forum of Indigenous Peoples and international conventions such as the International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, the Convention on Biological Diversity, and the United Nations

Declaration on the Rights of Indigenous Peoples (Bargh 2007). Despite these advances, however, Indigenous Peoples within First World countries continue to struggle against processes of neoliberalism, colonialism, and capitalism. Further, if we were to take D'Souza's global assertion above and apply it within Canada domestically, Canadian policies for negotiating "agreements" that focus on development under the guise of Aboriginal and Treaty Rights could be translated as domestic contractual agreements that feed into global ones (also see chapter two). Yet the hegemonic practice of marking developed countries as the criterion for decolonization—based on restructuring and integrating into the global economy—deflates the realities of extended forms of colonization occurring within rich countries. For example, when COFI agreed to the International Guidelines on Securing Sustainable Small Scale Fisheries, the governments of rich countries such as Canada emphasized that the guidelines "focus on the needs of developing countries" (FAO 2015: ix). So in taking up L'sitkuk's struggles through our membership with the WFFP at the international level with FAO, I would often refer to our Indigenous struggles in Canada as peoples who are 'exploited' within an 'exploiter country'. I find it is necessary to explain this point to Non Government Organizations (NGOs) and Civil Society Organizations (and to formal UN processes) who rightly view Canada as a wealthy country, but who are also under the impression that Canada's wealth is not built on social injustices, and in particular, social injustices against Indigenous Peoples.

The classification of states as post-colonial, or in the case of Canada where there is a denial of colonialism, underscores what has been termed as a 'colonial amnesia' (Choudry 2009; Hill & McCall 2015). This was exemplified in Prime

Minster Harper's assertion that "We also have no history of colonialism," at the G20 summit in 2009; and more recently by Prime Minister Justin Trudeau in an interview where he states: "Canada has an awful lot to offer whether it's bilingual officers, whether it's specialists, whether it's a capacity to engage in the world in difficult places without some of the baggage that so many other Western countries have — either colonial pasts or perceptions of American imperialism as a critique that's often out there" (Robb 2016).

While international and domestic legal and political processes legitimize Canada's statehood by domesticating and confining Indigenous issues to state interests (Alfred & Corntassel 2005; Henderson 2015; Mack 2011), as a developed and democratic state they also reinforces if not operationalize its dominating role in maintaining neoliberal capitalism on a global scale (Barker 2009; Coulthard 2014; Gordon 2010; Lindroth 2014; MacDonald 2011). Therefore state governance is inherently inter-linked to neoliberalism and ongoing forms of colonialism and capitalism both domestically and internationally (Alfred & Corntassel 2005; Gramsci 1971; Mack 2011; Pignarre, Stengers & Goffey 2011; Tuck & McKenzie 2015).

Further, while not minimizing the complexities of the histories and theories underlying these concepts, from an Indigenous perspective, there are older and newer forms of colonialism that are interrelated and are intricately tied to both neoliberalism and capitalism that continue to have detrimental impacts on Indigenous Peoples. "Indigenous scholars have observed that neoliberalism...is not a new phenomenon, but an extension of (settler) colonialism" (Tuck & Guishard 2013:12, also see Bargh 2007;Smith 1999). A prime example of this is the how the CLC and negotiation processes are supported by the *Indian Act* that was established in 1876. The Indian

Act formalized the responsibility for Indigenous Peoples under the jurisdiction of the federal government following Confederation. It consists of a consolidation of contradictory colonial policies of assimilation and segregation with federal government amendments that continue to control every aspect of Indigenous life ranging from how Chief and Councils are elected, administering programs, defining what constitutes Indian status, and to what degree development can take place on Reserve lands. More recently, in 2012, the Harper government amended the Indian Act to include a process for privatizing reserve lands for economic development under the Bill C-45: *Jobs and Growth Act*, known as the ‘omnibus’ bill because it consists of several pieces of legislation but is viewed and approved by government as one bill. In addition to amendments made to the Indian Act, there were also several pieces of legislation that served to weaken the protection of the environment such as lifting some of the restrictions in the *Environment Assessment Act* and *Navigable Waters Protection Act* (Coulthard 2014; Diabo 2012).

When taking into consideration how negotiation and consultation frameworks are restricted to exploiting natural resources (land) as a form of economic development (also see chapter two), it is impossible for an Indigenous person living in Turtle Island (North America) to separate processes of neoliberalism from colonialism or from capitalism because they are all inter-related. It is in this context that I refer to interrelated processes that have transcended generations of Indigenous Peoples’ struggle — for Aboriginal (and Human) and Treaty Rights — as ‘neoliberal colonial capitalism’. And given how neoliberal colonial capitalism extends to global scales, I use neoliberal colonial capitalism interchangeably with globalization. In this sense, some of the analyses I refer to in this thesis have re-conceptualized

‘colonialism’ and ‘globalization’ as ‘Empire’ and ‘Imperialism’ (Connell 2007; D’Souza 2012; Gordon 2010; Smith 1999; Tuck & McKenzie 2015; Tuck & Yang 2012). The contemporary form of these concepts disrupts the notion of ‘historical’ processes (as being in the past) but instead, marks their continued extensions as a way to inform the ongoing challenges and strategies for Indigenous Peoples in their struggle for social justice.

1.3 Indigenous Struggle and Decolonization?

Neoliberal colonial forms of capitalism have complex implications for how Indigenous Peoples strategize processes for decolonization in struggle. As noted above, the conventional concept of decolonization posits a post-colonial status for countries that are afforded political independence while at the same time requiring them to enter into the neoliberal structures of globalization. Harvey (2005:2) describes neoliberalism as a “theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.” Further, it is the political institutions that generate neoliberal processes that enable the privatization of natural resources as private property (Bargh 2007; Choudry 2015; Gordon 2010; Tuck and McKenzie 2015). Domestically, the privatization of natural resources is the hallmark of formal state-Indigenous negotiations and what Dene scholar Glen Coulthard (2014) refers to as the ongoing dispossession of Indigenous Peoples from their ancestral lands and their land/water practices for food and lifeways. Indigenous protests against the tar sands, oil and gas pipelines, mega dams, and fracking in recent years demonstrate just

how intensively neoliberal processes of dispossession continue in Canada (Choudry 2015; Coulthard 2014; Lindroth 2014, MacDonald 2011; Preston 2015). Yet, it is only through formal state-Indigenous (and state driven) negotiations that these types of development are discussed.

The contradictions and dangers of seeking decolonization within a process that instituted colonialism to begin with have been well documented (Bargh 2007; Connell 2007; Coulthard 2014; Tuck & McKenzie 2015; Tuck & Yang 2012). Frantz Fanon (1963[2004]: 55) was very precise about this and asserted that, “The Third World must not be content to define itself in relation to values [of the former colonial power] which preceded it. On the contrary, the underdeveloped countries must endeavor to focus on their very own values as well as methods and style specific to them.” For Indigenous Peoples, however, struggles against extended forms of colonialism are similar to but differ from those of whole countries seeking decolonization. This is particularly complex in Canada where asserting Treaty agreements that were initially made with the British Crown has now become constitutionally the responsibility of the federal government. In respect to the Mi’kmaq, how do we strategize for decolonization while our treaty rights are contingent on agreements with our “colonizers,” so to speak? I explore what this entails more in depth in chapter two by comparing understandings of treaty from a Mi’kmaq perspective with current negotiation and consultation frameworks driven by neoliberal colonial capitalism.

For many Indigenous activists in Canada, decolonization cannot be achieved just thorough metaphoric (Tuck & Yang (2012:1) or symbolical means that serve to reinforce the structures of settler society. For example, Coulthard (2014:66) theorizes

recognition and reconciliation policies as a politics whereby state “institutionalized accommodation of Indigenous cultural difference be reconcilable with *one* political formation—namely cultural sovereignty—and *one* mode of production—namely, capitalism” (original italics). This simply reiterates the injustices and inequities of neoliberal colonial capitalism and the on-going dispossession of land. Thus, for Indigenous activists, decolonization has become a form of social action that is realized through a resurgence of Indigenous knowledge rooted in re/learning land/water based practices for food and lifeways (Alfred & Corntassel 2005; Bargh 2007; Corntassel 2012; Hill & McCall 2014; Martineau & Ritskes 2014; Simpson 2001, 2014). The importance of this strategy for decolonization involves restoring relationships to the land for sustainable subsistence and livelihood (food and lifeways). In other words, decolonization is rooted in practices on the land. Quoting Styres and Zinga, Tuck and McKenzie (2015:43) explain, “ ‘Land’ (the proper name) extends beyond a material fixed space. Land is a spiritually infused place grounded in interconnected and interdependent relationships, cultural positioning and is highly contextualized.” However, in the context of formal state-Indigenous relations, land continues to be decontextualized from its relational value to community by dispossessing Indigenous Peoples from their ancestral homelands in order to exploit the natural resources on them. In this sense, if formal negotiations with the state (past and present) mark a form of extended colonialism, then it stands to reason that Indigenous resurgent land/water based practices that re-contextualizes Indigenous relations with land, constitute a form of decolonization.

This strategy for decolonization serves as an anchor for gauging formal negotiations with learning and knowledge that is not totally predisposed to neoliberal

colonial capitalism as the only option for realizing Aboriginal and Treaty Rights. Thus, within the context of my community's struggle with our allies for food and lifeways (including livelihood), this research attends to the voices outside formal treaty negotiations as a way to identify the challenges and potential strategies for decolonization rooted in our own learning and practice in struggle as a different concept of treaty. And where this struggle is spiritually, culturally, socially and economically rooted in land-based practices as exemplified by the voices in chapter four, I follow the lead of Tuck and McKenzie (2015) by capitalizing 'Land' from here on.

The task now becomes how to bring these multiple strands of the research journey together, which take us back to the concept of "finding the right tree". Finding the right tree is the first step in the Mi'kmaq art and practice of splint basket weaving (Caplan 1973; Whitehead 1980; Fieldnotes March 9, 2016). When the right tree is located it is then harvested and pounded into splints that separate from the tree by its annual growth rings, which often span several decades. The splints are then shaven into pliable strips for weaving. After we prepare the splints, we weave the base of our basket using slightly thicker splints as the foundation to strengthen the rest of the basket woven from more basket splints or the interrelated strands (of the tree) together.

At first glance, it is difficult to appreciate the process required for transforming a tree into a woven basket (see Figures 1 and 2). In a similar vein, it is also difficult to determine the social, political, economic, and cultural experiences in struggle (and how they are structured and interrelated) because they are invisible or often taken for granted or excluded from dominant narratives of non-Indigenous

societies (Foley 1999; Choudry 2015). Therefore, Mi'kmaq basket weaving serves as a framework to conceptualize various strands of the research and to further learn how the research (tree) holds-taken-for-granted strands or relations (splints) and how they are interwoven (interrelated) together constituting the research journey (basket) as a whole.



Figure 1 Ash tree, photo courtesy of Frank Meuse



Figure 2 Pack Baskets, Sherry Pictou Collection

But first we have to find the right tree, and by way of an introduction, finding the right tree begins with a brief background or a story from L'sitkuk about learning-in-struggle.

1.4 L'sitkukewey a'tuwaqn (A Story from L'sitkuk)

L'sitkuk is situated in my ancestral homelands of broader hunting and fishing ecosystems comprising *Kespukwitk* (meaning end of the flow) and is geographically similar to what is now known as Southwest Nova Scotia (NS) (Sable & Francis 2012). Our community today is referred to as Bear River First Nation (BRFN), located on reserve Lands that represent only a fraction of our ancestral homelands. Nearby historic sites, Fort Anne (British succession in the early 1700s) and Port Royal (the place of contact with Samuel de Champlain in 1605) are reminders of a long history with colonialism on the northeastern part of Turtle Island known today as Canada.

My Grandmother, the late former Chief Leona Pictou (Jeremy), would tell me, as a child growing up, that as Mi'kmaq people we had treaties and aboriginal rights, because we never gave away our right to hunt and fish on our ancestral Lands. She was one of the signatories to the *Aboriginal Rights Position Paper* submitted to the Canadian Government on behalf of the Union of Nova Scotia Indians in 1976. My Grandmother was born in 1910, and no doubt during her childhood had heard stories about treaties from her parents and grandparents that overlapped with the stories heard by Grand Chief Gabriel Sylliboy of the Grand Council from Waycobah (We'ko'kmaq) who maintained in 1927 that he had a treaty right to hunt based on the *1752 Peace and Friendship Treaty* (Wicken 2012; also see NS Archives). The

exchange of stories about the treaties is not inconceivable given that the Grand Council maintained communication with and between Mi'kmaq communities through much of the early 1900s. Though the traditional role of the Grand Council was legally eradicated with the imposition of the Indian Act, the Grand Chief continued to act as peacekeeper and messenger throughout Mi'kmaki (Walls, 2010: 102-108). The late Elder Mary Ellen Robinson (born in 1927), who grew up in L'sitkuk and later lived in Sipekne'katik, recalls her family receiving news from designated messengers referred to as 'runners' or visits from the Grand Chief who travelled all over Nova Scotia by train and "that was the only way we heard news" (CMM & SMU 2015 Robinson Interview).

Sylliboy was convicted for hunting out of season in 1927. However, this ruling was overturned in 1985 with the James Matthew Simon (from Sipekne'katik) SCC case upholding a 1752 treaty right to hunt for food, followed by the Marshall decision in 1999 upholding a treaty right to a livelihood in the fishery (Prosper, McMillan, Davis, & Moffitt 2011; also see Simon v. The Queen, 1985 SCC). Yet, just a few years following the 1985 Simon case, the Mi'kmaq had to resort to outright hunting moose in Unama'kik (Cape Breton) as a way to protest the subjugation of their treaty right to hunt moose to a provincial licensing lottery program in the fall of 1988. Provincial authorities considered the hunt 'illegal' as per the *Nova Scotia Wildlife Act*, and fourteen Mi'kmaq were arrested under various charges, which were later dropped in light of a successful appeal to the Nova Scotia Supreme Court upholding an aboriginal right to fish for food in another case, the David Denny, Lawrence Paul (from Eskasoni) and Thomas Sylliboy (from Paqtnekek) case in 1990 (R. V. Denny, 1990; Wicken 2002; Stiegman & Prosper 2013). In other words, the

Aboriginal Right to fish for food would also apply to an Aboriginal Right to hunt for food.

Mi'kmaq food and lifeways were traditionally guided by a principle of reciprocity in relations with each other and with the environmental or natural worlds in which they lived. "Personal and reciprocal relationships extended to the animals and other objects considered inanimate in Western world view, such as rocks, mountains, certain stages of the production of wood products, winds, weather, and so forth" (Sable & Francis 2012: 24). The lifeways of the Mi'kmaq people, and of the Indigenous Peoples that followed as colonialism expanded westward across northern Turtle Island, would become severely disrupted by the imposition of some of the most horrendous governmental policies of assimilation and segregation—be it through formal education systems (including Day Schools on the reserve, Residential Schools, and Public Schools) or reserve life dictated by colonial governments and later by the Indian Act noted above; and more recently as Indigenous scholars argue, by treaty and Land claim negotiation and consultation processes that have been triggered by decades of legal struggle for Aboriginal and Treaty Rights (Alfred 1999, 2009; Coulthard 2014; Cornassel 2012; Diabo 2102; Pictou 1996). Indian Act policies included Land dispossession through the creation of reserves, the denial of political and economic rights, and making it illegal to practice Indigenous ceremonies. Most severely impacted were and still are the lifeways of Indigenous women, children, and Two-Spirited Indigenous people (initially two-spirited was a reference for Indigenous Peoples who identify as Gay and now includes Lesbian Bi-sexual, Transgendered and Queer) as these legislative policies became institutionalized with Eurocentric heteropatriarchy coupled with racism. For example, Indigenous women were not

allowed to vote in community elections, and women and their children would lose status if they married a non-Indigenous man. Even if an Indigenous woman did marry a status-Indian from another community (reserve), she was required to move to her husband's community. On the other hand, if an Indigenous man married a non-Indigenous woman, his wife and their children gained status in his home community. Though this is no longer the case, there are still on-going issues of discrimination based on gender because none of the legislative remedies have fully addressed the impact of the Indian Act over generations of women and children. Further, the Canadian Human Rights Tribunal recently ruled that discrimination was an instrumental factor to why the federal government did not provide adequate services for Indigenous children (First Nations Child & Family Caring Society of Canada et al. v. Attorney General, 2016 CHRT 2). The traditional roles of Two-Spirited People as healers, advisors, and caregivers were also quickly diminished by the Indian Act and government rule in general that included the imposition of religious instruction in both worship and education, and in the Residential School system in particular (Driskill 2010; Coulthard 2014; Monture-Angus 1995, 1999; Palmater 2011; Pictou 1996; also see Belcourt 2016). Here in Nova Scotia the Shubenacadie Residential School operated from 1930 to 1967 and was run by Catholic nuns and priests (Knockwood 1992). Living survivors throughout Mi'kmaki shared their stories about their experiences at the Truth Reconciliation Commission event held in Halifax in 2011 (APTN 2011). Further, until 1960, Indigenous Peoples were considered wards of the state and therefore were denied the right to vote. Nonetheless, over 4000 Indigenous men served in the First World War and over 3000, including over 70 women, served in the Second World War (Veteran Affairs Canada). Therefore, it is a

tragic irony that Indigenous Peoples have to turn to the very legal system that all but destroyed them in their struggle for both Aboriginal and Treaty Rights (discussed above) as a form of social justice.

In respect to Mi'kmaq treaties, treaty rights are founded on a chain of five *Peace and Friendship Treaties* negotiated and agreed to between the Mi'kmaq (and Maliseet and Passamaquoddy) and the British Empire throughout the eighteenth century before Confederation (Grand Council, UNSI, & NCNS, 1987; Metallic & Cavanaugh, 2002; Reid 2012; Wicken 2002, 2012). The Peace and Friendship Treaties were based on sharing the land. For example, the Mi'kmaq were promised the uninhibited freedom to fish and hunt and trade in exchange for peace and friendship and a promise not to “molest any of His Majesty’s Subjects” (1726 and 1760 Treaties, see NS Archives; Wicken 2002). However, it was the intergenerational experience of being objectified and having treaty obligations outright violated by colonial governments for the British Crown and, following Confederation, by provincial and federal governments that informed the Mi'kmaq conception of treaties as “rights” and as the bases for Mi'kmaq legal agency in Canada’s judicial system (Wicken 2002; 2012). Thus, when the Supreme Court of Canada upheld a treaty right to fish for a livelihood based on the 1760 and 1761 Treaties in the Marshall decision in 1999, there was a sense of vindication from generations of struggle against colonial oppression among the Mi'kmaq throughout all of Mi'kmaki (ancestral homelands). The commemoration was short lived, however, because there was an immediate public backlash (including from government and industry), which unveiled deeply rooted colonial racism and corporate greed. Also it became obvious that despite legal recognition of Aboriginal Rights, and now Treaty Rights, the political and judicial

tendency of Canada to alter those rights by denying them in practice would resume by assimilating treaty rights into Canadian law (Borrows 2016; Pictou & Bull 2009; Stiegman & Pictou 2010; 2016a). In other words, treaty rights would be limited to being regulated in the same way as the mainstream commercial fishery.

Immediately following Marshall, violent clashes took place between the Department of Fisheries and Oceans (DFO) officers and Mi'kmaq harvesters, and between Mi'kmaq harvesters and commercial fishermen throughout Mi'kmaki. Racist media coverage fuelled further antagonism and disagreement with the Marshall decision among the broader public (Obomsawin 2002; Stiegman & Pictou 2010; Wicken 2002; 2012). Within two short months of Marshall, the Supreme Court justices refused a plea to set aside the initial judgement, yet still qualified its unprecedented decision by clarifying the treaty right to fish as meaning a “communal” treaty right to “participate in the large regulated commercial fishery” (as a means of conservation) for a moderate livelihood but not to “accumulate wealth” (Wicken 2002:232). ‘Communal’, ‘moderate’, ‘livelihood’, ‘regulated’, ‘wealth’, and ‘commercial’ are all indeed contradictory concepts that left the interpretation of Marshall wide open. But there is no doubt that the “Supreme Court’s recontextualization of Mi'kmaq rights largely favoured non-Mi'kmaq interests and changed the balance of power following the decision” (Borrows 2016:81). It is also important to note that while five of seven justices were in favour of the initial decision, the qualification judgement was unanimous (R v. Marshall 1999, No. 2).

So how did this all translate for the Mi'kmaq, and more specifically, for the L'sitkuk community on the water? Within days of the decision, frustrated L'sitkuk food fish harvesters removed their small dories (tiny boats with a flat bottom) from

the water at the request of the leadership out of concerns for safety. However, the ripple effect of the decision also made its way onto Land. In fear of the anger and racism expressed by nearby commercial fishermen (and others) in the media and by direct confrontations in public areas in nearby towns, many community members felt compelled to remove anything from their vehicles that would identify them as being Indigenous.

On the political level the government responded with communal commercial fishing agreements based on the Aboriginal Food Strategy (AFS) agreements. The AFS agreements were contrived in response to an earlier Supreme Court decision upholding the Aboriginal right to fish for food based on the Sparrow case in 1990 (*R. v. Sparrow*, [1990] 1 S.C.R. 1075; also see *Acadia First Nation v. Canada*, 2013). In essence they are contractual agreements that outline what, when, where, and how species of fish are to be fished by a particular Mi'kmaw community. This time, however, the commercial agreements involved much more money. Negotiators for the federal government quickly started negotiating individual communal commercial fishing agreements on a community-by-community basis, thus undermining any attempts for Mi'kmaq communities to respond collectively (Stiegman and Pictou 2010). For example, fishing agreements for each community differed to what was offered and negotiated in terms of the number of licenses and quotas for certain fish species and fishing boats and gear. This resulted in some communities receiving more or fewer licenses and quotas compared to other communities. Further, where the agreements were based on the current fishing regulatory regime, communities had to contract non-Indigenous captains to operate fishing vessels until they could be train their own. Given the socio-economic challenges for many Indigenous communities,

most in Atlantic Canada signed on to what were supposed to be interim fishing agreements, while in Nova Scotia (NS) the Chiefs, Federal, and Provincial governments entered into what is known as the “Made-In-Nova Scotia process” to negotiate how to implement a treaty right to fish for a livelihood.

It is now over 17 years since the Marshall decision, and there is still no definitive process for implementing a treaty right to a livelihood fishery. In fact, it was only after the NS Mi'kmaq Chiefs initiated a court application in 2013 in the Supreme Court of NS, challenging this failure to implement a livelihood fishery as a treaty right, that the Federal Government finally obtained a ‘mandate’ to negotiate treaty rights to a livelihood fishery at the negotiation table (MRI, 2013a; Acadia First Nation v. Canada, 2013). In the meantime, ‘communal’ commercial fishing agreements based on a corporate-driven fishery have set the parameters for the only way Mi’kmaq communities in Nova Scotia can enter the commercial fishery. In other words, what a treaty right to a livelihood could mean or how it is perceived from an Indigenous perspective is preempted by the current fishery regulatory regime. Ironically, these agreements go against the legal qualification that treaty rights in the fishery do not include accumulating wealth noted above. As L’sitkuk later learned from other commercial fishermen, the fishery industry was already undergoing corporate privatization resulting in a concentration of the fishing industry in the hands of a few companies. For example, independent fishermen could no longer compete with the imposition of the Individual Transferable Quotas (ITQs) policy that came into effect in the early 1990s—through which companies could accumulate and stack licensed quotas—in contravention of the federal government's own fleet separation and owner-operator regulations. The owner operator regulations required quotas to be

fished by vessel owners. Now quotas could be accumulated and then shared without having to fish them. This resulted in many independent fishermen either transferring their quotas of fish, or for those who had no quotas, being driven out of the fishery altogether. To put it bluntly, the fish became privatized and corporately owned (Pictou & Bull 2009; Stiegman & Pictou 2010, 2016a; Wiber, et al., 2010).

One of the main reasons why L'sitkuk chose not to sign a food or a commercial fishery agreement is that there was (and still is) a great mistrust that those initial agreements will prejudice our treaty rights. The agreements certainly preclude alternative ways of fishing for food and a livelihood rooted in Indigenous knowledge. Another reason is that the unsigned communities quickly became economically and politically sidelined by the very Indigenous organizations that were representing them because the fiscal and policy priorities had changed. All Indigenous organizational efforts had shifted to engage in government-funded programs to incorporate the 'signed' communities into the commercial fishery. Meanwhile, L'sitkuk continues to struggle to find a way to fish for a livelihood without compromising our treaties. Part of this struggle includes a livelihood that allows for the harvesting of fish and other natural resources as a means for food and economic survival. It also involves a responsibility for ensuring that the natural resources are sustainable for future generations to practice their treaty rights. Thus, from the perspective of L'sitkuk (and our allies), the health of the Land (and waters) is key to meeting our obligations to the Treaties (see chapter four). This is based on decades of various ways of learning how to secure food and livelihood, which in essence has also become a way of life or 'lifeways' in the face of neoliberal colonial capitalism and is a central focus of this thesis.

1.5 Purpose of the Research

Over the past decade, much political and economic attention has focused on the communities who have entered into the commercial fishery through agreements with DFO. Although the Mi'kmaq chiefs of Nova Scotia entered into treaty negotiations with the Federal and Nova Scotia Provincial Governments, there are still unanswered questions about the Mi'kmaq communities who have not entered into the commercial fishery through agreements and their struggles to realize a livelihood.

As an Indigenous researcher/activist participating in this struggle with L'sitkuk and our allies in local and international contexts, these unanswered questions form the basis for my doctoral research, which seeks to centre Mi'kmaq worldviews and learning experience in struggle for livelihood as a broader concept of treaty. For L'sitkuk, this struggle for livelihood includes practicing food and lifeways against a collusion of past, present and potential future forms of colonialism.

The significance of this research is twofold. First, as the Mi'kmaq of Nova Scotia enter into re/negotiations within the political context of the Federal Government's recent mandate to negotiate a treaty right to a livelihood fishery, the research presents an opportunity for L'sitkuk and our allies to voice our learning experience as a way to reflect on our position and inform how L'sitkuk may move forward. Second, given that the integration of the Mi'kmaq into a corporate fishery is indicative of processes of global capitalism that marginalize, if not exclude, Indigenous learning and knowledge practices such as those of L'sitkuk, this research aims to centre informal Indigenous learning experiences in struggle as a form of action for realizing other ways to assert treaty rights and toward identifying potential strategies for social change. Thus, related questions addressed in this research are:

- 1) What was the learning of L'sitkuk and its allies within local, national, and international contexts of struggle over fishing and other natural resources? And how does learning evolve between and across these multiple contexts?
- 2) What knowledge production evolves out of these struggles?
- 3) What are the learning successes, challenges, and potential for realizing social change from the perspective of L'sitkuk and our allies?

These questions strive to explore marginalized or excluded social, cultural, political, and economic strands of experience and the learning and teachings they offer. Indigenous and other scholars argue that experience in struggle is often unseen or taken for granted because it is intentionally dis-remembered, silenced, or erased from official records, media accounts, and from other dominant narratives through neocolonial processes of assimilation or cooptation that take place within the political and knowledge economies embedded within the on-going project of neoliberalization (Alfred 2009, Choudry 2009, 2014, 2015; Coulthard 2014, Driskill 2010; Foley 1999; Hill & McCall 2015; Hooks 2009; Pictou 1996; Tuck & McKenzie 2015). However, the ever-increasing convergence of crises in global finance, environmental degradation, climate change, poverty, and hunger clearly demonstrates the failure of one of the main tenets for supporting neoliberalism—enhancing the wellbeing of the world's populations. In this regard, Maori scholar, Maria Bargh (2007:1) asserts that reasserting our stories about “other ways of living” further challenges neoliberalism and what I refer to as neoliberal colonial capitalism (also see Mack 2010). Therefore, another objective of this research to decolonize Mi'kmaw memory and experience by engaging collaboratively with my community and our allies to re-remember our past

and present and anticipate our future learning through our stories, because they overlap (like the weaving of basket splints) and are forever present.

Decolonizing Mi'kmaw Memory is an intentional theme for my thesis inspired by William Wicken's (2012) recent book, *The Colonization of Mi'kmaw Memory and History*, where he explores how the Mi'kmaw memory of treaties became subject to colonializing interpretations throughout history up until the Sylliboy case. The Peace and Friendship Treaties are legally complex. Though the covenant chain of treaties from 1726 to 1779 are interdependently connected and mark a renewal of treaty relations (see chapter two), in Marshall the supreme court justices could not find any written evidence of how the 1760 and 1761 treaties were linked to prior treaties. Therefore, the supreme court relied on external documents referencing several discussions between colonial officials and the Mi'kmaq (and Maliseet and the Passamaquoddy) leading up to the signing of the 1760 treaty to conclude that the Mi'kmaq understood the treaty to imply that it included their right to trade for necessities (as noted in the documentation), even though the words 'trade' and 'necessaries' do not appear in the 1760 treaty itself (Wicken 2002). While this judicial interpretation indicated that "when interpreting treaty texts courts were required to assess how both parties understood them" (Wicken 2002:226), the legal interpretation of texts are limited in scope for encapsulating broader Indigenous understandings especially about the importance of renewing relations. For the Mi'kmaq, they "required and expected these agreements to be renewed periodically to re-energize the bond between partners" (Young 2016:101). The judicial qualification of Marshall (in Marshall No. 2.) clearly restricted this possibility by limiting the treaty right to fish to the non-Indigenous commercial fishery. Therefore, with few

exceptions (see chapter four) I refrain from debating in any great detail the legal (technical) interpretation of the written text of the treaties themselves. Instead, I am more attentive to our own voices that articulate our understandings and our ancestral understandings of treaties in relation to how treaties are being negotiated today. And as chapter four reveals—whether it is with visits from our ancestors of the spirit world, an extension of Mi'kmaq ancestral knowledge and hunting and fishing practices in the here and now, or our struggle within national and international contexts—knowledge rooted in Land-based practices of fishing, hunting, and gathering as a concept of treaty serves as a way to ensure Mi'kmaq food and lifeways are available for future generations.

1.6 Indigenous as Researcher/Activist

In addition to the legal and political struggles relating to fishing, the L'sitkuk community has also spent several years relaying traditional forestry knowledge to both federal and provincial departments of natural resources. Besides trying to explain why several tree species such as the Ash tree were important to the Mi'kmaq, attempts to restore fish and stream habitat by L'sitkuk were constantly undermined by forestry clear cutting practices. Regardless, L'sitkuk was successful in bringing back the wild salmon through their fish and stream restoration work, which was featured in a television broadcast on the *Discovery Channel*. However, farmed salmon escapees infested with antibiotics undermined this work, for which neither the provincial or federal fishery departments would take responsibility (BRFN 2007; Cameron & Beckett 2010).

Yet amid these struggles, L'sitkuk maintained a small food-lobster fishery despite being intimidated by DFO's constant surveillance as well as by the threat of other fish harvesters sabotaging their traps. L'sitkuk has also managed to reassert a moose hunting tradition and initiate a number of learning projects that range from reconnecting to ancestral knowledges and ancestral waterways, to building relationships and alliances with non-Indigenous fish harvesters, to advocacy work through my participation with the World Forum of Fisher Peoples (WFFP) on the international level (Pictou 2015; Stiegman & Pictou 2007; 2010; 2016a). The incredible resilience and resurgence of L'sitkuk food and lifeways inspired this research about exploring what we have learned since the Marshall decision.

As an Indigenous researcher/activist from L'sitkuk, I continue to play a small role in many of these struggles with L'sitkuk as an advisor, educator, and representative of the WFFP coordinating committee. As a non-fluent Mi'kmaw speaker, and therefore not always correct, I attempt to use the terms *Mi'kmaq* (plural form) or *Mi'kmaw* (singular form) (Smith and Francis Orthography 1974) or *Mi'gmaq* and *Mi'gmaq* (Listuguj Orthography, Quebec) and 'Indigenous' interchangeably, and when forced, with the terms 'Indian,' 'Aboriginal,' 'Native,' and 'First Nations.' This is because, in my lifetime, I have witnessed the portrayals of Indigenous people as Indian savages in Canadian history books (and Indian-Cowboy war movies) evolve into other stereotypes of imposed identities, especially 'Indian' and 'Aboriginal' (Pictou 1996). The term 'Mi'kmaq' marks my experience at home and the term 'Indigenous' adheres to a broader international political agency in asserting Indigenous worldviews and experience against neoliberal colonial capitalist knowledge production practices of globalization that aim to sever our relationships

with each other and our natural ecologies, mainly from the Land (also see Kenrick & Lewis 2004; Lowman & Barker 2015). Yet, though the recently elected Liberal Government changed the name of the Department of Aboriginal and Northern Affairs (formerly known as Indian Affairs) to 'Indigenous and Northern Affairs' in 2015 (Lum 2015), I remain only 'cautiously' optimistic because of my experience with double concepts and narratives around terms such as 'self-government,' 'self-determination,' 'development,' 'sustainability,' 'Traditional Ecological Knowledge,' along with 'reconciliation,' 'recognition,' and now 'negotiation' and 'consultation.' These terms are often coopted in meaning and transformed into state and corporate driven neoliberal and colonial interpretations that set the pretext for state-Indigenous relations. For example, self-government and self-determination processes have resulted in agreements (like CLC discussed earlier) with the federal government that restrict Aboriginal and Treaty Rights by assimilating them, and thus Indigenous Peoples, into Canadian policy and governance frameworks. Mohawk policy analyst, Russell Diabo (2012) argues that CLC and Self-Government processes in fact serve as a means for terminating Aboriginal and Treaty Rights. And like many negotiation and consultative frameworks, the Made-In-Nova Scotia process for negotiating treaties has mainly become a consultative framework for corporate development (see chapter two).

Therefore, as a way of decolonizing Indigenous knowledge and voices, I privilege the use of the Mi'kmaw language when possible and reference the names of Indigenous Peoples. I also use 'I' and 'we' interchangeably to create a balanced voice in 'my' doctoral research based on what 'we' perceive collectively (our perceptions) emerging from the research. Further, I cautiously use the term

‘Settler(s)’ to distinguish how the broader public (non-Indigenous people), and state governments in particular, living on Turtle Island take up processes of neoliberal colonial capitalism. However, I say ‘cautiously’ because the term settler does not speak to how neoliberal colonialism impacts people differently. The term does not define the uneven (and forced) emplacement of refugees, immigrants, foreign workers, young women and girls sold into the sex trade, or how people of colour from other continents were forced into the slave trade here in our Indigenous homelands that Canada claims. Therefore, I use the term settler with a political consciousness of how neoliberal colonial capitalism benefits some peoples at the expense of others through historical and contemporary processes of oppression (Lowman & Barker 2015; Tuck & McKenzie 2015).

As an Indigenous researcher/activist, I am by no means objective, nor would I force myself to be. This is also because of the extraordinary amount of responsibility I have to my community and to our allies. Shawn Wilson (2008:97) describes this as ‘Relational Responsibility’ (also see Coburn 2015; Kovach 2009, 2010; Smith 1999). At the same time, I also have a commitment to the academic institution under which authority I am pursuing this research as part of a doctoral degree. So how do I balance the two commitments? Since writing my MA thesis in the mid 1990s, a broad range of Indigenous scholarship continues to centre Indigenous worldviews within research as a decolonizing approach for both the community and the ‘Indigenous’ researcher (Absolon 2011; Alfred 1999, 2009; Battiste 2013; Bargh 2007; Blaser, Feit, & McRay 2004; Coulthard 2014; Henderson 1997; Kovach 2009, 2010; Jacobs 2008; Little Bear 2000; Mack 2011; Prosper, et al. 2011; Stiegman & Pictou 2010, 2016; Smith 1999; Tuck and McKenzie 2015; Wilson 2008). My

research aims to contribute further to this work by attending to Mi'kmaq/Indigenous relational knowledge production through the lens of Mi'kmaq voices and basket weaving. Centring Indigenous worldviews also becomes a decolonizing approach against the erasure of Indigenous presence and relations with our allies and natural worlds by dominating narratives about Land and water as mere commodities.

However, this is not to discount other knowledges or theories. In conversation with Indigenous researchers and examining their theses, Anishinaabe scholar, Kathy Absolon (2011: 148) introduces the concept of “allied theories” as a way to describe how other theories and methodologies supported researchers “until a leap could be made toward asserting the rightful place of Indigenous methodologies in Indigenous knowledge production.” Thus I demonstrate this potential by interweaving Indigenous worldviews with critical theories of globalization or neoliberal colonial capitalism and learning-in-struggle along with recent anthropological perspectives on treaty relations beyond just the legal and Crown or government view (see chapter two). It is important to point out that the Indigenous knowledge forming our worldviews is rooted in our ancestral teachings plus over five hundred years of experience of settlers undermining those teachings. Thus Indigenous knowledge is rooted in both our ancestral beginnings and experience with colonialism (and now neoliberalism and capitalism). So with this I return to finding the right tree for weaving a basket. Here I choose the Ash tree (*Aqamoq*) because of its known sturdiness for weaving baskets to be used in harvesting food and carrying heavier loads (Caplan 1973; McBride & Sanipass 1991). Though basketry undertook various forms prior to European contact, wood splint baskets became more prevalent after contact (McBride & Sanipass 1991; Whitehead 1980). With being dispossessed from relational practices rooted in

ancestral homelands, the splint basketry (as well as more fancy baskets, axe handles and other tools) became a source of supplementary income for many Mi'kmaq. In this sense, splint basketry represents the historical experience of Mi'kmaq engagement with the non-Indigenous society for a livelihood. In addition to basketry, L'sitkuk is well known for some of the most renowned guides for sports fishermen and hunters throughout Kespukwitk during the mid 1800 to mid 1900s. Central to the guiding livelihood was the *eptuktaqaney* or pack basket used for carrying camp gear or the food harvested (K. Prosper, personal communication, November 8, 2015). Therefore, the ash tree is the right tree for weaving a pack basket as a way to encapsulate L'sitkuk's story with our allies.

1.7 Weaving and Organizing the Chapters

Now that we have identified the tree and the basket to be woven, in the second chapter we prepare the splints or *pligpete'get* meaning pounding the ash tree (into splints). *Eligpete'get* in this sense serves as a concept for centring Mi'kmaq/Indigenous relational understandings of treaty with allied theories—of critical globalization and critical learning-in-struggle—and against re/colonization or neoliberal colonial capitalism in formal state-Indigenous treaty and other negotiation processes. In chapter three, we start interweaving these splints with methodological approaches as the base or bottom of the pack basket or *Elisqapeka'tu'n* (to weave the bottom) that best serve to centre the voices of L'sitkuk and our allies in multi-sited contexts. Here, Indigenous relational understandings are employed with relational methodologies that are collaborative, inter-dialogical, in part autoethnographic, and extend to local and international sites of struggle. Then in chapter four, the concept of

Elisknuey (I am weaving) and *Elisknuet* (she/he weaves) serve to guide us in the weaving of the rest of the basket with the voices of L'sitkuk, including myself as researcher, and our allies that formulate a broader concept of treaty beyond formal state-Indigenous negotiations. This concept is rooted in intergenerational learning, healing, spirit and freedom, learning and knowledge resurgence rooted in Land-based practices for food and lifeways, which further guide us in identifying some of our challenges and visions for the future. Then, in chapter five, we reinforce the basket with a hoop made from a thicker piece of wood woven on the outer top of the basket (which reinforces the inner rim) or *elokwistoq*, meaning “to put the hoop on the basket to make it more sturdy” (K. Prosper, personal communication, April 25, 2016). Though *elokwistoq* brings the weaving of the basket to completion, it also marks the beginning of a journey through which the basket lives on. *Eptuktaqaney*, the pack basket that is used for carrying camp gear or the food harvested is in essence in this research carrying the voices of L'sitkuk and our allies. In this sense, I explore some of the ways our knowledge and experience can inform our participation in formal state-Indigenous relations and how to move forward as a community. In other words, *Eloskwitoq* explores how our stories live on or *Siaw pmiaq L'sitkuk*— L'sitkuk keeps going (K. Prosper, personal communication, March 24, 2016).

CHAPTER 2: ELIGPETE'GET

2.1 Eligpete'get (Pounding The Ash)

After selecting the right tree, the work now begins with preparing the splints for weaving the *eptuktaqaney* or pack basket. This involves roughly cutting the tree into manageable pieces that are then pounded to forge a natural separation of the tree's growth rings into wood splints. The splints are then cut and shaved into smooth pliable strips for weaving. In this chapter, *Eligpete'get* (pounding the ash) serves as a concept to explore various related themes emerging from selected literature on Indigenous worldviews and learning-in-struggles against what others have theorized as extended or advanced forms of colonialism (Kapoor 2009:3; Tuck & Guishard 2013:12:), or contemporary colonialism (Alfred & Corntassel 2005:597; Barker 2009: 326), or colonial capitalism (Kapoor 2006:2; Also see Alfred 2009; Coulthard 2014; D'Souza 2012; Tuck & McKenzie 2015; Tuck & Yang 2012). In other words, *eligpete'get* becomes a process for exploring these various understandings as a way to guide us in the weaving of L'sitkuk's on-going story (weaving the basket). First, I return to the concept of centring Indigenous worldviews and allied theories as a way to foreground L'sitkuk's experience in struggle. This helps us to understand how formal state-Indigenous treaty and consultation frameworks become extended (or contemporary) forms of colonialism or neoliberal colonial capitalism. I then explore Mi'kmaq ancestral relational understandings of treaty in the context of anthropological contributions to understanding treaty-making from the perspective of Indigenous Peoples. Then by way of comparison, I examine how the Made-In-Nova Scotia process and other negotiations are framed by neoliberal colonial capitalism.

To deepen our understanding of how these negotiation frameworks are realized, I draw on theories of globalization and internalized colonialism, followed by an examination of how resurgent Indigenous relational understandings rooted in Land-based practices — for food and lifeways (i.e. hunting, fishing, and gathering) — undertake a form of critical learning as a practice of decolonization.

2.2 Indigenous (Mi'kmaq) Relational Worldviews and Allied Theories

My MA research on *The Life Long Learning Experiences and Personal Transformations of Mi'kmaq Women* (Pictou 1996) revealed deep complex reciprocal relationships with others and with nature and Land that are entrenched in the past, present and Indigenous hopes for the future. Metallic and Cavanaugh (2002:10) describe the Mi'kmaq worldview as “complex and representative of a comprehensive holistic knowledge system. It is a timeless process of interrelationships through which Mi'gmaq [*Listuguj* Orthography] people understand and relate to the rest of creation. Relationships and the understanding of family are central to the Mi'gmaq worldview.” I contend that this research about learning-in-struggle in the context of my own ancestral homelands along with a broad range of Indigenous scholarship, supports and elaborates on this concept of relationality grounded in Indigenous knowledge and experience (Absolon 2011; Alfred 1999, 2009; Bargh 2007; Blaser, Feit, & McRay 2004; Corntassel 2012; Coulthard 2014; Deloria 1979 [2012]; Deloria & Wildcat 2001; Henderson 1997; Kovach 2009, 2010; Mack 2011; Prosper et al, 2011; Simpson 2014; Stiegman & Pictou 2010, 2016b; Smith 1999; Tuck and McKenzie 2015; Wilson 2008; Young 2016).

Further, Indigenous worldviews also share over five hundred years of experience with colonialism and its evolution into neoliberal forms of colonial capitalism (globalization). In this sense, social anthropologists, Kenrick and Lewis (2004:7) assert that the term “Indigenous” requires a relational understanding that “emphasizes both the negative experiences of colonization (in its broader sense)...and the positive resilience...through which [I]ndigenous peoples experience their relationships with their [L]and, resources, and other peoples.” Therefore, the concept of complementary or allied theories—critical analyses of globalization (neoliberal colonial capitalism) and learning-in-struggle—serve to deepen our understanding about the tensions between Indigenous worldviews and experience in the struggle to implement treaty obligations. At the same time, these analyses serve to inform a practice of social action for change. For example, Coulthard (2014) draws on the theoretical understandings of colonialism and capitalism informed by Frantz Fanon and Karl Marx and repositions them from an Indigenous perspective to demonstrate how neoliberal colonialism and capitalism further dispossess Indigenous Peoples from Land, and thus, from their relational processes that formulate ancestral obligations to protect the Land. In this sense he argues that only the resurgence of Indigenous Land-based practices — food and lifeways that also prescribe protecting the Land — will serve to disrupt formal Land claims and treaty negotiation processes that are driven by on-going colonial capitalism (also see Alfred & Corntassel 2005; Tuck & McKenzie 2015).

Maori scholar, Cherryl Smith (2007:69) points out that “Both colonisation and globalisation were born out of the antithesis to the idea of groundedness to a place.” Thus, centring Indigenous worldviews rooted in Indigenous relational practice

with the Land can also inform ways or strategies to disrupt processes of neoliberal colonial capitalism that exploit the very essence of our existence—our Land or natural ecologies. Eve Tuck and Marcia McKenzie (2015), for example, centre Indigenous relational understandings within environmental studies in formulating a Critical Place Inquiry approach to theorizing place as Land and relational practices with the Land, in response to globalization, colonialism and environmental degradation (also see chapter three). Recent anthropological perspectives on treaty relations also help to identify strategies in struggles for social justice and social change in the ways treaty obligations are interpreted and negotiated. The critical contributions of anthropologists Michael Asch (2014), Charles Hale (2006), Harvey Feit (2004), Justin Kenrick (2009), and Brian Noble (2007, 2008, 2013, 2015) to mention a few, have opened up opportunities for mobilizing the field of anthropology for social, economic and political justice by transdisciplinary Indigenous scholarship and research, and by Indigenous communities themselves (also see Frisby 2013). These interventions have further helped to bridge alliances and create affinities between anthropologists and Indigenous scholars and communities around the world (see Blaser, Feit, & McRae, 2004; Khasnabish 2008; Biolsi & Zimmerman 1997[2004]). Here in Mi'kmaki, the work by anthropologist Jane McMillan and Elder Kerry Prosper (McMillan 2012; Prosper et al. 2011) foregrounding Mi'kmaq perspectives and knowledge practices has contributed significantly to the analysis of Mi'kmaq struggles for implementing treaty rights for subsistence and livelihood. For example, they reintroduce Mi'kmaq ancestral concepts such as *Netukulimk* (providing by taking only what you need; also see Young 2016:90) against the neoliberal colonial capitalist models being imposed in formal negotiations or already imposed in

the form of agreements like the commercial fishery agreements in response to Marshall. The work of anthropologist Trudy Sable and Mi'kmaq linguist Bernie Francis (2012) transcends geo-political narratives by reasserting both the hermeneutic and physical Landscape of Mi'kmaki rooted in the Mi'kmaw language. From an interdisciplinary perspective, scholar/film maker, Martha Stiegman, undertakes a participatory approach as a form of decolonizing research practice in producing films and casting local voices in collaboration with L'sitkuk and Paqtnkek communities. This approach to producing films serves to delineate Mi'kmaq worldviews against neoliberal interpretations of treaty rights relating to the fisheries (Stiegman & Pictou 2007, 2016b; Stiegman & Prosper 2013). In summary, these collaborations mark ways in which Mi'kmaq/Indigenous worldviews can be aligned with allied theories and anthropological perspectives to reveal how Indigenous relational practice is eclipsed by intersecting forms of neoliberal colonial capitalism in formal treaty negotiations. First, we turn to some of the ancestral relational understandings of treaty.

2.3 Mi'kmaq Ancestral Relational Understandings and Anthropological perspectives on Treaty

The eight-pointed star is a symbol used in various Mi'kmaq art forms (see Figure 3) and depicted in a petroglyph dated over five hundred years old located in Bedford, NS (Lenik 2002). There have been several interpretations of what the star means, ranging from representing the sun that played a significant role in Mi'kmaq ceremonies (Wicken 2002; Lenik 2002) to the eight cardinal directions (Joe 1991; Young 2016); the eight legged starfish (Whitehead 1980); to representing the seven ancestral fishing and hunting districts of the Grand Council and its relationship to

Catholicism (see below); to the seven districts and the addition of *Ktaqmkuk* (across the waves/water) — Newfoundland (Sable and Francis 2012; Migmawei Mawiomí Secretariat 2009). Another interpretation of the eight-pointed star is that it represents the Mi'kmaq treaty relationship with the British Crown:

By entering into the treaty, Britain joined our circle of brother nations, the Wabanaki Confederacy [Mi'kmaq, Maliseet, Passamaquoddy, Abenaki and Penobscot alliance], and we joined its circle of nations later known as the Britain Commonwealth. The Mi'kmaq symbolized this important relationship by adding an eighth point—Great Britain—to the seven pointed star representing the seven districts of our nation (Grand Council, UNSI, and NCNS 1987: i).

The Mi'kmaq concepts of *Ankukamkewe* (making relations) and *Ankukamkewel* (more than one set of relations) underscore Mi'kmaq relational concepts of treaty making and treaty relations: “[T]reaties are entered into in order to extend, strengthen and incorporate new members (that is, new treaty-makers) into our existing kinship system. In Mi'gmaq, Elders refer to treaties as *angugamgwe*, which means ‘adding to our relations’” (Migmawei Mawiomí Secretariat 2016). Although these interpretations of the eight-pointed star motif vary, they all indicate a Mi'kmaq worldview rooted in relational understandings.



Figure 3 Birch bark star (2017), courtesy of Todd Labrador

The Mi'kmaq concept of making relations as a form of treaty making is an important contribution to a broad range of scholarship that contextualizes Indigenous (ancestral) interpretations of treaties against political and legal frameworks from which Indigenous perspectives are excluded. Wicken (2002:89) points out that treaty making involved a highly valued communicative process throughout Mi'kmaki that “formed their understanding during the oral discussions that preceded the treaty’s signing.” These discussions would have taken place with Elders, councils, and other community members indicating a broader process for consultation with the community (also see Metallic & Cavanaugh, 2002). Wicken (2002:40) further argues that the Mi'kmaq were highly politically organized which is indicative of having the “political capacity” to “influence” the treaty making process. And without a Mi'kmaq “political order the treaties would have been redundant, as the British could have simply forced themselves on the Mi'kmaq through military means...[Yet] the British signed not just one treaty with the Mi'kmaq but five separate agreements over fifty-three years between 1726 and 1779” (Wicken 2002:40).

Mi'kmaq relational understandings of treaty were premised on concepts of mutual obligation, reciprocity, and the renewal of relations that extended to the sharing of resources among families and with other Indigenous nations (Henderson 1997; Metallic & Cavanaugh 2002; Wicken 2002, 2012; Young 2016). The Mi'kmaq concept of relationality also guided the making of wampum agreements—beaded belts that mark the reciprocal responsibility of the relationship—that later were to include treaty relationships with non-Indigenous peoples (Asch 2014; Henderson 1997; Whitehead 1991; Wicken 2002, 2012; Young 2016). Henderson (1997:17, 24) explains that the principles of wampum such as the Mi'kmaq Concordat with the Vatican was reinforced through the oral inter-communicative practice of recalling treaties and agreements through “treaty advisers, speakers, and story keepers” referred to as “*Putus*” and the “Putus teachings”. Wicken’s (2012) study of Mi'kmaq treaties further demonstrates the Mi'kmaq relational concept of treaty by tracing how the 1760 and 1761 treaties comprised a renewal of the relationship affirmed in the earlier 1726 treaty (also see Sark, Barsh & Marlor 2000; Grand Council, UNSI, & NCNS 1987).

The basis for agreements in the form of wampum and treaties was informed by a principle of relationality and mutual responsibility, and thus, a mutual interdependence inherent in Mi'kmaq political thought described by Metallic & Cavanaugh (2002: 30) as an “extended family system ideology whereby we enter into sacred agreement for the purpose of extending our interconnectedness and interdependency with each other.” Political anthropologist Michael Asch (2014), in his examination of the history of making the numbered treaties, also takes up

principles of mutual interdependence as a form of mutual obligation to honour the treaties.

Anthropological and other scholarship on Indigenous worldviews in treaty making and treaty relations is important to understanding how extending the ‘relationship’ between treaty parties also includes Indigenous and non-Indigenous peoples living on Turtle Island (and internationally) beyond just formal state-Indigenous relations. In this sense, the principle of relationality offers a way forward out of current legal and political deadlocks that prevent treaties from being implemented. Noble (2015:436) undertakes a correlating approach to what he refers to as the “treaty turn” toward “honourable relations” as a way to address the “double bind” of coloniality by focusing on both the intersection of inter-cultural and inter-political dynamics. In other words, Noble is arguing that relational understandings of treaty free us from the double bind of the political relations as against (or as separate from) the cultural relationship.

The imposition of the western political concept of sovereignty over Indigenous Peoples’ own perceptions of sovereignty and self-government (relationality) is one such deadlock or double bind (Alfred 2009; Blaser, Feit, & McRae 2004; Mack 2011). And though there is evidence that treaties were informed by a mutual concept of a ‘nation to nation’ basis, the promises of mutual consent to share the Lands were never honoured by state governments (Asch 2014; Pulla 2012). Instead, Indigenous leaders are offered either one final agreement that limit Aboriginal and Treaty Rights to reduced parcels of Lands or interim economic development agreements—that focus on resource extraction and exploitation

processes—that often threaten the very Land-based relational practices upon which the treaties were founded (Alfred 2009; Coulthard 2015; Hale 2006; Tully 2010).

Thus Asch (2014:186) argues that “[i]n order to implement these treaties, then, we need first to conceptualize how to form a relationship that falls outside the range of possibilities offered to us in contemporary political thought.” In other words, Asch does not restrict his analysis to just written treaties but also to the ‘spirit and intent’ or the relational basis of the treaties (and wampum). Asch and others (Alfred & Corntassel 2012; Gordon 2010; Hill & McCall 2015; Lowman & Barker 2015) argue that we need a retelling of history to exemplify that all Canadians are part of the treaties. In this sense, Asch (2014) and Borrows (2005) contend that Canadians are able to live here by permission of Indigenous Peoples given through the treaties, which is also a point taken up by Davis, O'Donnell and Shpuniarsky (2007:97): “In reality, many non-Aboriginal people in Canada know little about how Aboriginal and non-Aboriginal relationships have evolved historically, or even the name and provisions of the treaty that makes it possible for them to occupy the community they call ‘home.’”

What is significant about emphasizing the relational implication of the treaties is that the responsibility for their implementation is not placed solely on Indigenous Peoples through their leadership (which is the case in political and judicial processes), but also on the wider Indigenous and settler public as having a responsibility to fulfill their obligations to the treaties as treaty people or treaty partners (also see Lowman & Barker 2015). This is not to suggest that we create a dual process for negotiating and implementing treaties. But it is to assert that informal processes present opportunities to rebuild mutual relational understandings and practice between broader Indigenous

and settler societies and with the Land itself, and thus also hold potential for disrupting formal processes. Elsewhere, I have borrowed James Tully's (2010:251) concept of "small 't' treaty partnerships" to investigate the opportunities for social change in small 't' treaty relations between L'sitkuk and local and international alliances in the struggle for livelihood in the fisheries (Pictou 2015). There is also a long history of Indigenous struggles within Canada that demonstrate other informal solidarities, the most recent being the Idle No More (INM) movement in response to Bill C 45 – Jobs and Growth Act (the easing of environmental laws and privatization of reserve Lands for development). Coulthard (2014) explains that INM was the latest of various struggles and protests in response to the imposition of colonial policies that generated several crises for federal and provincial governments. These stem back to protests by Indigenous Peoples across Canada against the 1969 white paper policy—an assimilative strategy under the Liberal Government of Prime Minister Pierre Trudeau that would dismantle the Indian Act and thus any status or legal obligation to Indigenous Peoples—followed by on-going struggles for Constitutional recognition (leading up to and following the patriation of the Constitution in 1982), and what became known as the Oka crisis in 1990 that resulted in a two-and-a-half-month barricade installed by the Mohawk of Kanasatake, Quebec in protest against the expansion of a golf course on their ancestral Lands. Coulthard points out how these crises were managed by the federal government under the auspices of 'recognition' through CLC and other negotiation frameworks resulting in no real structural change. Thus when omnibus Bill C-45 was introduced in 2012, it became clear that the Bill represented the "latest installment of Canada's long standing policy of colonial dispossession" (Coulthard 2014:128). As another recent example of informal

mobilization for social change, John Kearney points out how it was the Canadian Broadcasting Corporation (CBC) that launched an investigation into the missing and murdered Indigenous women when the former Conservative Government dismissed the demands of Indigenous Peoples and their allies to do so (John Kearney, personal interview April 9, 2015; also see CBC News 2015a).

Thus, the move or the ‘treaty turn’ toward informal relationships outside current formal processes is critical because it is a move that offers the most hope for moving forward in struggle. This is because current processes of treaty negotiations, like the Made-In-Nova Scotia process discussed below, have not yet realized mutual treaty re/implementation and obligations, which for many Indigenous communities include obligations to protecting the Land.

2.4 The Made-in-Nova Scotia Process, “Modern” Treaty Making and Other Negotiations with State Governments

Current treaty negotiation processes are often confused with *Modern-Day Treaties* because the ‘modern’ negotiation processes now encompass negotiating both new treaties with Indigenous Peoples who never entered into a treaty (British Columbia and Northern Canada), as well as negotiating the implementation of historic treaties that have been reaffirmed in Canada’s legal system.

In respect to the Peace and Friendship Treaties, Wicken’s (2012) analysis of historical legal jurisprudence on Mi’kmaq treaties demonstrates how the Mi’kmaq were able to maintain an intergenerational consciousness of treaty despite having the longest experience with colonialism in Canada. The L’sitkuk community was no exception. In 1894, the Indian agent representing what was then known as the Department of Indian Affairs (DIA) designated to oversee the imposition of the

Indian Act in L'sitkuk (Bear River First Nation) made inquiries to DIA asking if “an Indian under existing treaties” could be prohibited from hunting and fishing (Wicken 2012:77). This inquiry correlates with the arrest of Abram Toney from L'sitkuk for hunting moose in closed season. Three years later in 1897, the L'sitkuk community went as far as to pass a resolution against provincial game laws and to reassert “that the Mi'kmaq had always depended on hunting as a means of support, and that the game laws were unjust as they restricted the Mi'kmaq from maintaining their livelihood...[and therefore] were forced to either break the laws or starve” (Pulla 2015:475).

Being forced to break the law remains a concern in Mi'kmaq struggles for treaty rights especially as they pertain to accessing food for L'sitkuk and Paqtnkek. Former Chief Frank Meuse (L'sitkuk) in the film, *In Defense of our Treaties* (Stiegman and Pictou 2007), and former Chief Kerry Prosper (Paqtnkek) in the film, *Seeking Netukulimk* (Stiegman and Prosper 2013) both speak to this contradiction of having to break the law in order to exercise treaty rights or have Mi'kmaq treaties about hunting and fishing rights tested and re-affirmed in Canada's legal system. One of the main themes that emerged from my research with L'sitkuk is how there remains a paradoxical fear of the law and of being arrested for fishing and hunting, even though harvesting food is considered a fundamental basis for treaty. For example, in discussing the federal government's recent mandate to negotiate a treaty livelihood to the fishery and what can be done in the meantime, one participant states how it is still “scary though, always having to worry about DFO” and how it would be good to work something out “so we don't have to worry about going to jail.” Another participant referred to feeling like a “criminal” when wanting to dig clams, while

another asserts, “anything new that comes in, it always serves to be a burden against the people...” (Unnamed participant interviews 2015, see chapter three). Thus, despite the numerous successful legal challenges where Aboriginal and Treaty Rights are upheld, there is something fundamentally questionable about how legal jurisprudence interfaces with the interpretation and practical implementation of treaty rights (Alfred 2009, Henderson 2015; Tully 2010; Leech 2006; also see Lindroth 2014). In this sense, Chippewa/Anishinaabe scholar, John Borrows (2016:4) argues that Canada’s constitutionalism is “rooted in abstract reasoning disconnected from social, political, and other real life experience,” and consequently Aboriginal and Treaty Rights are both universalized and marginalized, thus impacting “Indigenous peoples’ ability to exercise power in the real world.”

Neoliberal colonial capitalism is an extended form of colonialism that makes the implementation of Indigenous (Aboriginal) and Treaty Rights from an Indigenous perspective, a contradiction. Indigenous concepts of relationality (or any human concept of relationality for that matter) are diametrically opposed to the underlying principle of valuing Land and water only as resources for profit. Coulthard (2014:7) explains how this plays out in state-Indigenous relations:

Canada is no different from most other settler-colonial powers: in the Canadian context, colonial domination continues to be structurally committed to maintain—through force, fraud, and more recently so called “negotiations”—ongoing state access to the land and resources that contradictorily provide the material and spiritual sustenance of Indigenous society on one hand, and the foundation of colonial state-formation, settlement, and capitalist development on the other.

The Marshall case and the commercial fishery agreements in its aftermath discussed in chapter one is a prime example of this contradiction.

Further, there has been great debate about how the CLC process is driving current treaty negotiations (Diabo 2012; McIvor 2015; Pasternak, Collis, & Dafnos 2013). The INM movement triggered such a debate about the Made-In-Nova Scotia Process in 2013 (Howe 2013). The Mi'kmaq Rights Initiative (the organizational structure through which the Made-In-Nova Scotia Process negotiations are administered) has insisted that there is no loan funding for financing the negotiations, which is a common policy of the modern-day treaty and CLC processes (CLC are financed by loans against any final agreed compensation) (MRI 2013a). Yet, the question about how indirect government funding (for programs such as those that relate to the fisheries) received by Indigenous communities and organizations will be considered in treaty negotiations remains uncertain. For example, will such funding set the parameters through which Treaty Rights are viewed as being already implemented? Further, there is concern about how the CLC process also requires an older policy of 'extinguishment' of title to ancestral Lands currently portrayed as 'rights and benefits' in settlement agreements but which precludes any further assertion or claim outside of agreements (Coulthard 2014:122-123). Therefore, some Mi'kmaq (and Maliseet who were also signatories to the 1760 and 1761 Treaties) view any process that utilizes the principles of rights, benefits, and agreements that exist in the CLC policy to negotiate or implement treaty (historic and modern) is in fact terminating our treaty rights (Diabo 2012). For example, Sipekne'katik (then Indian Brook) withdrew from the Made-In-Nova Scotia Process in 2013 and more

recently in 2016 from the *Assembly of Nova Scotia Chiefs* to oversee their own negotiations because in the first instance, the community feared they were not being consulted about their rights and title, and in the second, the process would not facilitate a broader consultation with community members on a natural gas storage project that put a river system used by the community at risk (Copage 2016). In this sense, current formal treaty negotiations certainly have strayed from traditional processes of including community members in the consultative process of treaty agreements noted earlier. Similar concerns were also later raised by the Millbrook First Nation and have resulted in their withdrawal from the Made-In-Nova Scotia Process as well (Googoo 2016; Millbrook First Nation 2016). In October 2015, the Maliseet communities separated from the Assembly of First Nation Chiefs of New Brunswick to form their own organization also because of concerns about consultation: they “felt the AFNCNB failed to communicate effectively with grassroots community members, and that expected deliverables on several important files were not being met” (CBC News 2015b quoting Chief Ross Perley of Tobique).

The Made-In-Nova Scotia process and modern day treaty negotiations follow a very similar process to the CLC that progresses through a series of agreements to a ‘final’ agreement. In fact, the Indigenous and Northern Affairs website states that the Comprehensive Land Claims involve “forward-looking agreements (also called “modern treaties”) [that] are negotiated between the Aboriginal group, Canada and the province or territory” (AANDC 2015). However, the Nova Scotia chiefs are negotiating with the Federal and Nova Scotia governments to position the Made-In-Nova Scotia process outside the CLC/Modern Day treaty framework with the possibility of several time-limited agreements. The implication of this is that shorter-

term agreements will avoid locking the Mi'kmaq into a final agreement (Chief C. Potter, personal communication, May 18, 2016). Yet, if we follow the example of the commercial fishing agreements, interim agreements set the precedent for how fishing as a treaty right will be exercised. In the meantime, while we strive to separate or distinguish one process from another, the policy of the former Conservative Government of concluding all agreements with economic and legal certainty will remain a challenge (Diabo 2012; Schertow 2012; also see Lindroth 2014). For example, treaties are directly referenced in the *Renewing the Comprehensive Land Claims Policy* as a means to provide 'certainty':

Canada seeks to achieve certainty over unresolved Aboriginal rights claims, in relation to land and resources and other rights addressed in the treaty by negotiating agreements that provide for a respectful reconciliation of the rights of the Aboriginal people with the rights of other Canadians (AANDC 2014a:11).

Also, the *Aboriginal Affairs of Nova Scotia* "Statement of Mandate" refer to the Made-In-Nova Scotia Process as a "modern treaty" (AANS 2014:13) or "modern treaty making process" (AANS 2015:5; 2016:10). More recently, in a case in the Nova Scotia Supreme Court involving two Mi'kmaq food harvesters who were charged for fishing salmon outside of their Aboriginal and Food Strategy agreement, Justice A. Peter Ross references current negotiations as "modern day agreements" and a "modern day treaty" throughout his final judgment (R. v. Martin 2016 NSPC 14). This judgment may at first appear to be minor when set against larger processes of Land claim and treaty negotiations, yet it clearly sets the pretext of confining 'rights and benefits' to political and legal jurisprudence based on agreements. It also

becomes clear that political and legal perceptions of the Made-In-Nova Scotia process are very similar to other modern treaty and Land claim processes.

Further, as noted in chapter one, the 1982 Canadian Constitution also protects Aboriginal and Treaty Rights. The irony here is that the concept of Aboriginal Rights derives from Aboriginal Title based on pre-contact Land usage that evolved from a post-contact legal apparatus (Borrows 2016; Slattery 2000). Secondly, though it would seem title is a strong precedent to treaty, Aboriginal rights to title can be significantly altered by treaty:

Treaties must provide finality and certainty with respect to an Aboriginal group's claimed Aboriginal rights, as well as clarity with respect to Aboriginal, federal and provincial/territorial jurisdictions and responsibilities.... *The certainty technique* means the legal model used in a treaty to ensure that any pre-existing Aboriginal rights related to the subject matters addressed in the treaty, such as Lands and resources, do not continue, from the effective date forward, to have independent legal effect outside of the terms of the treaty (original italics; Schertow 2012:2).

And despite the constitutional protection (or because of it), treaty (and Aboriginal Rights) negotiation and implementation processes are premised on the CLC principle of extinguishment or certainty of title expressed in agreements that serve to incorporate us into neoliberal colonial capitalism and prevent any “alternative socioeconomic visions” that could disrupt the market economy (Coulthard 2014:66; Also see Corntassel 2012; Pasternak, et al., 2013). Thus, the CLC's indirect policy of extinguishment via restricted rights and benefits or certainty as a pretext for negotiating treaty implementation displaces principles of ancestral relationality with

commodity. The commodification of title to the Land limits the use of the Land and therefore any claim to Aboriginal (Title) and Treaty Rights to the Land. This is an underlying issue in negotiations of new or modern treaties in the province of British Columbia. For example, in February 2016, the *Secwepemc* people participated in a vote to accept or reject an ‘agreement in principle’ (a preliminary phase to a final agreement) for a new (modern) treaty that caused extreme internal divisions.

However, activist Kanahus Manuel states that:

People across the nation are completely opposed to the treaty.... What it will do is modify our collective rights we hold in our territory where we are able to walk freely...It is an extinguishment process where you extinguish your rights to the Crown and you are granted back modified treaty rights... (Barrera 2016).

Therefore, any hopes of deriving Indigenous relational understandings of self-governing or self-determining principles through negotiations with the federal (and provincial) government are bounded by the “practices of dominant nonindigenous legal-political institutions” that cater to the commodification of Land as property/commodity (Alfred & Corntassel 2005:600). As Cherokee scholar, Jeff Corntassel (2012:95) explains, “When market transactions [and earlier forms of colonialism] replace kinship relationships, Indigenous homelands and waterways become very vulnerable to exploitation by shape-shifting colonial powers in Indigenous communities.”

Indigenous, anthropologists and other scholars have made similar analyses about how Aboriginal and Treaty Rights and issues of sovereignty, self-government or self-determination are driven by economic agendas in negotiation and consultation

frameworks (Alfred 2009, Asch 2014; Blaser, et al., 2004; Deloria & Wildcat 2001; Gordon 2010; Hale 2006; Noble 2007, 2008; Tully 2009; Wotherspoon & Hansen 2013). However, Mohawk scholar, Taiaiake Alfred (2009:44) asserts there is a lack of “empirical evidence” to indicate that the wellbeing of Indigenous people is in fact improved by increasing wealth and economic development. Wotherspoon and Hansen (2013: 23) further assert that “[w]hile the government has portrayed its resource-focused economic agenda as one that promises benefits from exploration, mining for oil and gas, and so-called development in Indigenous territories, there is extensive evidence to demonstrate that these benefits have not been experienced or shared equitably with Indigenous people and their communities.”

When comparing the findings in the *Report of the Special Rapporteur on the rights of Indigenous Peoples: the situation in Canada* (Anaya 2014) with the *Highlights from of the Report of the Commission on Aboriginal Peoples* released eighteen years earlier (RCAP1996), it becomes evident that the wellbeing of Indigenous Peoples and their communities continue to deteriorate and is further marked by the disproportionate representation of missing and murdered Indigenous women (Amnesty International 2014), and the swelling of suicide epidemics among Indigenous youth (Puxley 2016; Picard 2016).

Yet, while these reports, along with the recent *Truth and Reconciliation Calls to Action* (TRC 2015a), have been important for mobilizing buried histories and testimonies about the impact of residential schools, colonialism, and abject poverty, they tout neoliberal economic development frameworks for political and economic equality as a way to improve wellbeing. In this sense, Indigenous and other scholars argue how such reports also serve to undermine treaty and other negotiations about

Land with neoliberal frameworks. Thus, subsequent policies of recognition and reconciliation become a mere form of tokenism or metaphor as noted earlier, if not a distraction from issues of Land dispossession (Alfred 2009; Coulthard 2014; Deloria & Wildcat 2001, Hill & McCall 2015; Tuck & McKenzie 2015; Tuck & Yang 2012). Hill & McCall (2015: 74-75) further point out that reconciliation

... cannot occur in the TRC bubble of structured empathy, where the pressure on survivors to forgive is enormous.... The cruelty of this construction is that it places the onus on survivors of these internment institutions to forgive both their absent abusers and abstract state.... The federal focus on residential schools is an effort to personalize, ostracize, and distract notice away from larger issues...of Canadian colonization and land (ab)use.

Thus, for L'sitkuk, the recent federal mandate to finally negotiate a treaty right to a livelihood fishery raises suspicions and seems tenuous, particularly given that it took a court application to compel the federal government to seek a mandate to implement its own court decision.

I distinctly remember walking into a Mi'kmaw meeting held shortly after the Marshall decision at the Halifax World Trade Centre, carrying my nine-month old daughter. There, I was greeted by Donald Marshall, Jr. and witnessed the late Grand Captain, Alex Denny, of the Grand Council sitting on the floor with tears of joy in his eyes whispering how he always knew the Mi'kmaq had treaty rights. Another Elder looked at my daughter and said, "This is a good day for you." My daughter is now eighteen years old, adding to the two hundred and fifty plus years since the 1760 and 1761 treaties and over seventeen years since the Marshall decision. And it appears that as long as neoliberal views of the Land as property/commodity continue to persist

in treaty negotiations, relational understandings will always be excluded or at risk. Therefore, research about relational understandings and treaty as Land-based practices for food and lifeways is critical for disrupting these negotiation frameworks that also often result in the internalization of neoliberal colonial capitalism.

2.5 Internalization of neoliberalism, colonialism, and capitalism: political and knowledge economies

Globalization is facilitated and controlled by rich or developed countries as discussed in the previous chapter. It could even be argued that state-Indigenous negotiation and consultation frameworks serve to integrate Indigenous Peoples into the globalization process. Robinson (2006: 23,24) speaks to the rise of “transnational” capitalism coupled with the “transnational state...that serves the interests of global over national or local accumulation processes...[and] has played a key role in imposing the neoliberal model on the Global South” and as others argue, also on Indigenous Peoples in both North and South (Alfred & Cornthassel 2005; Choudry 2015; Connell 2007; Gordon 2010; Lindroth 2014; Lowman & Barker 2015; MacDonald 2011; Mack 2011; Nadasdy 2005; Tuck and McKenzie 2015). In this context, Dip Kapoor (2009:3) writes, “Today’s neocolonialism/imperialism (globalization), as an advanced strain of colonialism, does not require direct political rule and occupation (formal colonies are not required), as control is exercised through growing economic and financial dependencies...” that exist between and within states. Further, Foucault (1991:104) points out how western ‘governmentality’ that “refers itself to and makes use of the instrumentation of economic *savior* could be seen as corresponding to a type of society controlled by apparatuses of security” [original italics]. Indeed, neoliberal colonial capitalism involves not only the support

of the polity of state governments but also a high degree of state militarized economic protectionism under the guise of national and international democratic security (Gramsci 1971, Marx & Engels 1932 [2000]; Gordon 2010). And any contestation against this dominant world order is quickly disciplined or neutralized as being ‘radical’ or invalidated “as illogical, unscientific, reactionary, anti-[political] party and/or anti-state...” (Shanin 1983:274; also see Bargh 2007:14). In Canada, there is certainly a history of violent interventions by police and state-military and sometimes both under the pretext of maintaining security as a response to Indigenous struggles and protests. The Oka Crisis noted above involved police and military intervention resulting in the death of a police officer in 1990. The Ontario police intervened in the Ipperwash Provincial Park Land dispute that resulted in the death of Anishinaabeg protester, Dudley George in 1995 (also see Davis et al. 2007). These are just two examples of many others across northern Turtle Island. More recent protests here in Mi’kmaki include the Elsipogtog community blockade/protest with allies against shale gas fracking in New Brunswick resulting in many arrests at gunpoint (Mi’kmaq and allies) by the Royal Canadian Mounted Police (For more details and other examples see Borrows 2016; Coulthard 2014; Wilkes 2015). Most Indigenous struggles have been against the privatization and corporate development of their ancestral homelands (Coulthard 2015; Wilkes 2015). Police and military interventions are ways of criminalizing Indigenous dissent to protect neoliberal economic and political interests. Thus, security plays a key role in the ongoing dispossession of Indigenous Aboriginal and Treaty Rights to ancestral Lands (Coulthard 2014; Pasternak, et al. 2013; Preston 2013; Wotherspoon & Hansen 2013; also see chapter one).

On a global level, multilateral financial and security institutions like the World Bank, the International Monetary Fund, and the United Nations Security Council are controlled by states driven by principles of neoliberalism for maintaining and protecting the global economy (Bargh 2007; Choudry 2015; D'Souza 2012; Fanon 1963[2004]; Gordon 2010; Gramsci 1971; Kamat 2004; Watson 2011). Further, domestic and foreign policies facilitate the participation of rich countries like Canada in the global economy to serve neoliberal capitalist interests without regard for cost to human and environmental ecologies (Burawoy 2009; Connell 2007; Gordon 2010; Sears & Cairns 2010). Tuck and McKenzie (2015:3) characterize neoliberalism in this sense “as a current formation of capitalism and Empire, which is the reliance on territory and the natural environment to fuel unsustainable and colonialist economies.” In domestic and international law, individual rights to property supersede fundamental basic human rights (creating a hierarchy of rights), which is why Watson (2011:629) asserts that human rights law is “illusionary” and subjugated to domestic and international neoliberal “corporate” laws.

The prioritization of globalization over other rights is also one of the reasons why some view the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) as being weak in its application (Bargh 2007; Watson 2011). In other words, “The demands of the peoples for rights end up in effect confining [I]ndigenous lives to realms that are acceptable to states” (Lindroth 2014: 345), especially if those demands can be reconfigured to prioritize neoliberal colonial capitalism. Indeed, on the same day that Prime Minister Trudeau asserted that Canada has no colonial baggage, the Minister of Natural Resources, Jim Carr, announced that the “Liberal government is in the process of developing a ‘Canadian definition’ of the UN

Declaration on the Rights of Indigenous Peoples” (APTN 2016). Thus, while the Liberal government asserts its commitment to implementing UNDRIP, the indication is that UNDRIP will be interpreted (like treaty rights) within the scope of government and corporate interests. Therefore, national and international legal apparatuses operationalize a fundamental feature of neoliberal colonial capitalism—the commodification of natural resources as property by separating human relations (by power, race, and class) from each other and from their natural environment (Noble 2008; Tully 2011).

Maori scholar, Bridget Robson (2007: 56) writes that the “colonisation process relies on a dehumanisation of the people of the Land in order to justify the taking of resources.” And this is where Indigenous relational worldviews come into conflict with neoliberal notions of Land as property/commodity in treaty and Land claim negotiations. Coulthard’s assertion about how Land provides Indigenous sustenance on one hand, and colonialism, settlement and capitalist development on the other, is intertwined with contradictory jurisprudence that upholds treaty rights while at the same time confining treaty practice within the context of negotiation frameworks driven by neoliberal colonial capitalism. This contradiction (as noted in the Marshall case above) is at the heart of state-Indigenous relations within a treaty/negotiation framework of neoliberal notions of Land as commodity/property against Indigenous relational understandings and practice.

As noted earlier (see chapter one), constitutionally protected Aboriginal and Treaty Rights is also coupled with a governmental ‘duty’ to negotiate or consult with Indigenous Peoples before any development can take place that may impact those rights (Asch 2014; Gordon 2010; Tully 2009; Wicken 2002). However, as the

Sipekne'katik struggle demonstrates, consultation is not always extended beyond political leadership to include the community. In the *Terms of Reference for the Mi'kmaq-Nova Scotia-Canada Consultation Process*, the Chiefs and Councils determine the degree of participation in processes of consultation with provincial and federal governments and the Chiefs and Councils “determine its own consultation on behalf of its respective Band” (AANS 2010:2). On the other hand, the Millbrook First Nation (MFN 2016 Press Release) points out that:

There is criticism that the negotiation process is heavily dependent on Chiefs. Many feel that allowing Chiefs to assume the power to vote on matters that affect communities to which they don't belong undermines the role of local decision making. In turn this jeopardizes our local capacity to govern and robs us all of a shared sense of responsibility for what happens in our communities.

A broader critical analysis of state-Indigenous relations reveals deeper complex and overlapping power relations and ways in which political and knowledge economies serve to transform or co-opt Indigenous worldviews for neoliberal interests.

If we take up the concept of ‘dehumanization’ as a way of eradicating relational practices with the Land, we can then assert that dehumanization is not only in a material or physical sense of dispossession of Land but also in a psychological sense (Barker 2009; Coburn 2015). According to Paulo Freire (1970), dehumanization is achieved through oppressive systems that strip away humanity and affect the human consciousness in a way that oppression becomes internalized. Fanon (1963 [2004]: 5) makes a similar analysis on the process of internalizing colonialism through which humans become the “colonized subject.” Further, Marx and Engels (1938 [2000]: B 6) point out that the control over material production also involves

“control at the same time over the means of mental production.” From an Indigenous perspective, Monture-Angus (1995:135) describes this as an “internalization of colonization,” Absolon (2011:19) as “internalized inferiority,” and Coulthard (see Rendell 2015) as “internalized dependency.”

Alfred (2009:44) asserts that formal negotiation and consultation frameworks espousing to economic development create a political and financial dependency where integration and assimilation appear to be the only avenue for social wellbeing. Subsequently, Indigenous “spiritual and cultural attachments to their homelands are [deemed] relics of the past, and...Land-based cultures are capable of providing nothing more than a touchstone for the formation of new ethnic adaptations of a dispossessed and decultured” people. Further, MacDonald (2011) and Lindroth (2015) argue how neoliberal governance models are employed as a strategy for advancing neoliberalism under the guise of providing autonomy, self-determination and recognizing Indigenous rights in Canada and at the United Nations (also see Tuck and McKenzie 2015:64). Corntassel (2012:91) contends that state policies in Canada regarding rights, reconciliation, and resources are embedded in a “politics of distraction...that separate us from our homelands, cultures, and communities.” Indeed, there are complicit corresponding processes at work domestically and internationally that serve to dispossess physical and psychological relations from Land/water ecologies that do not conform to neoliberal colonial capitalism within current state-Indigenous negotiation frameworks. To dispossess or restrict Land to property/commodity is to also dispossess and decontextualize relational practice that informs our Indigenous worldviews. It is in this sense that Indigenous and other scholars argue how formal relations with the state that distort or exclude Indigenous

relational worldviews for neoliberal interests also correlates with knowledge production practices (Battiste 2013; Coulthard 2015, Mack 2011, Tuck & McKenzie 2015, Pictou 2015, Simpson 2014; also see Tully 2010).

The decontextualizing of Indigenous learning and knowledge, or more concretely, lifeways, since European contact to the present, is not unfamiliar, especially in formal educational and other institutional settings described earlier (see chapter one). In this respect, Mi'kmaw scholar, Marie Battiste (2013:26) describes such systems as a form of "cognitive imperialism." No doubt, the recent unearthing of buried histories about the use of homemade electric chairs in a residential school in Ontario (Galloway 2014), and a study by Ian Mosby (2013) about nutritional scientific research programs conducted in residential schools in collaboration with federal government departments which involved deliberately inducing hunger and malnutrition of Indigenous students, attest to a cognitive imperialism that is also dehumanizing. And this is in addition to the trauma of physical, emotional, and sexual abuse experienced in residential schools, and the anxiety of being separated from communities and parents that will continue to impact Indigenous people for generations to come. Therefore, dominant knowledge practices that exclude or oppress Indigenous knowledge and experience will only intensify the intergenerational struggle against cognitive imperialism of Indigenous lives, and in particular, Indigenous relational practices with the Land. At the same time, the Indian Act, CLC and other state-Indigenous negotiations also continue the project of dispossessing of Aboriginal Title and Treaty Rights to the Land.

Michi Sassiig Nishnaabeg scholar, Leanne Simpson (2014:22) asserts that "Indigenous Knowledge Holders" and "Indigenous learners" will continue to struggle

for legitimacy, “when the academy’s intention is to use Indigenous peoples and their knowledge systems to legitimize settler colonial authority within education as a training ground to legitimize settler colonial authority over Indigenous peoples and our nations in Canadian society.” And tragically, as Indigenous Elders, teachers, scholars, leaders and activists continue to strive to centre Indigenous worldviews (and relevant research) in academic and political contexts, this struggle continues to face serious difficulties because of complex dominating disciplinary knowledge practices. Also, as the academy is confronted with processes of neoliberalization itself, competition among the disciplines or among the established “silos of knowledge” (Deloria 1979 [2012]: xi) for legitimacy is intensified resulting in further enclosures of spaces for Indigenous and other scholarly activism (Choudry 2015; Hale 2006; Khasnabish & Haiven 2015; La Rocque 2015; Robinson 2006; Simpson 2001, 2014; Sumner 2006).

Understanding how academic institutions as a process of knowledge production are influenced and sustain processes of neoliberal colonial capitalism is critically important for centring Indigenous knowledge and learning in Indigenous struggles (and other struggles of marginalized people) because as academic institutions come under the pressure of neoliberalization so will the knowledge they produce. In other words, Indigenous knowledge will remain at risk for being excluded or reformulated for neoliberal ends in research. For example, research conducted by academics or other experts on Indigenous Knowledge (or Traditional Ecological Knowledge or Traditional Environmental Knowledge) is often reduced in practice to routine environmental assessments or token research as evidence that there was consultation (Caine & Krogman 2010; Ross 2015; also see Simpson 2001). In

addition to Environmental Assessments, “Mi’kmaq Ecological Knowledge Studies” are listed as possible requirements for proponents (private industry, consultants, governments) wishing to engage the Mi’kmaq in consultation on Land and resources in the *Proponents Guide* (AANS 2012). Noble (2007:342) explains that, “By means of translation TK [traditional knowledge] is first polarized against modern knowledge and then enrolled into the latter’s domain”. Blaser, Feit, & McRae (2004), Muehlebach (2001), McGregor (2004) and Nadasdy (2005), all point out how Indigenous knowledge is reformulated in dominant discourses resulting in either a dismissal of Indigenous knowledges as being irrelevant to today or a (re)interpretation of how it can be used or coopted in negotiation and consultation processes like TEK.

This is not to say that there haven’t been many inroads to centre Indigenous worldviews and experience as a form of legitimate knowledge. There is an increasingly broad range of Indigenous scholars/researchers working to centre Indigenous worldviews in their academic practices that support Indigenous students and their communities. Such work, along with demands from Indigenous communities, has led to revisions of ethical guidelines regarding “Research Involving the First Nations, Inuit and Métis Peoples of Canada” in the *Tri-Council Policy Statement: Ethical Conduct of Research Involving Humans* (Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council of Canada and the Social Sciences and Humanities Research Council of Canada 2010). A more direct example is *Dechinta*, a Land-based post-secondary research and education centre near Yellowknife, that partnered with the University of Alberta and more recently with the University of British Columbia to offer courses in the North (Dechinta 2010; also see Coulthard 2015). There are also a number of allied

academics/activists (like allied theories) that work in collaboration with Indigenous scholars or support their work (many of whom are referenced throughout this thesis).

However, the intensity of dominating knowledge practices that enables and maintains domestic and global neoliberal colonial capitalism continues to pose a great challenge, especially for Indigenous researchers who also carry a responsibility to their communities. In this sense, research that focuses on centring Indigenous worldviews, especially relational understandings, and learning-in-struggle are critically important for disrupting and decolonizing these dominating knowledge practices.

2.6 Decolonization and Indigenous Resurgence as Critical Learning

In the context of learning for social change, learning-in-struggle is often termed as ‘critical’ education to distinguish it from conventional forms of adult learning that often decontextualize learning from the learner’s experience (Allman 2001; Bevington & Dixon 2005; Choudry 2015; Foley 1999; Holford 1995). Choudry (2015:82) makes this distinction by describing two main strands of learning: one for market capitalist economic growth; and the other for “emancipation...to address [educational and] social exclusion, discrimination, and challenge political and economic injustice.” This latter form of emancipatory learning is vital for social movements and struggles of resistance against neoliberal colonial capitalism.

A critical approach to learning-in-struggle is informed by a cognitive and dialogical engagement as a practice of learning emerging from the contexts or experiences in which struggles occur (Allman 2001; Holford 1995, also see Freire 1970; Gramsci 1971). Therefore, critical learning-in-struggle holds possibilities for

Indigenous strategies of Land-based practices for food and lifeways against the state-driven negotiation frameworks that work to dispossess or decontextualize Land discussed earlier. In this sense, there is also a growing range of Indigenous scholarship (including activists and artists) that undertake a critical learning approach in conceptualizing decolonization and resurgence as a way to centre Indigenous experience and worldviews (Alfred & Corntassel 2005; Corntassel 2012; Hill & McCall 2015; Martineau & Ritskes 2014; Simpson 2001, 2014; also see chapter one). Decolonization and resurgence are very important to Indigenous struggle because the two go hand in hand (Corntassel 2012) for decolonizing the mind as well as for decolonizing concepts about Land and place (Tuck & McKenzie 2015). While there is much emphasis put on decolonizing academic knowledge and research practice, we must also ask the question, what is the goal of decolonization? In this regard, resurgence as regeneration (Alfred & Corntassel 2005) operationalizes Indigenous worldviews in two interrelated ways. The first is that it re/centres learning experiences based on Land-based practices as legitimate knowledge, and second, Land-based practices are informed by (and inform) relational understandings that are also spiritual, political, economic, and social.

Martineau and Ritskes (2014) and Tuck & McKenzie (2015) argue that, when theory is tied to practice in place, decolonization as symbolic metaphor (like the policies of recognition and reconciliation discussed earlier) is transformed into action. For example, Martineau and Ritskes explain how Indigenous art can serve as a creative contention or resurgence in action based on relationality with Land and people. In this sense, Indigenous art becomes a form of “fugitivity” that is “incommensurable with colonialism” exposing a “dissident visibility” in motion

(2014:v). Tuck & McKenzie (2015) further point out how relational Indigenous Land practices are incommensurable with colonial notions of Land as property.

Incommensurability here marks a disjuncture from processes of cooptation or extended forms of colonization. In the context of my research with L'sitkuk, centring relational understandings (rooted in Land practices) of treaty with allied theories of globalization and learning (and anthropological perspectives on treaty relations), decolonization undertakes a resurgent practice in exploring Indigenous understandings of treaty emerging from actual practices for food and lifeways on Land.

2.7 Ligpete'gnpil (Splints)

In this chapter, *epligpete'get* (pounding pieces of the ash tree into splints) has guided us in exploring various strands of Indigenous worldviews and practices in struggles against neoliberal colonial capitalism. Some of these strands or splints are older than others but come from the same tree of the Mi'kmaq and L'sitkuk's experience in relational understandings of treaty against formal treaty negotiations rooted in political and knowledge economies that sustain neoliberal colonial capitalism. In addition to using allied theories to understand how neoliberal colonial capitalism is operationalized, critical learning approaches to decolonization and resurgent Land-based practices for food and lifeways offer to centre Indigenous experience and worldviews.

Following the 1999 Marshall decision, the communities who did not enter the fisheries through DFO agreements were politically and economically marginalized (McMillian 2012; Prosper et al. 2011; Stiegman & Pictou 2007; 2010; 2016a).

Therefore, analyses that undertake decolonization and resurgence as a critical approach to understanding learning-in-struggle are important for framing L'sitkuk's learning experience in its multi-sited and multi-scalar contexts of struggle for food and lifeways. In this sense, this research privileges the articulation of learning experiences of L'sitkuk community members, including those of the researcher, with our allies, through Indigenous and other related research methodologies discussed in the next chapter, *Elisqapeka'tu'n* (to weave the bottom).

CHAPTER 3: ELISQAPEKA'TU'N

I remember going down to Johnny Pictou's or Aunt Zubit's and sitting in this little...woodshed. Not Johnny Pictou but Johnny McEwan. He was shaving [wood] right? Making axe handles and making splints. I remember sitting on the ground beside him and talking to him. And me down there trying to make these little baskets out of the shavings. And we would talk for the longest while.... Listening to old stories (Elder Patricia Robar-Harlow personal interview, February 5, 2015).

3.1 Elisqapeka'tu'n (To Weave The Bottom)

Now that we have prepared our splints of relational understandings of food and lifeways as a concept of treaty against formal state-Indigenous negotiations, we can start to weave the basket. We first start by weaving the bottom of the basket or *elisqapeka'tu'n* with slightly thicker and sturdier splints to provide support for the rest of the basket and whatever the basket will carry (Caplan, 1973; K. Prosper & U. Johnson, personal communication, April 27, 2016). In this case we are weaving the *eptuktaqaney* or pack basket of L'sitkuk's learning-in-struggle. Given that knowledge production practices of neoliberal colonial capitalism exclude or re/colonize Indigenous knowledge and experience in struggle, the methodological framework for this research process then, has to attend to decolonizing approaches. "No matter how it is positioned, a decolonizing agenda must be incorporated within contemporary explorations of Indigenous inquiry because of the persisting colonial influence on Indigenous representation and voice in research" (Kovach 2009:81).

As discussed in chapter two, decolonizing approaches go hand in hand with a resurgence of Indigenous lifeways rooted in Land-based practices. Land-based practices include hunting, fishing, gathering—harvesting food (and trade)—in ways that attend to the health of the Lands and waters to ensure there is Land for future generations. I also explored how these relational practices informed understandings or the spirit and intent of the Peace and Friendship Treaties from the perspective of the Mi'kmaq. In this sense, there are correlative decolonizing approaches to research that are rooted in centring Indigenous relational worldviews with allied theories of critical globalization and learning. Critical globalization theories have the potential to delineate ways that knowledge processes are dominated by neoliberal colonial capitalism. Critical learning perspectives also offer opportunities for decolonizing or emancipatory learning and knowledge about ways to disrupt these processes. Therefore learning and knowledge is simultaneously reflective and in action at the same time. Critical learning can include informal learning, incidental learning (non-intentional) and strategic or intentional learning-in-struggles for social action (Choudry 2015; Foley 1999). Elisqapeka'tu'n is a way to conceptualize an approach for interweaving Indigenous relational understandings and learning (rooted in Land-based practices) with relational methodological practices. These methodological approaches attend to the centring or framing Indigenous worldviews about struggle for food and lifeways as a concept of treaty. Relational methodologies draw on Indigenous ways of communicating, learning, and honouring each other and the Land and resources upon which we depend.

First I start by explaining how concepts of critical place or Land inquiry

that seek to put relational practice into context—validated by Indigenous relational understandings of Land—become a form of decolonizing practice (Tuck & McKenzie 2015). Centring or contextualizing Indigenous worldviews in research is an anticolonial way of “researching back” knowledge and experience that have been excluded or coopted (like TEK) in dominant narratives or the political and knowledge economies of neoliberal colonial capitalism (Tuck & McKenzie 2015:129, also see Smith 1999:7). For example, in chapter one it was discussed how L’sitkuk’s experience was marginalized with our refusal to enter into agreements that integrate the Mi’kmaq into the non-Mi’kmaq fishing regime. Second, I argue for the necessity of mutual decolonization with our allies toward reciprocal relationships with each other and the Land as responsible treaty partners. Then I summarize elements of my/our research design, informed by Indigenous Relational Methodologies, Critical Autoethnography, and the use of the Extended Case Method as a way to navigate between the multi-sited (and multi-scalar) contexts of L’sitkuk’s struggle with our allies for food and lifeways as a concept of Treaty. This is followed with a brief account of how participants declined anonymity (letting their names stand) in the interviews and in the writing of my/our research becomes another form of decolonizing resistance. Finally, I raise the issue of loss of Indigenous language and the need sometimes for other forms of articulations about the spirit of relational understandings.

3.2 Researching Back: Unarticulated Knowledges, Critical Place Inquiry and Relational Validity

Political and knowledge economies of neoliberal colonial capitalism is a challenge for academic research and research in Indigenous communities in particular

because of centuries of experience with colonization (and now neoliberal capitalist processes). In such dominant knowledge production practices, the knowledge and experience of marginalized communities is often rejected or decontextualized from our lives (and Land), and therefore, become irrelevant or makes little or no impact on the lives of those being researched. In reflecting on the process for this research, participants also raised issues of the irrelevancy of research and a high degree of mistrust based on past experiences with other research/ers. As Chief Carol Potter explains, “There have been researchers before who I am not comfortable with. They grab on to our topics... and take off with it. What I would recommend for yourself is to always be cautious and be aware when people are around you. What is it that they want from you and us as a community?” (Chief Carol Potter, personal interview, February 15, 2015). Naseegh Jaffer, an ally participant from South Africa with whom I served as co-chair for the WFFP for ten years, also expressed a similar frustration with researchers in the context of South African fishing communities:

I get angry with many researchers because they come in and they do the interviews and they do the discussions in meetings with people and they move on. They either come in the one offing or they come and they do things over a period of six months or a year, whatever. And they run their pilot programs. And once the programs are kind of done, they write up their report and then they move on. And nothing changes in that community. That frustrates me. Because you pulled up an expectation, even though you say to people don't expect anything from this because this is just a pilot. You can't do that in vulnerable communities. Because you merely [offering] a little morsel of

something and then you take the big cake and move on. It is inherently unfair (personal interview, March 27, 2015).

Arthur Bull, another ally participant representing the Bay of Fundy Marine Resource Centre (MRC) near L'sitkuk, offers a perspective on keeping the research relevant:

I worry sometimes that there is an analogy between the extraction of natural resources and the extraction of cultural and intellectual resources.... But the answer...is “bring it back”. And I don't mean just go and deposit it in the library.... It's a cycle.... You are doing the Be faithful to that, and if you don't you are betraying people's trust. It is an attack on people (personal interview, April 8, 2015).

These assertions about research relate to Timothy Choy's (2011:100) concept of “unarticulated knowledges” against the hegemony of expert knowledges. In the context of environmental knowledge production, Choy's analysis reveals how unarticulated knowledges raise “simultaneously general and specific concern that issues of political-economic inequality easily go unarticulated in the articulations of environmental expertise” (103). Choy's concern here is not only with the unarticulated from the perspective of the marginalized but also with the unarticulated in expert knowledge itself. As one example, Choy argues that, while air pollution standards are articulated as an international gauge to measure pollution for all countries, what is unarticulated is that those standards are subjectively and variously interpreted and applied by individual nation states in developing pollution policies and thresholds in different places and over time. Therefore, policies for what is considered to be healthy and unhealthy pollution thresholds differ from one nation-state to another, resulting in unequal standards for regulating current and potential

industrial pollution output (162-164). Choy thus highlights how we take for granted how pollution (as result of global industries) is transported by air between countries. Similarly, Allan Sekula's (2000; 2002) photography and written work critically discloses how we have become so disconnected to the oceans that we do not see how container ships and other sea travel are structured through globalization in the capitalist production and transportation of materials by exploiting others:

The 'forgetting' of the sea by late-modernist elites parallels to its renewed intransigence for desperate third world populations: for Sri Lankans, Chinese, Haitians, Cubans, for the Filipinos and Indonesians who work the sealanes. Air travel assures that bourgeois cosmopolitanism no longer requires any contact with the sea. Social classes no longer rub shoulders in the departure terminals of the great steamship lines. And cruise ships, the floating apartheid machines of postmodern leisure, have a way of obscuring from passengers the miserable conditions endured by the third world crews who cater to their mobility and their desires (Sekula 2002:51)

Choy and Sekula disclose a disconcerting reality about the dominant narratives of neoliberal colonial capitalism that also obscure the reality of the material conditions of people's lives. Further, while the voices and experiences of the marginalized are excluded and hidden, so is the validity of knowledge used to measure the detrimental impacts to both human and natural ecologies through the conduits of air and ocean in large processes of globalization (see Figure 4).



Figure 4 Container Ship (Halifax, NS) Sherry Pictou Collection

Unarticulated knowledge in this sense marks the tensions and complicities between Indigenous relational understandings (relations between humans and with the Land) and political and knowledge economies—especially in formal consultation and negotiation processes—about the exploitation of Land (and waters) for natural resources. While natural resource exploitation and revenue sharing continue to be touted as the economic saviour for Indigenous communities, the impacts on local Land-based practices and the level of harm to the environment is often obscured by expert knowledges that go undetected in formal negotiation processes. A prime example of this is how negotiations and consultations about the tar sands (fracking for oil) in Alberta, to be supported with the construction of oil pipelines across Turtle Island, take place. Although there is evidence of harm and potential harm to the environment and human health, including the increase of carbon emissions and the high probability of oil spills (based on number of spills already), tar sands and pipelines are portrayed by industry as being safe with the support of government

environmental assessments and approvals. Preston (2013:48) further points out that “corporations such as Enbridge have developed ‘aboriginal’ policies and ‘equity offers’ cloaked in the language of self-determination and promising, for example, ‘opportunities in training and education, employment, procurement, business development, and community investment.’” Therefore, although there are many Indigenous communities protesting the tar sands/pipeline development, it is not surprising there are some Indigenous leaders who have cited poverty in support of the pipelines for the promise of economic equality (Tasker 2016). Closer to home, the Mi’kmaq Chiefs of NS signed a royalty agreement with Kameron Coal Management Limited that “will look at equal employment opportunities for the Mi’kmaq; [and] methods for addressing any potential impacts to Aboriginal and Treaty Rights” in reopening the Donkin Coal mine in Cape Breton, NS (MRI 2016). Despite Canada’s commitment to reduce emissions and develop cleaner sources of energy, the Chiefs see this as an economic opportunity. Mining coal in NS is further supported by an agreement between the Nova Scotia and the federal government to exempt NS from phasing out coal by 2030. Instead, NS will find an equivalent reduction (to be determined) to what would have been coal (Withers 2016). These types of agreements allow for the exploitation of Land resources under the guise of Aboriginal and Treaty Rights and are what constitute contemporary forms of colonialism (neoliberal colonial capitalism) discussed in chapters one and two.

Thus, in order for my/our research to become decolonizing, the process has to also serve as a space for making the invisible visible or the unarticulated articulated within and outside my own community in places of knowledge production including academia. This approach attends to the relational and double responsibility to

community and to the academic institution, through which my/our research is being conducted as discussed in chapter one.

In borrowing Choy's concept of unarticulated knowledges, I also take up Tuck and McKenzie's (2015:129) notion of researching and theorizing "back" discussed earlier, as a way to reveal how "institutions and structures maintain settler colonialism" and, by extension, neoliberal colonial capitalism (also see Smith 1999). For example, Arthur Bull explains how academia "cannot be community by itself" but ideally "academia can provide a space for community" (personal follow-up interview, June 13, 2015). In other words, in order to ensure academic research is relevant for the community, it must involve community participation. In this sense, my thesis is researching back against the enclosure of spaces by political and knowledge economies of dominant hegemonies with Indigenous relational understandings that are rooted in food and lifeways as a concept and basis for treaty. At the same time, it is also a decolonizing approach to "reorient ourselves through our stories" (Mack 2011:295) and a way of speaking history back into place or the Land (also see Hill & McCall 2015:35). It is a contribution to what Sumner (2006: 214) describes as reaching out beyond the university to build a "knowledge commons" as an alternative to the commodification and privatization and the privileging of certain knowledges over others. "No longer merely the purview of experts or the private property of transnational corporations, knowledge can emerge from many locations. Reaching out makes the knowledge that is produced rich and varied, creating a kind of epistemic diversity that challenges the packaged homogeneity of commodified knowledge" (Sumner 2006: 214).

In this regard, the conceptual underpinnings of Tuck and McKenzie's (2015) formulations of *Critical Place Inquiry* (CPI) and *Relational Validity* (RV) from an Indigenous perspective further this approach. CPI addresses critical questions about issues of "globalization and neoliberalism, settler colonialism, and environmental degradation" (75) with a focus on social relations embedded in place or Land. Tuck and McKenzie further explain that CPI is rooted in actions of "refusal" of colonizing practices and instead, researches back "ideas otherwise unacknowledged or unquestioned" in dominant knowledge production/research practices (147). CPI can undertake Indigenous perspectives of sovereignty that are rooted in Land-based practices such as local decision making and food harvesting systems that signify cognitively and physically embodied relationships with the Land (148-149). By centring Indigenous relational understandings then, the fragmentation of knowledge from Land-based practices or the epistemological from ontological understandings are reconnected in research because they are not separated in Indigenous understandings and practices with the Land (Lowman & Barker 2015; Smith 1999, Sieum, Desai, & Ritskes 2012; also see Deloria 1979[2012]; Deloria & Wildcat 2001). In this context, Tuck & McKenzie's 'relational validity' is a welcomed precept for employing an ethical accountability and responsibility for the 'legitimacy' of research that centres Indigenous worldviews.

Relational Validity is based on four main underpinnings: "paradigmatic understandings of the relationality of life; an understanding that the prioritization of 'economic validity' is harmful for people and places; research necessarily influences these conditions [relationality and harmful economics] in small and significant ways; it thus impels action and increased accountability to people and place" (157-158).

Together, CPI and Relational Validity are further concerned with future relations or future generations. Indigenous thinking in terms of future generations erupts the ‘frozen in time’ concept typically used in mainstream knowledge production practice that explains Indigenous existence away to justify Land dispossession for exploitive development (Borrows 2016; LaRocque 2015; Smith 1999; Tuck & McKenzie 2015). In other words, if Indigenous peoples are perceptually portrayed as frozen in time (as in the past), they are currently non-existent (or incapable of evolving in the present) and thus they do not have to be consulted about Land being used for development (Stiegman & Pictou 2010). This trope of being frozen in time also applies to the standardization of TEK as marking Indigenous knowledge as being practiced in the past or for its potential commodification in the future (see chapter two). Being relegated to the past forecloses or decontextualizes past, present and future existence of relations on and with the Land while simultaneously asserting Land as property for commodity.

Pignarre, Stengers & Goffey (2011:48) explain that dominant hegemonies are produced in ways to restrict choice to “infernal choices” based on the political rationale that if capitalism is not allowed to function, then society will suffer. Such a scenario forces the characterization and choice for Indigenous Peoples to be cast as either being authentic or traditional as in the past or assimilated into the neoliberal colonial capitalist process, a point raised by Alfred (2009) as noted in the previous chapter). In either scenario, Indigenous existence is erased from the present and future, as so profoundly articulated by LaRocque (2015:17):

This sort of neocolonial thinking places Indigenous peoples yet again in an absolutely no-win situation. In fact, it translates into intellectual genocide

because it demands that Indigenous peoples remain ‘traditional,’ that is, fixed and frozen in time; and when they change, they are charged with ‘assimilation’ (even when assimilation is forced)—one way or another we are consigned to irrelevance, a modern version for the Vanishing Indian.

CPI and Relational Validity in research about learning-in-struggle as an articulation of knowledge then, open up possibilities for disrupting this illusion of ‘infernal choice’ between an authentic past or commodified present/future.

3.3 Toward Mutual Decolonization with Allies

Councillor Frank Meuse tells a story about posting a picture on social media (Facebook) of himself snowshoeing and being questioned about why as an Indigenous person he was using aluminum snowshoes instead of wood ones (see Figure 5):

It’s interesting, I had posted these pictures of using aluminum snowshoes going through the woods and... this guy... made a comment, “What’s with these metal snowshoes?” And I said, “Well, yeah they are metal but you know... Woody Davis [a close Elderly non-Mi’kmaq friend, long deceased] gave them to me many, many years ago for helping put in his winter wood. ... This is the third set of harnesses I have had on these shoes so I used them a few times. And every time I walk with them, I think of Woody Davis and stories and every step I take is a different story” (personal interview, January 31, 2015).

Frank’s account of snowshoeing moves us beyond the stereotype of the frozen in time perception, and instead, time and place are collapsed into ongoing lived stories about embodiment in the Land, including embodiment with our friends or allies. And

likewise, the beating of drums in shopping malls and the large round dances and marches by Indigenous Peoples with allies in protest against the destruction of Lands and waters across Turtle Island (and around the world), mark a struggle of the Idle No More Movement for the creation of spaces where the past and present came together with possibilities of a future rooted in mutual decolonization.



Figure 5 Snowshoes, photo courtesy of Frank Meuse

Developing relationships with allies is not a foreign concept to the Mi'kmaq, however; practices of forming alliances were not restricted to humans but also included forming allies with spirits and animals. In this sense, Mi'kmaw scholar, Tuma Young (2016: 86) explains that many of our stories are about finding allies in family, community, animals, and spirits for maintaining “ecological health and even survival.” He further notes that in the Mi'kmaq context, the concept of allies must be understood in the sense of “gathering power”(2016: 87). But the concept of power “cannot be understood in the same way as in Eurocentric thought—generally, as oppressive domination, power *over* others—but rather as mutual empowerment, the existential solidarity of forms and forces negotiating a world in constant change in flux” (original italics 2016: 86). Young’s analysis of allies here can also be applied

within the context of making relations as an ancestral concept of treaty discussed in chapter two.

This is also why in this research the voices of L'sitkuk's allies are necessarily included. Allies mark a very important juncture for decolonization because racialization and dehumanization inherent in neoliberal colonial capitalism impacts not only the lives of Indigenous Peoples, but of life on Turtle Island and the world. 'All of life' here means humans and the interspecies or natural world ecologies upon which human lives depend. Yet living natural ecologies are being destroyed at accelerated rates by processes of neoliberal colonial capitalism. Decolonizing approaches that centre relational understandings beyond just human consumption that encompass a sustainable balance is necessary for the future of all human and natural worlds. In this sense, Maori scholar, Linda Smith (1999:105) writes, "[I]ndigenous peoples offer genuine alternatives to the current dominant form of development. Indigenous peoples have philosophies which connect humans to the environment and to each other and which generate principles of living a life which is sustainable, respectful and possible." Tuck & McKenzie (2015) and Tuck & Guishard (2013) further point out how the future existence of Indigenous Peoples (in a decolonized sense) does not require the erasure (or dehumanization) of settlers living on the Land as settler-state colonialism (neoliberal colonial capitalism) does of Indigenous (and other marginalized) Peoples and natural worlds. Relational understandings rooted in human-to-human and human-to-natural world relations do not work this way. Instead, relational understandings are concerned with reciprocal relationships with humans and with our natural ecologies informed by ancestral teachings in the present and for future generations. As discussed in the previous chapter, when considering

these relational understandings in the context of treaty relations, they extend if not restore the responsibility and struggle for the implementation of treaties beyond formal processes to include all settlers as potential allies. In other words, part of decolonizing research contributes to the decolonization of not only Indigenous communities, but also of those who are knowingly or unknowingly living on Turtle Island as treaty partners (or in the case of no treaty, as guests of inter-generations of Indigenous Peoples rooted in the Land).

3.4 Indigenous Research Design

By centring Indigenous relational understandings as a decolonizing approach, research undertakes an active orientation of action research (Herr & Anderson 2005) or activist research (Choudry 2015; Hale 2006) or learning in social action (Foley 1999). This is why, for Foley (1999:14), research about learning-in-struggle or in social movements is critical “to the unlearning of dominant discourse” and is “central to emancipatory learning”—critical learning (also see Mack 2011). Further, decolonizing approaches, from an Indigenous perspective, become emancipatory from the colonization of human agency into a static position of always being in the past and as the victim (Foley 1999; Freire 1970; hooks 2009; Pignarre et al. 2011). For example, Tuck and Guishard (2013:13) point out how research that focuses on how Indigenous Peoples have been “impacted by trauma, and loss” with assumptions that such research can mobilize those in power for social justice, but rarely does, creates and perpetuates a view in which “individuals and communities are pathologized and become singularly defined by their purported damage.” This type of approach produces another way to erase Indigenous existence, as noted above.

Absolon (2011:27) reminds us that Indigenous knowledge has always existed, and that it was the “legacy of colonizing knowledge” that aimed to disconnect Indigenous peoples from Indigenous knowledge systems. I contend that Indigenous struggles that strive to reassert knowledge systems rooted in Land/water based practices demonstrate that we have not been totally disconnected from our relational understandings by processes of neoliberal colonial capitalism. Instead, as my Grandmother always stated to us growing up, we as Mi’kmaq “have withstood the test of time.” In a similar vein, African American author/feminist, bell hooks (2009:119) writes that to “look upon a tree, or a hilly waterfall, that has stood the test of time can renew the spirit.”

3.4.1 Indigenous Methodology and the Conversational Method

One of the main ways of transmitting and sharing relational Indigenous learning and knowledge throughout generations has been through oral communication, and what Mack (2010: 287) refers to as “storied practice.” Kovach (2010:43) explains that the Conversational Method rooted in qualitative research is conducive to Indigenous methodological practice in its attention to oral communication but with some distinctive features that include: “a) it is linked to a particular tribal epistemology (or knowledge) and situated within an Indigenous paradigm; b) it is relational; c) it is purposeful (most often involving a decolonizing aim); d) it involves particular protocols as determined by the epistemology and/or place); e) it involves an informality and flexibility; f) it is collaborative and dialogic; and g) it is reflexive.”

As a way to regenerate Indigenous understandings and experience in struggle, I employ Kovach's extension of conversational method to explore the learning experiences of L'sitkuk and our allies in struggle for food and lifeways (as a concept of treaty). This includes Indigenous methods of intergenerational storytelling or personal narrative (which can be equated to semi-structured interviewing), talking or sharing circles (as focus groups), and co-creation of knowledge (as participatory action research). Together, these methods further ensure that the research attends to Relational Validity (discussed above) and is accountable as well as relevant to the community (Absolon 2011; Wilson 2008; see also Herr & Anderson 2005). Kovach (2010:44) describes this "dialogical approach to gathering knowledge" as relational through the use of "open-ended, semi-structured interview questions to prompt conversation where participant and researcher co-create knowledge." Therefore, the research questions for this thesis about learning, knowledge, and transformational potential and challenges for social change served as a guide for formulating interview questions (Appendices A and B) and sharing circle topics (Appendix C) to prompt dialogical conversations and story telling (with the agreement of L'sitkuk participants and allies), but the dialogues and the stories that emerged were the choices and the creations of the people participating (see below). It is further important to point out that our research in large part relies on the data collected from the interviews. And while sharing circles are dialogical in nature, they are informed by ceremony and a high degree of respect for what is being shared. Thus I do not document in detail what was exchanged and instead focus on the strong support for the research in general to the extent that it was hoped there would be more research projects (like ours) that provide opportunities for the community to participate. Further, there was

excitement and enthusiasm by all participants, including the Chief and Council, about how the research provided opportunities to make recommendations on how to learn and implement treaty (see chapters four and five).

3.4.2 Critical Autoethnographic Approach and Extended Case Method

As a way for this research to account for the learning experiences of L'sitkuk members, myself as Indigenous/researcher, and allies engaged in struggle, I use autoethnographic methods. Keefer (2010: 207) stresses that “[e]thnography is a strategy of inquiry where a culture is studied, and insofar as a researcher can never fully remove her own experiences from the research process, then it follows that autoethnography consciously combines elements of ethnography and autobiography; the research actively situates the self within the culture being studied.” In other words, autoethnography “brings together the self (auto) in relation to culture (ethnography)” (Kovach 2009:33). Within conventional social science knowledge production practices measured by objectivity and neutrality, autoethnographic methods have been typically dismissed as not being legitimate research (Lindlof & Taylor 2002; Jacobs 2008; Madison 2005; also see Sears & Cairns 2010). This is particularly challenging for the Indigenous researcher because she is considered both ‘other’ as researcher and as a member of the community being researched. However, contemporary autoethnography is becoming particularly important for Indigenous inquiry rooted in relational understandings because while ethnography, like conversational methods discussed above, is synonymous with qualitative research, contemporary “ethnography has been mobilized to study one’s own culture, or subcultural groupings within it, including relation to place” (Tuck & McKenzie

2015:86) or Land. Further, Indigenous decolonization and Land-based practices of resurgence (hunting, fishing and gathering) rooted in allied theories of critical global and learning discussed earlier (also see chapter two), with research as a form of activism, reveal how knowledge production practices dominated by neoliberal colonial capitalism are biased within themselves. Therefore, an autoethnographic approach informed by critical praxis or activist (decolonizing) autoethnography becomes relevant for this research because it aims to centre learning experiences in struggle that have been displaced by earlier forms of colonialism and by its contemporary extensions (neoliberal colonial capitalism) in formal state-Indigenous relations.

In order to address the relationship between multi-sited and multi-scalar dimensions of L'sitkuk's struggle, including my own learning experiences as the Indigenous/researcher engaged in this struggle with L'sitkuk, I draw on Burawoy's (2009: 10-11) Extended Case Method, which is a process for extending the ethnographical approach to investigate the relationship between micro and macro processes or what he terms as "macrofoundations of microprocesses." He describes the extended case method as having four extensions: 1) from observer into the lives of participants under study; 2) participant observation over time and space; 3) from microprocesses to macroforces; and, 4) the extension of theory. He argues that extended case method does not seek to create theory but to extend existing theory (allied theories) by locating the gaps and contradictions in existing theory through the method of applying "reflexive science to ethnography in order to connect the present to the past in anticipation of the future" (21). Thus, the extended case method (informed by Indigenous relational understandings with allied theories, using a

critical autoethnographical approach to my/our research) serves to frame L'sitkuk's struggles that rely on the engagement of the researcher in multi-sited and multi-scalar contexts (local, national, international). In this sense, my learning experiences and analyses are expressed in part through the autoethnographical writing of this dissertation as the connecting agent between the multi-sited and multi-scalar contexts of L'sitkuk's struggle. Further, engaging in participant observation in the community's Land-based practices for food and lifeways and gatherings and the learning experiences of L'sitkuk members, allies, and myself as researcher, allowed me to document the connections between the learning experiences expressed in the interviews, sharing circles and everyday experiences.

3.4.3 The Interviews (Conversations and Stories)

The interview guides used in this research (Appendix A and B) consist of semi-structured, open-ended questions informed by the research questions introduced in chapter one focusing on learning experience, knowledge production and successes and challenges for social change, and possibilities for the future. In other words, the research undertakes a temporal dimension of the past, present, and future as prescribed by the Extended Case Method. Clandinin & Connelly (1994) describe the temporality of experience as moving forward and backward in the interview process along with the directions of inward (internal conditions of feelings, hopes, aesthetic reactions, moral dispositions), and outward (existential conditions, the environment). These temporal inward-outward and frontward-backward considerations in interviewing comprise a holistic approach that is conducive to oral communication

and the relational nature of Indigenous methodology. For example, Sable & Francis (2012: 37) write:

When Mi'kmaw Elders tell a story, they seem to spiral inwards from the general to a specific point, then out again.... They may begin at any point in a story, not conscious of chronological time. This can be frustrating for researchers at first...seeking an answer from an Elder to a specific question. Instead, the researcher might be treated to a talk or recollection of a dream that might initially appear unrelated until, unexpectedly, the answer arises from within the story.

Therefore, I organized the open-ended questions starting with the inner-present followed by moving backward – the past; then outward –social/power relations followed by Indigenous Cultural Perspectives; and then by moving forward –future (potential social change). This is not to say that all the interviews unfolded exactly this way. As a basic premise for the design of the interview guide, I relied on activist educator, Myles Horton's assertion: “[I]t's essential that you start where the people are” (cited in Bell, Gaventa, & Peters 1990:99). Attending to this principle in the design of the interview guidelines allows for flexibility between, and the overlapping and interweaving of, questions. I also used these questions to guide my writing fieldnotes and reflections on my own learning experiences throughout the research process. Given that the research aims to investigate the learning processes of both L'sitkuk as a community and our allies who are not Mi'kmaq, two sets of similar but not identical interview guidelines were used within this framework.

3.4.4 Sharing Circles

Sharing circles (see Appendix C) here are informed by the Indigenous dialogical practice of talking circles, and are conducted with community protocols of ceremony rooted in mutual respect as discussed earlier. In this research, sharing circles were theme oriented in two ways. First, the circles undertook a relational participatory method where both participants and researcher collectively and dialogically contributed to the research process. Second, they provided an opportunity to collaboratively reflect and provide feedback on the research process as a whole. While the intention was to conduct one at the beginning of the research to introduce the research questions, interview guides, and consent forms (see Ethical Considerations) and provide the participants with opportunities to provide feedback on any gaps or clarifications and revise methods as necessary, time restrictions resulted in a set of two beginning sharing circles. One was conducted with the Chief and Council and one with other community participants. In addition to having the opportunity to provide feedback on their own interview transcripts individually, another sharing circle at a community meeting undertook a collective reflective exercise on the emerging themes from the interviews and the interview process, as well as to identify any revisions to be made in the way the research was presented (August 22, 2016). Then each participant was contacted either in person or by phone individually (August-September 2016) (also see Analysis and Relational Validity). Though sharing circles were not possible with all participants as a group, the same protocols were followed on an individual basis providing them with opportunities to review the process and provide feedback on transcripts and emerging themes.

3.4.5 Participant & Site Selection, Analysis, & Timeline

L'sitkuk Members

It is general community practice to ensure the voices of Elders, youth, leaders, other community members are included in all aspects of community life and decision-making, and in this research, also members who are actively involved in harvesting food and other natural resources for food for families and the community. In order to obtain a broad and inclusive sample of learning in the community, this study followed this community practice. At a community assembly, I provided a brief overview of this research project (August 11, 2014). This presentation was followed by a general invitation to all the community to ensure members who wanted to participate would have the opportunity to do so. Although community members expressed support and interest in the research and were at community events (at which I presented the proposed research and later the outcomes), it was only invited key informants who chose to participate in the recorded interviews. Key informants included:

- Robert McEwan (Rob) and William Harlow (Bub) (stream and fish habitat workers, food and natural resource harvesters);
- Elder Patricia Robar Harlow (Elder Pat) (also food harvester and former Councillor);
- Chief Carol Potter; former Chief now Councillor Frank Meuse; Councillor Carol Ann Potter (Council members and food and natural resource harvesters); and,
- Opal Harlow (youth/food harvester).

Allies

With respect to allies, key informants representative of networks that have supported or worked with L'sitkuk in their struggle for a livelihood were invited as follows:

- Arthur Bull, Bay of Fundy Marine Resource Centre (MRC), has coordinated various cross-cultural learning projects, continues to advise the WFFP, and has worked with L'sitkuk on various issues and projects;
- Terry Wilkins, Clam Harvester who participated in MRC cross-cultural learning projects with L'sitkuk and in the struggle against the privatization of the clam industry;
- Dr. John Kearney, researcher and coordinator of the Canadian Learning Coastal Communities project (in which L'sitkuk participated) and who has worked on specific projects with L'sitkuk related to the fisheries and other natural resources, and;
- Naseegh Jaffer (based in South Africa), former Co-Chair and now Secretariat for the World Forum of Fisher Peoples and who participated in learning networks (see above) and exchanges including a visit to L'sitkuk.

3.4.6 Site Selection & Participant Observation

Mi'kmaq participants were given the choice of where they wanted to be interviewed. Subsequently, most of the interviews took place within the L'sitkuk community at participants' homes except for one that was conducted at a participant's place of work and another in my own home. Allies were also given the choice of where they wanted to be interviewed. One was at a participant's home, two at public

spaces, and one in Cambodia at an FAO Fishing User Rights Forum. Community events and food harvesting activities set the context for participant observation through which I kept a journal of my own critical reflections and fieldnotes (Kovach 2009). These activities included a moose hunting trip (August 2015), a film research project about a youth trip on ancestral canoe routes (June 2015, also see Stiegman & Pictou 2016b), two four-day harvesters' feasts in October of 2014 and 2015, Aboriginal day/ancestral canoe route (June 2016), gifting food practices between myself and others (the sharing of food hunted or fished that is ongoing), and emerging political events concerning state–Indigenous relations, discussed in chapter two.

3.4.7 Analysis (themes) and Relational Validity

The data collected from the interviews (Winter-Spring 2015) were transcribed and coded for emerging themes and patterns (Summer of 2015). This approach further undertakes a critical co-learning dynamic between the researcher and participants. This is in the sense that the emerging themes are based on a collaborative approach in deciding what data is collected and how it is synthesized in the final analysis by allowing participants along with the researcher to reflect and provide feedback on the research process and findings—facilitated by the sharing circles described above—and individual one-to-one conversations. Also, this approach serves as a way to honour relational accountability and ensures that the research itself is beneficial and relevant for the community. With respect to ally participants, emerging themes were cross-referenced with themes that emerged from L'sitkuk participant interviews. The themes were then further cross-referenced and supplemented with other primary sources (including my own reflective notes on all aspects of the research process) and

with literature that focused on transhistorical (temporal and intergenerational) and transnational (global) Indigenous knowledge systems and analyses of neoliberal colonial capitalism as a way to validate and employ the extended case method discussed above (Absolon 2011; Herr & Anderson 2005; Kovach 2009, 2010; also see chapters one and two). In addition to the interviews, the voices of other L'sitkuk community members who participated in an ancestral canoe trip as part of a film research project, *We Story the Land*, were also transcribed and interwoven with correlating themes emerging from the interviews (Stiegman & Pictou 2016b).

3.4.8 Ethical Considerations and Informed Consent

Through my multiple roles as Indigenous researcher with activist experience in L'sitkuk's (and our allies') struggle for food and lifeways as a concept of treaty, and as a member of the community and my association with the WFFP and MRC, I have gained privileged knowledge of the social and political dynamics within my community and in specific national and international learning and political networks working for asserting the rights of Indigenous and small-scale fisheries. I mitigate this privilege and potential conflict of interest by positioning these roles as autoethnographical experience with the ethnographical experience of the participants from the community and our allied networks.

My position and intention as Indigenous researcher that carries a double responsibility and accountability to my own community as well as to the academic institution has already been discussed. Further to this, attending to reflexive methods (fieldnotes, journals and dialogical practice) serves to make my position and intention transparent both in the research process and in writing of the dissertation. In this

respect, I followed the principle of “Respect for Community Customs and Codes of Practice” and “Research Involving First Nations, Inuit and Metis Peoples of Canada” outlined in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (CIHR, NSERCC, & SSHRC 2010: 119); and the Dalhousie University Social Science and Humanities Research Ethics Board guidelines (2007) and policy on Ethical Conduct of Research involving Humans (2012). Further, I utilized the First Nations research principles of Ownership, Control, Access and Possession (fnigc.ca/ocap.html) in the conduct of this research and in applying the principle of ‘free, prior and informed consent’ and participatory practices aimed at ensuring that the research is mutually beneficial to the participants (see Dalhousie 2007:13-14; TCPS 2010: 128-130). This relational approach further attends to the principle of “giving back to the community. ...and for Indigenous academic researchers sharing knowledge is the most obvious means” (Kovach 2009: 149).

In order to carry out my responsibilities to the community and ally participants and to the university, Dalhousie University’s informed consent template (2007: 19-24) was utilized as a guide for outlining the research process and consent form that included confidentiality procedures, potential risks, and participatory options for access, input, and revisions to individual transcripts and to the final research outcomes as a whole as outlined above (see Appendix D). Informed consent was communicated orally and in writing with each participant as well as collectively through the sharing circles.

3.5 Interweaving and Naming the Voices of L’sitkuk and Allies as Decolonization (Confidentiality and Potential Risks)

In designing the research, three main issues emerged that posed

potential risks to participants. Given the relational nature of Indigenous communities and that the interviews are with key informants, there was the likely risk that individual community member participation could be identified. The same also applies to ally participants because of their association to particular organizations or networks. Secondly, interview participants undertake political and social risks when the nature of the research entails struggle for social justice. For example, Shiri Pasternak (2014) points out how funding for programs and services are at risk of being withdrawn or controlled when Indigenous communities show dissent or do not comply with state policies (also see Pasternak, et. al 2013). And internally, where council members were invited to participate, there was a potential third risk of unequal power dynamics between authority figures and other community members. In the latter case, although a separate sharing circle was conducted for the Council, sharing circles informed by community protocols of ceremony rooted in mutual respect serve to mitigate any power imbalances. However, to address issues of confidentiality, I proposed to protect the privacy and identity of participants through the use of pseudonyms or participant codes, and to ensure there were opportunities for each participant to review, and have input in the use of their own transcripts and the overall research findings. Although these protocols were proposed, participants chose to use their actual names, which I respected with the exception of some instances wherein I used my discretion to not attribute certain statements to participants when presenting a contentious issue.

bell hooks (2009:154) writes that she calls the names of generations of quilt makers “in resistance, to oppose the erasure of black women—that historical mark of racist and sexist oppression. We have too often had no names, our history recorded

without specificity, as though it's not important to know who—which one of us—the particulars...who we were and/or what we are about. We were to name ourselves—our history.” The erasure and dehumanization of people based on race is also an all-too familiar story for Indigenous Peoples (also see chapter two). Therefore, for the participants to use their names becomes another form of resistance, even if unintentionally, and a move toward decolonizing ourselves as Indigenous people, and as allies, with our stories and our history.

Further, as we witnessed in the aftermath of Marshall, mainstream media (Wicken 2002; Stiegman & Pictou 2010) and research (Grossman 2001) will focus on conflicts between cultures or peoples. Seldom do they focus on the alliances of people in struggle against neoliberal colonial capitalism. Instead, such alliances are easily foreshadowed by political and corporate concerns about the law and public safety, as well as national security (Groves & Lukacs 2011, also see chapter 2). Domestic and international law especially facilitates the criminalization of Indigenous and allied dissent where historically state powers and now corporate rights (with the support of states) legally prevail over human rights, as discussed in the previous chapters. Unfortunately, similar to how knowledges or disciplines are siloed, peoples are segregated from each other through policies based on race and class (such as the Indian Act) with the exception of formal state-Indigenous relations (negotiations and consultation). Thus, in the spirit of decolonizing/activist research practice, the names and voices of allies are interwoven in this research with those of L'sitkuk. Otherwise, to separate or segregate the voices would be, as bell hooks (2009:77) contends, in “collusion with the very forces of racism and white supremacy they [we] claim they [we] would like to see come to an end.”

3.6 Language and Other Articulations

In conversation with Chief Carol Potter about how we find it difficult to express what our ancient canoe routes mean to us, she explained that though we have regenerated Land-based practices, we have “lost our language” to express them (Fieldnotes, June 13, 2016). The assault on Indigenous languages here in Canada (and around the world) through education and legal systems where speaking our language was criminalized has been described by the TRC (2015b:3) as “cultural genocide.” The loss of language adds a complexity to articulating knowledge discussed above. This is in the sense that the unarticulated is usually a signifier of the intersection of dominant hegemonic practice as processes of contemporary neoliberal colonial capitalism. Yet even when spaces are created for articulation, Indigenous Peoples who have lost their language are still forced to try and express their experience in a language that does not adequately articulate the “interrelationality” of experience. For example, Sable and Francis (2012: 29) write how the Mi’kmaw language is mostly verb oriented and “[i]t makes the language adaptable, able to forge new expressions to meet life’s shifting and unpredictable realities, reflecting the nature of the universe as being in a continuous state of flux, ever changing and non-static.” The language also has a “relational quality” that extends to the environment or natural ecologies (32). The fluidity and interrelational nature of the Mi’kmaw language further attests to how, to the Mi’kmaq, the treaties are rooted in relational understandings. Thus, where the Mi’kmaw language isn’t available for us, this research aims to be attentive to the spirit of relational unarticulated knowledges as well as the political unarticulated knowledges discussed earlier. The notion of unarticulations of relational practice crystalized for me on a moose hunt when my

cousin, William Harlow started calling for moose using a moose call made from birch bark. I instantly recalled seeing this image somewhere before and it was in a picture of his great grandfather, Louis Harlow (Fieldnotes August 29, 2015). I immediately took a picture of him to put with the picture of his great grandfather to demonstrate intergenerational relations (see Figures 6 and 7). Thus, in addition to using the Mi'kmaw language to describe the art of basket weaving and other relational concepts, I also use some photos in this research as a way to be attentive to unarticulated relational knowledge. It is a form of a visual language when Indigenous language is not available.



Figure 6 Louis Harlow 1930, Warren Miller Collection, courtesy of Mike Parker



Figure 7 William Harlow 2015, Sherry Pictou Collection

In summary, the research process forms the bottom of the basket (or foundation) by interweaving Indigenous methodological approaches that are collaborative and inter-dialogical with the community and our allies, and as noted earlier, in part auto-ethnographical experience. These approaches are rooted in relational understandings and practice that serve to centre the voices of L'sitkuk, the researcher, and our allies. Together my/our research becomes a form of decolonization and resurgence as critical learning and as a way for researching back against processes of neoliberal colonial capitalism. We are researching back our voices of L'sitkuk and our allies—about Land-based practices as a concept of treaty—that have been excluded to a great degree in scholarship (with few exceptions noted earlier) and from formal state-Indigenous negotiation frameworks. This takes us to the next chapter, *Elisknuey* (I am weaving) and *Elisknuet* (she/he weaves) with our voices.

CHAPTER 4: ELISKNUEY (AND) ELISKNUET

The Treaty is not a noun—it is a verb! (Councillor Frank Meuse, personal interview, January 31, 2015).

4.1 Elisknuey (I Am Weaving) and Elisknuet (She/He Weaves)

In *Epligpete'get* (chapter two), we explored how strands of neoliberal colonial capitalism are operationalized in formal state-Indigenous negotiations in ways that physically and cognitively displace Indigenous relational understandings of treaties. Relational understandings of treaties constitute a practice between humans and with natural worlds in the form of an obligation to protect the Land such as practicing Netukulimk (providing taking only what you need) noted in chapter one. Then, *Elisqapeka'tu'n* (chapter three) guided us in interweaving methodological approaches as the base or foundation of the basket as a way to centre the voices and experiences of L'sitkuk and our allies that have been excluded by dominant knowledge and political processes. I say, “centre” because, although L'sitkuk was one of the communities that were politically and economically marginalized after the Marshall decision, they/we did not disappear. Thus, the Mi'kmaq concepts of *Elisknuey* and *Elisknuet* (I am weaving and she/he weaves) serve as a way to conceptualize the weaving of the rest of the basket with the voices of L'sitkuk, the researcher, and our allies.

In reflecting on what treaty means to us, our present day voices recall ancestral teachings, marking an intergenerational learning and sharing with family and community. Then we explore other strands of intergenerational learning rooted in the weaving of relations with place or Land/water. This is followed by how relations

are formed around sharing and belonging. Then we examine how harvesting and eating food becomes a political act against extended forms of colonialism—neoliberal colonial capitalism—while at the same time it becomes a way of healing. The concept of treaty then takes on a form of spirit and freedom rooted in learning and knowledge production as resurgence denoting relational understandings of treaty as living practice. This is even consistent with the treaties in their written form that promise the Mi’kmaq the freedom to hunt, fish, and trade (NS Archives 1752, 1760 & 1761 treaties, also see chapter one). We also explore how some of the challenges inform our visions of a living-learning curriculum for maintaining, understanding, and practicing treaty relations in the future.

4.2 Intergenerational Learning (Ancestral Sharing)

It is difficult for Indigenous people to reflect on what they have learned without engaging with an interrelational and intergenerational dynamic where time and space collapses into “resistance, land, knowing, and experience over generations” (Tuck and McKenzie 2015:54). By interrelational I mean relations among humans and between humans and the natural worlds in which they live. L’sitkuk’s (and Paqtnkek’s) perseverance for food and livelihood and Sipekne'katik (and Millbrook’s) withdrawal from the Made-In-Nova Scotia Process (see chapter two) all indicate in some way a consciousness of interrelationality rooted in a responsibility to their communities and to an Indigenous concept of inter-species relations that comprise a Mi’kmaw worldview. Interrelationality and responsibility are strong themes that emerge from this research with L’sitkuk and our allies. These themes encompass a

concept of responsibility for human survival now and for future generations by a practice of stewardship of the Land (natural resources). In their words:

If we don't have natural resources, then we don't exist as Mi'kmaq. I really feel that culture is bound with all other living things...we are affected by everything around us (Councillor Frank Meuse, personal interview, January 31, 2015).

We try to do things in the responsible way (William Harlow, personal interview, February 2, 2105).

Only take what you need or replenish what you actually have taken (Robert McEwan, personal interview, February 1, 2015).

We conserve all the resources. There are so many times we would put trout back because we knew they were spawning. We also have taken young deer back to the woods so their mothers could find them. One camping trip we come to an area where other people have camped and I and my family came away from there with three or more bags of garbage (Elder Patricia Robar-Harlow, personal interview, February 5, 2015).

Our ally, John Kearney further points out how a responsibility to future generations marks a relational obligation that is not supported by capitalism:

Everyone knows that the values of the capitalistic, materialistic society are not sustainable—even the ones who are involved in it. They know! But they do it anyway, right? Because they figure it's the next generation that has to worry

about it...whereas, Bear River, it is the first and next generations or the generations after that are important.... They [Bear River or L'sitkuk] do act at a very fundamental level for their great, great, great, grandchildren, which I don't find in other segments of our society... (John Kearney, personal interview, April 9, 2015).

4.3 Capitalization of Places v. Weaving Names and Place (Land)

Neoliberal colonial capitalism transforms relations to place or Land into 'private' ownership of property/commodity. In social sciences, historiographical and geopolitical analyses, the concept of place is defined as geopolitical boundaries attached to state-nationhood (Henderson 2015; Mack 2011; Tuck & McKenzie 2015). These worldviews are problematic for Indigenous knowledge rooted in reciprocal relational understandings and practices in places or with the Land. In this sense, Land as commodity controlled by states (driven by neoliberal colonial capitalism) marks an extended form of colonizing Indigenous food and lifeways. Therefore, many Indigenous scholars espouse to earth or place based inquiries that accentuate relations with all of life as a way to disrupt the metanarrative of rich countries as the only geopolitical location and the only form of legitimate knowledge production (Driskill 2010; Deloria 1979[2012]; LaRocque 2015; Simpson 2001, 2014; Tuck & McKenzie 2015, also see hooks 2009 and chapter one). In the Mi'kmaw language there is no (known) word or concept for place. 'Place' names are either verb or noun oriented. While noun orientations refer to specific landmarks or a resource, verb orientations often reflect activities with the Land or harvesting resources such as with fishing or the name of my ancestral homelands, Kespukwitk, signifying the last flow of water.

Place names were also interwoven into legends and story telling that generate “a visible, tangible part of the Mi’kmaw world view and cultural psyche” (Sable & Francis 2012:53). For example, most of our creation stories (about Land and all of life) involving the supernatural entity, Kluscap, are about building and maintaining relations in and with specific locations throughout Mi’kmaki (Sable & Francis 2012; also see Young 2016). So of course, when discussing treaty with L’sitkuk and our allies, conversational storytelling highlights inter-relations with the Land over generations. For example, Chief Carol Potter and Elder Pat recall teachings they received from grandparents or parents:

My Grandfather, the late James Louis Pictou, always said, “Don’t take more than you need and don’t waste and use everything you have.” And at the time, being a young girl, I didn’t clue in to everything until later in life (Chief Carol Potter, personal interview, February 13, 2015).

I have been in the woods with him, and I have seen how everything could be coated in ice but he could make a fire in five minutes! We would have a pot of tea boiling or something... He guided all his life. They called him Jungle because he was never home. They called him Jungle Jim right? I remember him coming home emptying his pack and with Fred and a bunch [of others] and Mom having to make luski [short for lusknikn, a Mi’kmaq form of bannock] and pack right up again and they were gone...that same day (Elder Patricia Robar Harlow personal interview, February 5, 2015).

Our Elders and family members are among others who live in my memory and that of older generations, and some overlap or are interwoven into the living

memories of a younger generation. The late Elder Fred Harlow is one of those remembered by many as having an impact on learning how to fish or hunt and who came up in most of the conversations with L'sitkuk members. In conversation with one of our youth, Opal Harlow recalls, "scallop fishing [with Great Uncle Fred] under the Bear River Bridge and ... falling in the mud" (personal interview, January 23, 2015). And this triggered my own memories of Uncle Fred:

I remember fishing bass [with Uncle Fred] on the Bear River [river]. I couldn't handle it. I could go fishing for anything else, but I didn't like how they [bass] rolled by the canoe.... I remember another time; we went hunting when I was about fourteen. We were deer hunting and he was freaking out because he didn't know how to get back to the road. So we are lost and I am trying to act grown up...I'm sitting there [where we rested] and really scared but trying to be brave. And I happened to look out through the trees and asked what's that – it looked like an opening out there. And it turned out to be the woods road. We had been following it all the long and he knew it (Sherry Pictou in Opal Harlow personal interview, January 23, 2015).

The presence and teachings of Uncle Fred and his ancestors in our conversations mark an intergenerational learning and re/connection that was also strongly prevalent among those leading a youth canoe trip in June 2015:

I have been brought up and loved going down to the Mersey River with Fred Harlow. That was the main drag for me. These old canoe routes, these were the main drags, like the highway they used. Sometimes they would be gone for a week at a time. I can remember being young and always asking Fred, "When are you going to take me? When are you going to take me?" And it

all depended on how good you were in the canoe and if you were not good you sat...in the middle. (Royden Messer in Stiegman and Pictou 2016b).

You might be doing it with more modern canoes, but it is the same route. It's the same amount of work, I think, involved. And there is some reconnection there. Ancestors, and my uncle's generation and even his father's generation, would have used it a lot. As guides, they would have harvested moose and deer, fish. They would have used it more for that, and now for us, it's more like a reconnection to that (Christopher Harlow in Stiegman & Pictou 2016b).

William Harlow, my cousin, who we call Bub, recalls the first time he went moose hunting with Uncle Fred in 1989, which was about the same time he remembers learning to fish lobster with Uncle Fred (personal interview, February 2, 2015). Just a year before, the Mi'kmaq of Nova Scotia were involved in a protest moose hunt (in which both Fred as Councillor and Frank Meuse as Chief participated). Although fourteen Mi'kmaq were charged with illegally hunting, the charges were later dropped in light of the Denny, Paul, and Sylliboy case (R. V. Denny, 1990) upholding an Aboriginal right to fish for food (see chapter one). From that point on, our Uncle Fred wasted no time in teaching us to fish lobster and hunt moose. In this sense, the importance of practicing Aboriginal and Treaty Rights in the context of resurgent Land-based practices is regenerated. Bub's younger brother, who we often refer to as "Young Fred", or I refer to as "Freddy jij" meaning little Freddy, and who is a Councillor and the Godson (godson can denote either a religious or a customary adoption practice) of Uncle Fred and myself, speaks to the importance

of these relations and the concept of sharing his experiences beyond reserve boundaries with his Godson:

It is good to be able to step into them foot prints that were there before us. Like for me, myself, it was like being able to travel the routes my Uncle took, my Grandfather took. Both of my grandfathers were guides. They guided Americans for years. There was no limit. It wasn't just living on the reserve. Everything around us was used. The land, hunting, and fishing, berry picking, anything. It wasn't just on reserve. We can move past our boundary. It's our woods, our land, we grew up on it, and we should be able to share it. [It's] nice to be able to share that with my Godson. (Freddy Robar Harlow in Stiegman & Pictou 2016b).

Freddy's assertion of intergenerational practice of hunting, fishing and sharing the Land beyond the reserve boundary denotes a decolonizing conception and reclaiming of treaty practice that encompasses ancestral homelands.

Hunting and fishing is such a strong practice by our community that it inspired an annual four-day feast honouring our food harvesters organized by Councilor Carol Ann Potter and sponsored by the Chief and Council. In 2015, the teachings and spirit of Uncle Fred were honoured. I was especially humbled to be among those gifted with a checkered outdoor jacket—mine being red and black—with the embroidered phrase “Way Back” marking Uncle Fred's famous response to community questions about where he had been on his most recent fishing or hunting trips. Further, the jacket triggers my own recollections of my Grandmother (who also served as Chief with Elder Fred as Councilor in the late 1970s) wearing a similar one when collecting medicines from the Land.

4.4 Relations, Sharing and Belonging

Young Fred's narrative (above) about intergenerational relations with the Land further reveals a concept of ownership that is premised on sharing. Noble (2008) describes this concept and practice as “owning as belonging” in the context of owning cultural property. He further notes that to the *Kwakwaka'wakw* (Indigenous Peoples of Northeast Vancouver Island), owning in terms of belonging involves “entitlements and responsibilities that are transferred intergenerationally through complex clan relations” (473). In a broader sense, this concept of owning as sharing and belonging also comes through the narratives of our allies:

And I think that difference of living... off the land or the sea where you reside adds an incredible amount of the depth of a sense of community... You can unpack what community means but for me it is a sense of sharing... [Sherry: And living it? Followed by gentle laughter.] Yes. It's sharing and being.... being there. And I think that's a significant aspect of being Indigenous in a local community (Naseegh Jaffer, personal interview, March 27, 2015).

But First Nations don't even look at it [land and resources] as theirs. They look at it as a community property and [say], “We'll share it with you.” And England and other powers at be took advantage of it. And instead of sharing it, they took it (Terry Wilkins, personal interview, April 7, 2015).

Arthur Bull further explains that once the conversation can be shifted away from property or capital, relations are revealed (personal interview, April 8, 2015). For example, Arthur and Frank Meuse, who was chief at the time, were at a meeting to address the concerns of commercial fishermen who staged a protest by blocking the Yarmouth Harbour, NS with their boats shortly after the Marshall decision in 1999. Frank refers to this story as one of his teaching stories, where he facilitated a talking circle with the fishermen with one qualification – they had to speak on behalf of their grandparents (personal interview, January 31, 2015). And for Arthur, this event had shifted the dialectics from property and capital to relationality:

That was a critical... a critical moment for everybody who was there. I talked to people.... The thing about that story that is interesting, the key point I think, [is speaking] in terms of your Grandfather... and Grandmother. Why is that important? Because it adds the dimension of social relations... like, in other words, it is not me... and it doesn't mean everybody is like their Grandfather either.... It doesn't matter. What it does is shift your mind to relations. And once you shift to your relations... all of sudden it was on those things I was thinking about; these relations exist. Of course all of us have relations.... Mothers, Fathers and so forth were part of these inter-relations. And in the future, that is true too.... Once you shift your consciousness to that, it changes all... the way you see things. I believe one of the key things about neoliberalism and that whole kind of ideology is that it negates any relations except relations to capital (personal interview, April 8, 2015).

The relational dynamic of the talking circle also had a great impact on our ally, Naseegh Jaffer who participated in another talking circle facilitated by Frank when he

visited our community in 2012. He recalls how he realized that he unconsciously picked up the talking circle method as he was putting a version of it into practice in a community in South Africa:

We were sitting in a meeting where there was a lot of conflict. The meeting was about resolving the conflict. And we said, “Ok here’s a [sea]shell that we... are going to share around and somebody is going to randomly take it from here to there. And when you have it, you can speak for as long as you hold on to it. But if it’s no longer in your hands, then you have said your say....” I did that because of what I learned in Canada, and subsequently to that, one of the older people came into the crowd said, they did a similar thing in the slave period in Cape Town, but they used a horse shoe... because of the horse smiths. And that is what passed around. It was like “Wow” (personal interview, March 27, 2015).

Both of these recollections about experiencing a talking circle reveal intergenerational elements voicing relations that extend beyond specific issues, places, cultures and time. Further, Ancestral/Elder relations are often referenced as being important in helping us learn about treaty in Mi’kmaki. Chief Carol Potter recalls the names of Elders who are now in the spirit world and who served as mentors to her: “Leona Pictou who was the former Chief.... Jim Harlow, Madeline Harlow, Richard McEwan, Marguerite, John Pictou and all of them who have gone before us” (personal interview, February 13, 2015).

I became deeply touched by how the names of several Elders and family members who have passed on into the spirit world, who were also my mentors, were mentioned in several of the interviews and are now “breathing life into my doctoral

work” (Fieldnotes – reflections on transcribing, July 6, 2015). The concept of Elders as mentors also strongly resonates with Naseegh from South Africa, who had visited several Indigenous communities in British Columbia on a learning exchange in 2010, and as noted above, visited my community in 2012. For Naseegh, the teachings from an Elder in South Africa were very important in guiding him through the antiapartheid struggle, and later, the struggles of small scale and Indigenous fishery communities:

I would be remiss if I don't mention ... Ammie. And Ammie is a code word for uncle, a senior uncle. I was young. I was 15 years old. And he was sitting there almost mentoring me. He was always giving me insights into how society works and how you can or I can make it into society and how to understand things. And how to be humble, yet aggressive and push and fight. And how to understand in the context of the environment we live in.... We get up early in the morning, at sunrise, and we would take a walk, and there I am, a little child with this man who is forty years older than me. And we would walk in the mountain where we lived and we would find a comfortable spot where we would overlook the ocean with the mountain behind us and a bigger mountain behind that. We would have these philosophical conversations and it was more me listening and asking questions.... Ammie had a profound impact on turning me into a social being, into a person who worked with people at a very personal level. He is one person that had kind ... [of a] political impact in my mind's eye. But I think that at other levels, it's not an event, it's not an issue, but the fight against apartheid. That fight we need to place over a number of years. But it's with my involvement in that

and the learnings that I acquired. That fight for me is school. It turned me into who I am at the practical and political level. Within it is hard skills you learn. You learn how to chair a meeting. You learn how to organize and mobilize communities. You learn how to write and print a pamphlet that disseminates information so that people are informed. You learn all of those things and they stick. They stuck with me.... We are no longer under apartheid, but those skills are still with me and I can recognize it. There are various moments when we organize in a community or we go to a meeting or run a workshop, and you do things in a particular way and I understand that. I just did this in this way, but how did I learn to do it is something that happened or I acquired over the years of activism in the 1980s (personal interview, March 27, 2015).

Intergenerational learning for L'sitkuk is rooted with each other, Land and water and with allies that emerge from relations in places and events over time. In this sense, intergenerational learning is timeless. It is not either the past, present, or future, but rather the existence of all of these spheres in the present (Little Bear 2000). Councillor Carol Ann speaks to this quite strongly:

And if you think about it, history has a way of repeating itself. And I truly believe that the spirit world – they are on one track and they have been here. They might have been on a different level... We are on the same track with the same knowledge. We are just finding our way. And we'll soon be joining them. Our role is making sure the youth understands...(personal interview, February 2, 2015)

For Elder Pat and her family, spirits of those who have passed on, like the spirit of my late younger brother, Joey, continue to play a significant role in Land-based practices. For example, Elder Pat states that “We always talk to him!” and she tells a story about having a difficult time hunting moose in the fall of 2014 where the family called on Joey:

“Hey Joe, show us the Moose!” [And] Yes Sir! Everybody took off. There were seventeen of us there. Bubby left the smudge pot burning. Freddy [and others] were on the back of a truck and they just sat down and here is this moose standing right in the middle of the road and off he went in the woods. We said, “see Joey showed us” (personal interview, February 5, 2015).

I also heard this story from others who were there and how they were able to harvest that moose. Joey hunted moose, deer and rabbits and fished for years, and the family continues to honour his memory when moose hunting. Joey’s spirit is remembered each hunting trip and continues to play a role in the family’s hunting practice. Thus, intergenerational relations and teachings continue to live through us in our Land-based practices. In reference to Elders and our ancestors who have passed on, Frank states, “We are living their stories” (personal interview, January 31, 2015).

4.5 All My (Our) Relations, ‘Eating the Landscape,’ and Healing

As discussed above and throughout this thesis, Indigenous/Mi’kmaq worldviews are rooted in relational understandings and Land-based practices with both human and natural ecologies that are intergenerational and ancestral. In this sense, the concept of interspecies is consistent with the Indigenous/Mi’kmaq concept of *M’sit No’kmaq* (All of my relations) acknowledging all of our relations. Therefore,

an Indigenous conceptual understanding of interspecies referred to by Deloria (2001:60) as “interspecies communication” helps us understand Indigenous worldviews beyond capital/commodity. This suggests that “[b]ecause we gather knowledge from older beings [ancestors] who have the wisdom of the world within their grasp, we must maintain a relationship with the rest of creation” (60). Councillor Frank Meuse and Chief Carol Potter express a relational responsibility with fish and other living species:

I guess the biggest lesson is trying to make sure we continue on with our slower pace; that we make sure things are in balance; that we take into consideration all the other living things that rely on the fishing; the forest and everything else. (Councillor Frank Meuse, personal interview, January 31, 2015).

I would like to see a livelihood fishery but it [should] look the way we feel as Mi’kmaq people from our lands here—our community and what we want. Not what the other communities or the governments want to impose on us. We want to do it for our benefit and from our concept of conservation and safety. [A way] For providing and looking after our Elders, and looking after our youth, and having for our future generations.... [A] key factor—it’s not just fishing. It is our other natural resources that we are living in, too (Chief Carol Potter, personal interview, February 13, 2015).

It is worth noting how Chief Potter refers to “living in” other natural resources as opposed to “owning” them. Perhaps this concept of living in or with natural resources has something to do with a fundamental theme that continues to be interwoven

between generations of both this world and the spirit world—the importance of being able to harvest food!

Michael Asch (2014) reminds us how Indigenous Peoples living on the plains protested against government policies that induced starvation causing many deaths as a direct violation of their treaties during the latter part of the 19th century. Several petitions by the Mi'kmaq throughout the 1800s also indicate just how overcoming hunger and starvation became a daily struggle to survive (Whitehead 1991; Wickens 2012). And as noted earlier (see chapter two), there were (are) several contradictory laws that would force the Mi'kmaq to make the choice between breaking the law or starving. This was despite the existence of several treaties reaffirming that Mi'kmaq “*Members and Delegates of the said Tribe, for themselves and their said Tribe their Heirs, and the Heirs of their Heirs forever...shall not be hindered from, but have free liberty of Hunting & Fishing*” (NS Archives 1752 Treaty). Therefore, hunger and starvation no doubt played a fundamental role in forming an intergenerational consciousness and awareness of treaties outlining the freedom to hunt and fish as well as to “*barter and trade*” (NS Archives 1760 & 61 Treaty). Two hundred and fifty years later, the capacity to hunt and fish for food becomes a frame of reference for how others view treaty or treaty rights. For example, Elder Pat identifies fish, deer, and moose harvesters as being important to how we learn about treaties because “they provide us with food” (personal interview, February 5, 2015). Others also note the importance of food harvesting as practicing treaty, which is a different concept of treaty rights than the neoliberal interpretations of treaty as property and commodity in state-led negotiations. This is evident in the interviews with Bub and Rob:

Sherry: It has been a long time since the Marshall court decision. What are some of the experiences with accessing fishing rights, the food fishery or other natural resources that have stayed with you or have been the most important?

Bub: Just as important to us, is getting our food for the winter. [It is] Real important to us!.... It is really important for us to be able to exercise our rights!

Sherry: Why?

Bub: It is the way we rely on a source of food. Lobster, flounder, clams, smelts (Ice fishing) (William Harlow, personal interview, February 2, 2015).

Sherry: You already said that younger generations have to learn this. What would you recommend to future generations of Mi'kmaq people to enhance the way they learn about treaty?

Rob: Take them out and go fishing with you. To actually do it. Be a part of it—fishing and hunting—and see what it is about. Or to gain appreciation to where the food comes from (Robert McEwan, personal interview, February 1, 2015).

For Opal, harvesting food as a treaty practice is also an important part of our culture and our survival:

Well if we don't have the culture there and not doing the things we have done for so many years, then what is the point of having these rights? We are not going to go out fishing or moose hunting. We are not going to shoot deer and

provide food for our family (Opal Harlow, personal interview, January 23, 2015).

What if one day we don't have any food stores or whatever. You are going to have to be able to live on your own. It means being in touch with the land and knowing how to survive if you have to. If I need food on the table then I can go out and provide for myself in a way, if need be. (Opal Harlow in Stiegman & Pictou 2016b).

Rob (who is also one of Opal's mentors) describes how sharing is a part of harvesting food:

Fishing for food, and providing for community. We do try to help the whole community rather than just a few people. We are used to the struggle so it's a way of life all the time (personal interview, February 1, 2015).

Food is harvested by hunting deer and moose from late "berry picking time" (Kisikewiku's or August) throughout the fall to "rivers start to freeze time" (Keptewiku's or November); and marine fishing from late spring, "Birds laying eggs time" (Pnatmuiku's or April) to late summer with some hunting and ice fishing during the winter months and trout fishing in spring (UCB 2008). Harvesting food during these months or Mi'kmawe'k Tepknusetk (Mi'kmaq moon times) is also when the reciprocal activity of sharing food is practiced in Mi'kmaq communities that have continued throughout the generations until today. And perhaps this integral component of a Mi'kmaw worldview is informed by the experience of hunger discussed above. Elder Pat states, "Our family are gatherers. In fact this last moose

that came in was a gift to the band. We gave it to the band” (personal interview, February 5, 2015). As a child, I can recall snowstorms when our main road wouldn’t be plowed for several days. During that time, harvesters would harvest and cook porcupine or rabbit stew to share with others in the community. The late Mary Ellen Robinson also recalls, as a child, harvesting several rabbits at a time with her family to “take to Bear River home. So everybody could eat. ... Hunt—maybe get a deer, fish. All of that, we done it” (CMM & SMU 2015, Robinson Interview). In the present day, Chief Carol expresses concern about the decline of the rabbit population along with several species of fish (personal interview, February 13, 2015). Thus when my family was gifted with two rabbits during this past winter (2016), and though it had been many years, I re/learned to cook those rabbits and made sure none went to waste out of respect for my people in harder times.

Building on Enrique Salmon’s concept of “Eating the Landscape” as a political practice rooted in storytelling about how food is harvested and prepared, Tuck & McKenzie (2015) introduces the concept as a possible Indigenous research method grounded in place. They further write, “eating the landscape is an act of social reaffirmation, enervating kinship and social relationships shared across the (dinner) table” (138). Certainly Eating the Landscape, or as Alfred & Corntassel (2005:613) states, “Decolonize your Diet,” applies to the foodways of L’sitkuk described above.

Land-based food and lifeways can also undertake a process of healing from colonization, which in itself is a form of resistance against neoliberal colonial capitalism. Simpson (2001:145) writes that, “Our Elders tell us that the earth is sick, and when the earth is sick the people are sick.” This is especially an important truth for Councillor Carol Ann:

So coming back and using the land, and using it properly, it puts us back into it and it is like we are healing. Not only are we healing the land, but we are healing ourselves (personal interview, February 2, 2015)

As Frank recalls his participation in the moose hunt protest with Elder Fred, he talks about healing the moose to feed our community:

We went and hunted in a way that was respectful. So we took our moose and brought it back and shared it with the community and everything. And to [also] prove the point we can do this. And then as we started looking within five to six years... they said this will make the moose healthier... So what we were doing was balancing the herd. And now they are saying with all the hunting the population is around five thousand and it's growing. So it's a really a positive thing. There [are] lots of other things that need to be addressed (personal interview, January 31, 2015).

Opal too talks about the necessity of a human and natural ecological balance as part of our culture:

Well, [culture] it's very important! If people didn't go out fish or hunt, then the ecosystem would be changed. There would be too many deer and then the coyote population would be up to eat all these deer (personal interview, January 23, 2015).

These interrelational dynamics with food also highlight another dimension that further transcends our relations with our allies, and that is healing with all of life and the spirit world. What becomes interesting is that together we speak of being a human with other humans within a schema of the interspecies. For example, Arthur

talks about how human rights have to go hand in hand with “stewardship” of the Land and resources (personal interview, April 8, 2015). John talks about how human rights cannot be just limited to the right to vote but also to “see it as a right to a healthy environment, the right to food, the right for health care, free from stress. All this kind of stuff. The right to be a dignified human being” (personal interview, April 9, 2015). And Councillor Carol Ann talks about both Mi’kmaq and their allies as being human:

If you strip who we are as Mi’kmaq, say you took everyone and just strip them down... forget that we are Mi’kmaq, who they [non-Indigenous] are and where they come from – and we are placed here – we are human beings at the end of the day. And if you want to start looking in at what is going on, our fight is no different than their fight. It is people as humans, because if you look at the world and society – unless we get all moving together – individually we cannot survive, the way it’s going (personal interview, February 2, 2015).

In a similar way, Arthur Bull states that for him, learning about Indigenous communities, though they may be different they are still “human communities” (personal interview, April 8, 2015). In conversation with Naseegh Jaffer, this human element also emerges from an exchange about reflecting on experiences of feeling at home in each other’s homelands:

Naseegh: Even though we are from different parts of the world, in different settings [we are] all together there in that... I don’t know what it is. There are certain values that you work in that in different conditions under different pressures or comfort zones, but there is this humanness that comes with that value system that you can recognize in others’ settings...

Sherry: It was like the feast we had [in Canada], I could relate that to the feast we had when we went out to one of the communities in South Africa [WFFP General Assembly September 2014].

Naseegh: Oh yeah! [Gentle laughter]

Sherry: It was like going home, to me. The way the women all cooked and everything.

Naseegh: So that for me—it is an important to kind of know. It was exciting to go through that experience with your community. It was almost like a home with a different identity... [We laugh]

Sherry: I know, I know.

Naseegh: It's the same but it's different. (personal interview, March 27, 2015).

This awareness of being human in the scheme of all of life, aspires to a responsibility to ensuring our health by also attending to the health or stewardship of the natural world.

4.6 Colonialism and Capitalism Toxins

Colonialism has become deeply entrenched in processes of neoliberal capitalism because its only valued relational element is that of what Arthur refers to as 'relations to capital' for commodity (see above). Though the fishing industry has always been privatized in the sense of excluding the Mi'kmaq, the introduction of the ITQs in the 1990s put considerable strain on independent fishermen (see chapter one). Thus following the Marshall decision, overt acts of racism intensified. This marked an intersection of economic protectionism with a racism that emerges in the context of the fisheries:

Marshall came. And we had Burnt Church [where there was a high degree of conflict and violence]. I was just devastated. The organization [non-Indigenous fishing association] that I had given so many years of my life to had done this. And my friends in the organization were in total denial. And [they] were going around the world justifying their position in international [arenas] (John Kearney personal interview, April 9, 2015).

So when Marshall came along, sometimes I think about these upheavals that happen in history... like a big wave that comes and turns things over and what you see is what is beneath the surface. And it's not always what you wanted to see. In fact it is sometimes what you were working hard not to see. So a huge amount of energy happens and that energy in some places was ...harnessed towards racism and violence. And absolutely, from day one, [it was] big fishing interests, day one, [and] we knew they met with DFO (Arthur Bull, personal interview, April 8, 2015).

Some of them [non-Mi'kmaq fishermen] were very prejudiced, until they realized that they could gain something from us if we had agreements and had those licenses that would have been imposed on us. They would love that because they would want our quota, and they would fish it (Chief Carol Potter, personal interview, February 13, 2015).

Colonialism is inherently racist, and for Hill and McCall (2015:204), to understand the power relations within colonialism “requires understanding history not in a linear series of events but as a layered presence; what lies beneath the rocks in our gardens

may be hidden or ignored but it is not gone.” Thus, although racism became overtly apparent following Marshall, the experience of racism has long historical roots and still resonates with our community even if sometimes people have difficulty naming it. For example, Elder Pat who is also a residential school survivor states, “there is still a lot of discrimination in all shapes and forms.” When I ask her for an example, she replies, “No, you just feel there is a lot of racism and discrimination.”

Nevertheless, this does not prevent us from valuing our relations with our allies.

Arthur Bull, John Kearney, Terry Wilkins, among others, emerged from conversations about who or what helped us learn about our treaty rights in accessing fish and other natural resources. Rob McEwan describes a form of healing relations when he speaks about conversations that he continues to have with non-Indigenous people:

I think we have done a lot of outreach to [surrounding] communities... So I mean, then, when I talk to people... Fisheries, environment, all of it. They go “Oh my God I never knew,” [and they] ask “are we allowed to come to some function [in the community],” and I am constantly telling them “Yes, and it’s open and anyone is more than welcome.” A lot of people never knew and spread the word (personal interview, February 2, 2015).

Relations with non-Indigenous communities appear to have improved, but as Arthur Bull notes, “It is going to take more than ten years to heal” (personal interview, April 8, 2015). In the meantime, our continued reverence for nurturing relations with our allies proves Terry Wilkins’ point—it is possible to heal:

This happens to me all the time... it certainly does [he gets up brings back a little white case]...Check that out [and he opens the case and shows me a

clamshell]... They say that a clam that is broken cannot heal and it's no good. That clam was broken and it healed itself (personal interview, April 7, 2015; also see Figure 8).

And to my surprise, Terry reminds me of a time he had fished some trout that he gifted to me:

When I went to get them fish [trout for me] that time and I looked and it was right there. That stick was right there as soon as I thought of it. I said, "I need a stick" [for a walking cane because he was struggling to walk the terrain]. It was right there. I mean it was right there! It was almost like a supernatural power that said, "Look if you are going to try to help somebody... here we will give you a little something to hold you up"... The beavers were there hauling them out... and it just so happened I was trying to help and it was like Mother Earth... [saying] "this will help you on your journey"... (personal interview, April 7, 2015).

I was so moved by this story because Terry is talking about a time when I was struggling with cancer, and trout was one of my healing foods (and still is). As Terry says, "I wanted to get you these fish. Because if you get something you are craving for, it gives you a little bit of hope. It gives you a little something to hold on to. To pull yourself up and take a look around and maybe fight a little bit stronger" (personal interview, April 7, 2016).



Figure 8 Clam-shell, courtesy of Terry Wilkins

All of these stories interweave relations of Land and waters, spirits, community and allies, together with foodways at their centre. They represent *Nijketekek* (that which heals) or *Nijkit* (to heal) (Young 2016:95). Further, they allude to a broader notion of treaty in the spirit of *Ankukamkewe'l* (adding or making Relations) that requires ongoing renewal and a sharing of the Land as discussed in chapter two. This concept of treaty restores treaty principles of sharing and responsibility or stewardship of the Land with ancestral understandings that include all Indigenous and non-Indigenous peoples living on Turtle Island.

4.7 Treaties, Spirits and Freedom

While the Marshall decision opened up an opportunity to re/assert a conception of treaty rights to a livelihood in the fisheries for L'sitkuk and their allies, it becomes clear that the concept of *Ankukamkewe'l* undertakes relational understandings of harvesting food as a treaty practice beyond the commercial value of species of fish. I say 'practice' because though we start out by discussing our learning-in-struggle for treaty rights, the conversations and storytelling become more

about Land-based practices of harvesting food and taking care of our natural resources and less about corporate agreements to exploit the Land. Practicing treaties is an important concept that reverses the dispossession of human ecologies with the Land (researching back, see chapter three also see chapter one). Further, like John Kearney's concept of human rights above, treaty rights for Elder Pat also include access to shelter, health and education. Her concept of livelihood also includes being able to harvest food that marks a concept of livelihood beyond commodity. For example, in referring to regaining the right to hunt moose in the late 1980s, she states, "it did break the ice. That is our livelihood now" (personal interview, February 4, 2015). This is not to say that L'sitkuk does not perceive treaty without monetary value. Instead our concept of treaty is a livelihood that seeks to strike a balance between being able to harvest food with revenue potential but with a responsibility to the community and natural resources as a whole:

You are dealing with a government that actually holds a dollar concept of what fishery means to them and us. Mi'kmaq who hold it as our food source and it is potentially a source of revenue to help us deal with all these other things. But we build on that as our food source. Like this is our homeland [which] is much deeper than the dollar (Councillor Carol Ann Potter, personal interview, February 2, 2015).

But it's the money. It's the greed [mainstream fishery]... But money destroys who you are. We have nothing. We are living off what we have. Just the basics. We don't have our own source revenue so we are just surviving but

keep surviving because we keep our traditional ways with us...(Chief Carol Potter, personal interview, February 13, 2015).

Different rights, not necessarily treaty rights. Like in order to put in the digger logs and work in the brooks, you have to have licenses or permits to work in the water [stream and fish habitat restoration]... Mainly what I learned about treaty rights is [from] our livelihood fishery meetings that we always had. And the main thing is the Marshall agreement and us trying to not necessarily do a commercial fishery—we want to do a livelihood fishery and sustain our community (Opal Harlow, personal interview, January 23, 2015).

And as discussed earlier, responsibility to community also involves a responsibility to the environment by ‘taking only what we need.’ Thus it is also a responsibility to our ancestors as well as to future generations. For example, Frank states:

Are we taking the right steps? Are we really speaking on behalf of our ancestors? Are we really speaking on behalf of the land? I think these are things that motivate me to say, “Yes we are doing the best we can!” And we never lose sight of that (personal interview, January 31, 2015).

Responsible and sustainable livelihoods form a Mi’kmaq concept known as *Netukulimk* (providing by taking only what you need) noted in chapter two: “We live by the moons, the seasons, and there is reasons for that. Netukulimk is who we are” (Chief Carol Potter, personal interview, February 13, 2015). It becomes clear that, for harvesters and their allies with an understanding of Land-based practices or *Netukulimk*, what emerges is a broader concept of treaty beyond just commodity or

what is being discussed at formal treaty negotiation tables. This relational concept is in keeping with our ancestral understandings of being able to fish, hunt, and gather, as well as barter and trade. Thus, for Chief Carol, this is a challenge because a neoliberal concept of treaty rights as the predominant basis for formal negotiations forecloses any opportunities for alternative visions of treaty, resulting in various conceptions by the leadership (also see internalization of neoliberalism in chapter two):

When they say ‘we will talk’ and that ‘this is your treaty’, explain that to me. When another leader says that this is your treaty right, what are you talking about? It is not just mine— it’s all of ours as a Nation. So there needs to be more enlightenment and understanding.... (personal interview, February 13, 2015).

As discussed in chapter two, different perceptions of what constitutes treaty rights and how they are negotiated has led to two communities withdrawing from the main negotiation process. For Frank Meuse, treaties and Treaty Rights are also increasingly at risk of becoming devalued in meaning:

Because of our pre-confederation treaties in the Atlantic Region, we thought they were sacred and that there was no way they would get watered down. ... It was government to government [nation to nation] and I don’t know how much more blatant can you get it There were some things at the time that made these nations come together and ask how they could work together. But I look at it today in the Atlantic Region.... I’m so afraid that treaties are not going to be worth the paper they are written on in a few more years for lots of reasons. For just having too many other agreements in place, they won’t have any meaning for what treaty means. There is the whole species at risk and all

these animals and birds and things that are disappearing. So we have nothing to exercise our right on other than take the lead role in conservation. And the reservation is not going to feed our family (personal interview, January 31, 2015).

Treaty negotiation (and consultation) frameworks are embroiled in a dialogue that Johnny Mack (2011: 289) describes as a ‘meta-narrative, or a ‘neoliberal hegemony’ that transforms, or as Frank asserts, waters down Indigenous understandings of treaty rights. Mack further argues that it is becoming more difficult to free ourselves from this dominant discourse because “we can easily become trapped in institutions and processes that can potentially cycle our emancipatory strivings back into the very imperial framework we intended to escape” (2011:293). Frank and Mack’s observations underscore the issue of how dominant political and knowledge economics contribute to the internalization of neoliberal colonial capitalism discussed in chapter two.

In other words, the imperial narrative is a form of internalized colonialism. And internalized colonialism is at the crux of state-Indigenous treaty negotiations. On the other hand, however, for Rob McEwan, Treaty rights “is a way of life” (personal interview, February 1, 2015) and as Elder Pat states, “this is how we survived” (personal interview, February 5, 2015). Thus, this is why it is also important for L’sitkuk members to be able to hunt and fish while the negotiations are ongoing. For Bub and Rob, this includes being able to access the forest, too:

We want a livelihood fishery and want access while they negotiate. Well, access to the forestry, too – this is very important. Maybe get someone who is

experienced to help us and guide us in accessing the natural resources
(William Harlow, personal interview, February 2, 2015).

Hunting, harvesting wood for crafts, harvesting food, it is [treaty rights] the
whole nine yards! (Robert McEwan, personal interview, February 1, 2015).

It is interesting to note that from the perspective of those rooted in Land-based
practices, as long as they have access to natural resources, especially food, they are
already practicing treaty or have Treaty Rights. In this sense, treaty becomes a form
of spirit and freedom that is interwoven in our stories:

Sherry: How do you feel that Mi'kmaq treaty rights relates to you and the
community?

Carol Ann: They just are. I don't think they just relate, they are. They have
become who we are. Our life—freedom of the land! (personal interview,
February 2, 2015)

It's our freedom to be who you want to be. There's nothing more relaxing than
sitting by the river or whatever and you are throwing the fishing rod in. And
there is nothing in your mind at all. You don't think of nothing. You hear the
water going. And you are in seventh heaven (Elder Patricia Robar Harlow in
Stiegman and Pictou 2016b)

Even our allies understand how Land-based practices can form a sense of spirit and
freedom. Terry Wilkins equates freedom with being able to harvest clams to “being a
human being” and when he talks about reseeding clam beds in resistance to the
politics of DFO he describes a special force:

I knew that it's something that needed to be done. And we done it. Or we helped Mother Nature or Mother Earth, or Mother Basin [Annapolis Basin], and I'm not much of a religious person, but something was pulling and I don't know what it is. There is just something there; it's a force that I wouldn't have ever recognized. And maybe I still don't. But it's almost like a force there that if you start to do something that is helping, it is almost like it notices it. And it helps you (personal interview, April 7, 2015).

In conversation with Arthur, he describes clam and fishing livelihoods as being embodied in the Land/water:

One of those kinds of relationships is the person out over the mud. They have a special relationship because their bodies are physically on the water... It is not theoretical. We are talking about this in terms of social, cultural, economic, [and] ecological. To me... we always said they have a primary role because those clam diggers have a primary relationship [with the resource]. So when you move to a property based system, they just become employees.... And it's to undermine that connection.... That physical act of fishing—some say that is a born fisherman—that gives them a primary role in this conversation and I will always believe that. And when that person is reduced to an employee, you just get a share, and we will hire you, we will fire you and all of that. Whether it be for a band [Mi'kmaq community] or whether it would be for [others], you have undermined a value (personal interview, April 8, 2015).

4.8 Treaty Practice v. Treaty Rights

The other side of freedom and spirit experienced as a concept of treaty, is the contradiction between legal recognition of the “written” treaties and how negotiations and implementation are confined to neoliberal regulatory frameworks like the Marshall decision discussed earlier (see chapters one and two). For example, access to the fishery is regulated in ways that restrict the freedoms that L’sitkuk associate with Land-based practices rooted in interrelations with human and natural ecologies as a concept of treaty that is also inherent in our ancestral understandings (chapter two). And like clam harvesters struggling to make a livelihood from clamming, L’sitkuk too references the restrictions now placed on harvesting clams for food:

Let’s say [its been] five years since the late Herbie Morine has been gone – who was married to Bernice—used to do clamming and he used to come give to us, or exchange or even sell us a bucket of clams for little money just so we could have a feed of clams. This was crucial for me (Chief Carol Potter, personal interview, February 13, 2015).

Well, when did we ever need a license to dig a bucket of clams? Now you are getting kicked off the beaches if you don’t have a clamming license or something. And we used to go down there every summer and spend our summer down there on the beach (Elder Patricia Robar-Harlow, personal interview, February 5, 2015).

In conversation with John Kearney about Mi'kmaq Treaty 'rights' he talks about how 'rights' "is a tricky word... because there is the whole legal aspect of it that detracts from the cultural and the spiritual [relations]" (personal interview, April 9, 2015), which is in essence the central argument for this research. Some of this also has to do with how treaties are negotiated and written in the form of contemporary agreements that defy or limit relational practices on ancestral Lands. In this sense the agreements represent an extension of colonialism through which our treaties continue to be violated (see chapters one and two). And perhaps this is why, for my generation and older, there is a perception that we had more freedom when we were living on the margins without legal recognition and formal negotiations on Treaty (and Aboriginal) Rights:

[W]e never gave a second thought when we were younger. When our parents would say we are going clamming, they would pack up all the kids and we would go down to the beach and make a fire. The parents would be digging clams and we would be sitting there with our little rock digging the odd clam. We would spend the day and nothing said [about harvesting clams]. We would leave the beach. And I remember hearing that we would go there because it was our right. We had this free liberty to go and do this and provide for our community or family or just go and enjoy the land. But now, it's like we almost have to ask permission... And more so – this privilege of going out under a license agreement versus the right to go out and harvest things from the ocean. That's the thing I'm still struggling with and I feel that has been taken away from me a bit over this past decade or so. And I don't

feel that freedom or [those] rights (Councillor Frank Meuse, personal interview, January 31, 2015).

The restriction now placed on geographical mobility that Frank is speaking to, or what Borrows (2016:7) refers to as “relational mobility” is remembered as another form of freedom even before legal recognition of treaty and negotiations. For example, both Chief Carol Potter and Elder Pat remember being able to fish for eels (what Donald Marshall Jr. was charged with for fishing and selling without a license) with Elders:

And he [Grandfather Louis Pictou] used to go even eel fishing and we would have to do the pots at nighttime (Chief Carol Potter, personal interview, February 13, 2015).

They used to fish right down here for eels [river system at the base of the reserve]. Me and Uncle Martin used to go down and fish for eels. We would tend to his eel weir at nighttime. And he used to have washtubs full of eels. I remember going down on those rocks (Elder Patricia Robar-Harlow, personal interview, February 5, 2015).

bell hooks (2009:116-117) helps us understand this freedom or spirit of living with the Land while at the same time living in the context of a marginalized position of limited access to Land and resources:

Backwoods folks tend to ignore the rules of society, the rules of law. In the backwoods one learned to trust only the spirit, to follow where the spirit moved. Ultimately, no matter what was said or done, the spirit called to us from a place beyond words, from a place beyond man made law. The wild

spirit of the unspoiled nature worked its way in to the folk of the backwoods, an ancestral legacy, handed down from generation to generation. And its fundamental gift the cherishing of that which is most precious, freedom. And to be fully free one had to embrace the organic rights of the earth.

Thus, spirit and freedom rooted in Land-based practices (past and present) inform a process of decolonization. It is a resurgent resistance against neoliberal colonial capitalism within itself (Alfred 2009, Corntassel 2012, Simpson 2014, Coulthard 2014). Whether knowingly or unknowingly as an act of resistance, L'sitkuk's intergenerational struggle for food and lifeways is driven by a perseverance to maintain and develop our Land-based practices. Although the experience of harvesting food today is viewed as being limited compared to the past, freedom continues to be associated with the mobility to hunt and fish. Nowhere is this more evident than our moose hunting practice discussed above. It is important to note that moose hunting was a longstanding intergenerational practice in our ancestral homelands of Kespukwitk (Southwest Nova Scotia). But over time, due to Land dispossession and the criminalization of Mi'kmaq moose hunting with provincial hunting regulations, and various other reasons, including building of dams, poor forest management and moose-related diseases, the moose became an endangered species on the mainland (Bancroft 2015; Beazley et al. 2016; Beswick 2015). Moose harvesting was all but extinct for L'sitkuk until the Mi'kmaq treaty right to hunt moose was cumulatively reaffirmed through a series of court cases discussed earlier (see chapters one and two). Thus, while moose remain an endangered species on the mainland, L'sitkuk moose hunting practice was regenerated (as discussed above) and continues to be practiced in Unama'kik (Cape Breton Island). I began to truly

appreciate the importance of this regeneration as I reflected on the moose hunt I participated in 2015 in my fieldnotes:

On September 19, 2015 as I was marinating some moose steaks, it occurred to me that this was probably steak from the very moose that we had offered tobacco for and was later harvested by my cousin Bub a few weeks earlier. I then searched for my fieldnotes reflecting on that hunt in late August about the relational dynamic between the moose and those who would be gifted with parts of it for food (Fieldnotes, September 19, 2015).

Reflecting on the Moose hunting trip with Bub and his whole family... I remember as he was cutting up the moose, getting it ready and so forth, he would call out people's names when he got to certain parts. He said to me, "Here is the neck, Sherry!" The neck is used to prepare mincemeat that I try to make for Bub every year. Then he would mention someone who liked the ribs and so on. And I found this very interesting. He was associating people with their likes for different parts of the moose he just harvested indicating the gifting of food (Fieldnotes September 7, 2015).

Harvesters also demonstrate the importance of freedom of relational mobility when taking canoe trips on ancestral routes that transcend reserve, public and private land boundaries (Stiegman & Pictou 2016b):

I loved the land. Our people always lived on this land and I feel that we could call it all reserve land. It's our home. It's all Mi'kmaq land. This is what our ancestors had done and that's how they travelled. And there is something in us that always carry that thing of teaching the next generation – the Mi'kmaq

teachings, the ancestral teachings. I don't know. It just seems like something built inside of us... It's something we have to do. We have to keep our traditions and our culture alive (Elder Agnes Potter in Stiegman & Pictou 2016b).

It is interesting that, for Elder Agnes, transcending reserve boundaries means expanding the reserve. Perhaps this is a testament to the colonial creation of reserves that is now well over 200 years old. Yet we manage to create community and our Land-based practices survive (beyond the reserve). Thus being able to practice relational mobility is of vital importance to L'sitkuk foodways as treaty practice.

Coulthard (2014:48) asserts that instead of processes that only espouse a recognition of Indigenous Peoples through assimilation, we must work “toward our own on-the-ground struggles of freedom.” For L'sitkuk, it becomes evident that our spirit and freedom is rooted in the Land. In this context, treaty is a relational practice that is broader than just commodity as expressed in modern agreements. Arthur Bull observed this at a workshop he facilitated for L'sitkuk in 2002 where Elder Fred warned that we have to be careful not to put our treaty rights “in a box,” because it would make it too easy for future Chief and Councils' to sell...(personal interview, April 8, 2015). And, for Elder Pat, the Chief and Council help us learn about our treaty rights, “... and as long as they don't sell us out, we are good” (personal interview, February 5, 2015).

4.9 Learning and Knowledge Production: Resurgent Relations?

In centring Mi'kmaq/Indigenous worldviews in research about our learning-in-struggle with L'sitkuk and our allies, we talk about who and what has helped us learn

about our treaties and our struggle to realize a livelihood in the fisheries and other natural resources. We also talk about some of the challenges and visions for what can help future generations. In addition to the significance of intergenerational learning, our ancient canoe route projects, and our relationships with allies discussed above, L'sitkuk members also make reference to how harvester feasts and other gatherings, as well as fishery meetings, stream and fish habitat restoration, and forestry projects, help us learn about how Land practices are treaty. Thus any project that helps us accentuate Land-based practice (Netukuklimk) is highly valued. For example, Lisa (Liz) Wilson (now Dalhousie University student, from Fiji) worked for a *Coastal Community and University Research Alliance* (CURA) project that involved a research partnership about fisheries management and governance between Saint Mary's University and several Indigenous communities, including L'sitkuk, and fishery organizations around the Bay of Fundy (New Brunswick and Nova Scotia). Liz is highly regarded for her relational approach to research such as actually fishing for food with our harvesters. "It was very touching to have someone on the boat like that" (Chief Carol Potter, personal interview, February 13, 2015). Also one of the CURA activities included a poster project about L'sitkuk's stream and fish habitat work. But with the direction of the harvesters, Liz worked with them in creating a poster that also reflected moose and fish harvesting and intergenerational learning (Coastal CURA 2008). Several projects facilitated by the MRC were also identified as helping us learn about treaty practice and the struggle for livelihood in the fisheries such as local, national, and international learning exchanges (between organizations and harvesters), leadership learning circles, and several critical meetings that would not have otherwise gave clam harvesters, fishermen, and others from L'sitkuk a voice

(William Harlow, Robert McEwan, Councillor Frank Meuse, Chief Carol Potter, Terry Wilkins Interviews; also see Pictou 2015).

In thinking about how forms of neoliberal colonial capitalism preclude Indigenous relational understandings of Land-based practices as treaty, we have to consider that this also applies to collaborative learning and knowledge production with allies described earlier (also see chapter three). This further raises some questions about Indigenous resurgence. Can Indigenous resurgence grounded in Land-based practice also include a collaborative relationality with our allies? Idle No More certainly proves this to be possible in the sense of organizing resistance and building relations with allies in on-the-ground protests while gaining support from around the world through the use of social media (Wotherspoon & Hansen 2013). Idle No More also received national and international attention in the media, which is an exception because mainstream media has a tendency to focus on conflicts between cultures as opposed to alliances—except when they are forged partnerships of economic cooperation to exploit the Land—as discussed in chapters one and three. Political and economic exclusion as a result of not entering the mainstream fishery has certainly been the experience of L'sitkuk. Therefore, just as dominating knowledge processes can hide power and race relations, they can also hide collaborative practice. While neoliberal processes work on the bases of commercial value or potential value of commodity—especially relating to Land and treaty rights—they exclude existing and potential collaborative relations with allies (or as treaty partners). For Indigenous and allied writers and authors in the *Land We Are* (Hill & McCall 2015:65), forming allies means the “freedom to work collaboratively, to experiment, to draw, to sigh, to overcome, to assert possibilities” as opposed to

conforming to already preset “outcomes” like those in formal negotiation and consultation processes. Not unlike the discussion about allied theories in chapter two, this is not to detract from the centrality of an Indigenous worldview, but to highlight the possibilities of collaborative learning and knowledge production against neoliberal colonial capitalism. For example, Rob McEwan talks about participating in a food sovereignty workshop facilitated by the MRC:

I know the MRC was talking more than harvesting fish. Like growing vegetable gardens and stuff like that. I think that would have been a real nice thing to get into. ‘Think more about your community’, I think is what they were trying to say. Think about you as a part of your community and what your community needs. And they were starting to think about vegetables and stuff. Well, they are starting to think like us...and they want to spread [it] out for their community. You are actually, are a part of the whole...and you are actually helping other people out in the circle (personal interview, February 1, 2015).

4.10 Decolonizing and the Work of Reciprocal Spiritual Intelligence

Rob’s experience (above) alludes to the importance of inter-relations outside of formal ones in building relational understandings (informal treaty relations) that sustain local Land-based food practices as opposed to the dispossession of Land for neoliberal forms of development. Terry Wilkins further makes this distinction when describing how informal learning circles differ from formal fishery meetings:

Look, I can go to one of these [learning] circle meetings and I come out and I feel “Wow!” I feel happy. I go to a meeting with Department of Fisheries

[NS and Federal] and I come out with a negative headache. Seriously, we come out with headaches. [Another clam harvester] looked at me and said, “You know, every one of these you go to and sit, I come out...with a headache”. How have you possibly done this for thirty years and not put a gun to your head? [Sighs]. It’s like trying to move a semi-truck with a feather! They have their agenda and they listen to you with mufflers on. What you say isn’t what they [want].... To me it’s a conflict of interest because they are supposed to be trying to help the wild fishery and they are not (personal interview, April 7, 2015).

These learning exchanges and collaborative efforts reinforce Arthur Bull’s earlier assertion that once the ‘conversation can be shifted away from property or capital, relations are revealed,’ or often they emerge. The relations between L’sitkuk and their allies in this sense also become a resurgent or decolonizing practice against processes of racialization inherent in neoliberal colonial capitalism. Indigenous-ally relations re-humanize or restore a broader concept of treaty relations (beyond formal processes) that encompass relational understandings between humans and with natural ecologies. This is why, for John Kearney, L’sitkuk or Bear River is also viewed as an ally:

I always saw Bear River [L’sitkuk] as kind of major factor of resistance to that dominant point of view, which was one of the reasons for my involvement all along... I think there are a number of parts of my life where I am moving [in the same] direction. So a sense of them being allies is a good word for me...because Bear River is an ally. Most of our society is very challenged in terms of spirituality, whereas spirituality from my perspective is a definite

intelligence of what we have, just as we have a cognitive intelligence and emotional intelligence. ... So I mean it's gratifying for me to work with a people that are developed ... in a more developed spiritual intelligence than what is the norm in society (personal interview, April 9, 2015).

John's reference to Bear River (L'sitkuk) as an ally rooted in a "spiritual intelligence" is what Leanne Simpson (2014) is referring to when she describes the intelligence of the Nishnaabeg people and their Land-based practices. In other words, spiritual intelligence is a relational way of life. John references L'sitkuk as an ally, and in turn, several people reference John as someone who has helped us learn about our treaties in the context of sustainable resource management. This reciprocal nature of the relationship is reflected in how Bub and John in each of their interviews make a brief reference about learning from the other:

He [John] is a really good mentor and good at explaining things (William Harlow, personal interview, February 2, 2015).

With Bub all you need is ten seconds and you absorb all kinds of knowledge (John Kearney, personal interview, April 9, 2015).

The practice of relational learning and knowledge production can also be operationalized in multiple contexts or as another form of relational mobility. Some of the learning exchanges and circles about livelihood struggles facilitated by the MRC utilized telephone and Internet technologies that allowed for broad, widespread participation, thus transcending culture and place. Sassen (2004) describes such technological networks as the "multiscalar politics of local actors" (14) rooted in "place-based politics with a global span" (7). In this sense, I was identified in a

number of conversations as someone who helped with learning about our treaties and fisheries, including in my role at the international level as member of the coordinating committee of the WFFP:

Years back to now you kept the doors open for me to non-native people. John Kearney was one of them, Arthur Bull... and you opened up the world fishery at the international [level].... (Chief Carol Potter, personal interview, February 13, 2015).

WFFP is a profound example of how members from multiple contexts can span the globe. For example, in partnership with the MRC, L'sitkuk hosted a coordinating committee meeting of the WFFP in 2012. Members from different parts of the world were able to participate in a learning exchange (this time in person) about struggle for livelihood that prompted an allied position between small scale fishers and Indigenous Peoples living on northern Turtle Island (Canada) for the support of the International Guidelines on Securing Small Scale Fisheries to which the Canadian government had initially been opposed to (Pictou 2015). As discussed in chapter one, the concept of a livelihood in Indigenous and small-scale fisheries involves social and cultural relations that adhere to the health of the resource and environment. These social and cultural relations are outlined in the guidelines as a Human Based Approach and includes UNDRIP (FAO 2015). This goes against the neoliberal policies undertaken in Canada to privatize the fisheries and the neoliberal approach taken up in formal state-Indigenous relations. However, the guidelines were finally negotiated with a focus on developing countries. Therefore, “[s]tate governments in the developed North may here find an excuse for distancing themselves from the Guidelines” (Jentoft 2014:11).

Nevertheless, the mobilization of Indigenous worldviews that are rooted in Land and water based practices as described above, indicate that Indigenous worldviews are adaptable and capable of being practiced as a form of “relational mobility,” locally and internationally. A reminder of this is how the Mi’kmaq traveled overseas to petition the British Crown to honour the treaties and how runners and the Grand Chief—who used to travel throughout Mi’kmaki visiting Mi’kmaq communities (see chapter two)—mark a relational mobility that now may take different forms, but remain rooted in inter-relational and inter-generational practice (also see Borrows 2016:7).

4.11 Challenges and Visions for a Living Curriculum (living learning)

Treaty is perceived as relational Land-based practices for food and lifeways including livelihood. Therefore, just as the conversations about treaty reveal relational understandings and practice that are intergenerational, the challenges and visions for helping us learn about treaty also relate to relationality. The challenges can be viewed as comprising three broad strands that interweave with each other. The first involves local practical and political issues of resource access and community and leadership support. The second strand relates to a broader politics of regulation and formal negotiations, and the third is concern for the health of natural ecologies or Land.

The first strand of challenges for L’sitkuk in accessing the resources is both physical and financial (Robert McEwan, Chief Carol Potter, William Harlow, Opal Harlow Interviews). Current and future access to the fisheries involves being able to physically access the water from Land and other fisheries such as clams discussed

above. For example, there is not a designated wharf or waterway to access the water and therefore harvesters have to either obtain a right of way from private Land holders or find public access even though they are fishing on their ancestral homelands. Secondly, one of the main financial issues for L'sitkuk food harvesters is the struggle to recover the costs of the food fishery as well as future access for a potential monetary livelihood in the fishery (food/commercial as livelihood).

Interestingly for Bub, recouping costs for the fishery emerged out of a conversation about what he learned as an experience in accessing livelihood (food and commercial), indicating that it was knowledge gained. Bub and Rob among others have long fished for food for the community and they also participated in a short-term experimental commercial fishery in 2003 in collaboration with non-Mi'kmaq fishermen (Stiegman & Pictou 2007). Therefore, some L'sitkuk members have the experience of participating in both a food and commercial fishery but separately because of the DFO regulations imposed on them. For example, one of L'sitkuk's community protocols for the food fishery is that Elders be provided with fish as a priority, followed by the rest of the community. Yet any surplus cannot be sold because DFO regulations prevent any sale of fish outside the mainstream commercial fishery. This poses an ongoing challenge for recouping costs. For L'sitkuk, this further defies the relational notion of food as livelihood and treaty discussed above.

Another challenge for the community is the growing diversity in the population comprising the community itself. There is an influx of both non-Mi'kmaq partners and Mi'kmaq who are legally registered as members but never grew up or lived in the community before. This dynamic brings a different set of values that are

not necessarily related to Land-based activities and practice and therefore poses new challenges in how the community moves forward politically, socially, economically, and spiritually. In this sense, there is a perception that the support of the leadership itself is inconsistent as it can vary from election to election depending on who is voted in. For example, Land-based practices as treaty may be more of a priority for some and less for other councils as a result of different expectations of the leadership. On the other hand, allies view the leadership of L'sitkuk throughout the past decade or more as being very consistent in their opposing views of the mainstream fishery and other large-scale development. However, a challenge for allies working with the community is the interruption of the struggle or work by the lengthy election process every two years under the Indian Act because decision making on certain issues are put on hold until the election is over. This pause is a way to gauge the consent or dissent within the community. Further, council members who have been nominated for possible re-election are bound by conflict of interest policies and therefore want to avoid the perception that they are prioritizing some issues over others for their own interests, especially if family members are involved. In other words, election candidates want to ensure the support of everyone regardless where they may stand on certain issues.

The second strand of challenges concerns broader political and power relations of working with other Mi'kmaq/Indigenous leadership and government. As noted earlier, the dominant hegemony of neoliberal colonial capitalism underscoring formal negotiations makes it difficult, if not impossible for leaders and communities to express different or relational understandings. Frank also talks about how the fishery agreements “constrain the discussions” and how there is no assistance for

communities to discuss “concepts and develop strategic plans” (personal interview, January 31, 2015). And for L’sitkuk and our allies, monetary gain is not the only value of treaty. It is also relational Land-based practices for food and lifeways. But as discussed above, fisheries, along with other Treaty Rights, are confined to regulatory regimes that are driven by neoliberal colonial capitalism. And thus in the context of our ancestral understandings explored in chapter two, Frank warns:

We have to be careful now because some of those discussions now are talking more in terms of modern day treaty and I think we have to be very careful of that. That we have to keep bringing that wampum belt [and other treaties] back and say wait a minute, this is what we feel our ancestors was thinking and feeling two hundred fifty - two hundred sixty years ago when they sat down at the table to find a peace and friendship agreement for us to exercise here in this age. So I just think that we need to be very cautious (personal interview, January 31, 2015).

The third strand of challenges (that is also deeply shared with our allies) is the concern about the decline in various fish species and other impacts on our natural ecosystems such as climate change, pollution, large-scale development, and overfishing. For Opal, overfishing leads to destroying the core of who we are because it results in “the loss of our culture” (personal interview, January 23, 2015). Therefore, in addition to the financial challenge of developing a livelihood fishery, Opal is concerned about accessing funding to continue stream and fish habitat restoration and other conservation work. The sustainability of our resources for current and future generational Land-based practice is evident for L’sitkuk and continues to be of great concern and is what is also at the heart of our visions for

learning about treaty such as a “living curriculum” or learning through Land-based practice for all ages—with a special emphasis on youth:

Chief Carol: Education at our pre-school and letting them learn. You can give them the experiences of fishing by letting them fish trout... Bringing it, cleaning eat, and eating it. Create awareness...

Sherry: A living curriculum?

Chief Carol: This is exactly it! ... I think a component of our school...is that we need to talk about our treaties; we need to talk to our kids about our band hunt [community moose hunt]. And don't wait until they are teenagers. Do it from the time they are little babies going into school so they will understand and they can live pieces of it like we did (Chief Carol Potter, personal interview, February 13, 2015).

Also learning “respect” rooted in Land-based practices for food and lifeways became a central theme in interviews with other L'sitkuk members as well:

You have to take the younger ones and teach them to do it [hunting and fishing]... Don't overdo [over harvest]. You do it by respecting people (Elder Patricia-Robar Harlow, personal interview, February 5, 2015).

Not to overfish or over hunt. To ensure something is still there. You don't clear-cut the forest. We need to do it right (William Harlow, personal interview, February 2, 2015).

The teaching of the youth—an Elder told me, you don't stop doing something. You have to learn to do it a bit differently because they have to continue doing

it and you teach them to do it right. You don't remove them from it. You don't remove us from fishing. You don't remove them from hunting. You don't remove them from going out and doing forestry. You actually have them doing it. Working with what they have and living within that (Councillor Carol Ann Potter, personal interview, February 2, 2015).

They [Mi'kmaq and non-Mi'kmaq] should gain some respect for us! Come out on the water with us for a day [especially] when our haulers are not working and see us, how hard we work for our food (Opal Harlow, personal interview, January 31, 2015).

In regards to helping others learn about our treaty rights Chief Carol Potter (like Opal above) recommended actually visiting and engaging the community:

You can invite and bring them in the community to let them see (personal interview, February 13, 2015).

Nassegh Jaffer's also extends recommendations for visiting the community to include researchers and other allies:

[D]on't come with your own preconceived idea and thoughts and solutions. Be completely open and come with a blank page. And understand what Indigenous communities are about. Don't think you can come in with a solution or that you can come in and find a solution. But come in and interact with the communities to find that solution so that it's the notion of anyone who wants to help, learn about Indigenous communities and learn to unblock blockages or difficulties in Indigenous communities. Don't come in to do it.

Come in to facilitate communities doing it themselves (personal interview, March 27, 2015).

In addition to a living curriculum (practice), finding the resources to hire someone to work fulltime on addressing the challenges as well as helping to coordinate and facilitate Land-based practices is perceived as providing support in helping the community and our allies learn about treaty. Further, holding frequent meetings and workshops about fisheries and other natural resources and how they relate to treaty are important for L'sitkuk. For Frank and Arthur, relational understandings of our treaties are also very important in helping non-Mi'kmaq (allies and potential allies) learn:

I would recommend that the children...demand...some of these treaty issues and stuff become part of their day to day studies in their school system at all levels. I think it needs to be with them and to have a general understanding by both native and non-native.... So it [is] the people's treaties, so both sides must understand what those treaties mean (Councillor Frank Meuse, personal interview, January 31, 2015).

If we are going to think about [how] we are going to actually exist? Are we going to survive? And I think what you are seeing is some very important thinkers like Noam Chomsky and people like that who are usually political thinkers who are now saying that. They are saying, "Where do we look for our future?" We look at the longest path we can find, and it turns out to be mostly Indigenous. So that's not an idealistic thing for me. That's... a basic reality.

And I still believe it, despite all of the things that have happened (Arthur Bull, personal interview, April 8, 2015).

All of these visions mark a path for future relations between humans and our natural ecologies that relate to the present by building on our ancestral teachings. They are further very important to informing how to bridge cultures and generations, or in other words, to ensuring that learning rooted in Land-based practices continue to be inter-cultural and inter-generational. And Land-based practices rooted in Indigenous relational understandings are the antithesis to neoliberal colonialism and relate to Corntassel's (2012) assertion that decolonization and resurgence go hand in hand. While the struggle may take on different formations, it is important that decolonization and resurgence or finding ways to sustain existing lifeways remain as a critical basis for social justice.

In this chapter, by centring the voices of L'sitkuk and our allies, Elisknuey (I am weaving) and Elisknuet (she/he weaves), we delineate how relational understandings are continuously evolving in our consciousness as Mi'kmaq (and our allies) and are interwoven with a broader concept of treaty. This offers a different vision than the neoliberal version of treaty as property/commodity in formal treaty negotiations. Our concept of treaty is based on intergenerational learning and understandings rooted in Land-based practices. By intergenerational we include the spirits of our loved ones and ancestors who passed on into the spirit world but continue to live with us in this world. These intergenerational understandings include all of our relations to all of life and involve food or 'eating the landscape' and a healing within and between cultures and the natural ecologies in which we live. In this sense treaties undertake ancestral understandings as being able to practice food

and lifeways (to fish, hunt, and gather as well as trade) beyond the colonial imposed boundaries of the reservation that mark our treaties as freedom. And though financial livelihood is also a concern, so is concern for restoring the environment. Therefore, learning and knowledge rooted in Land-based practices with our allies as a concept of treaty denote another form of resurgence for collaborative learning and knowledge production against neoliberal colonial capitalism. Our relational understandings also guide us in identifying some of the challenges around issues of resource access and support from the community and leadership, policy restrictions on our relational mobility or on our freedom to practice food and lifeways, and concern for natural resources and ecologies. Accordingly, our visions for learning about treaty include a living practice or a living curriculum for all education systems (formal and informal) and intercultural relations with our allies. Further, the investment in restoring and protecting our natural ecologies is just as important, if not critical, to ensuring our Land-based practices continue for generations to come.

It should be pointed out that Elisknuey and Elisknuet are in great part based on the interviews and my own participant observation of events and a moose hunt that I participated in. The sharing circles (see chapter five) were more about providing the community an opportunity to participate in the formulation of the research and its outcomes (see chapter three). For the most part, all of the participants greatly supported and welcomed this research and the approach. In fact both L'sitkuk members and our allies insisted that their names be used, which indicates just how strong their support is. They were particularly interested in the fact that the interviews included questions about recommendations on how we learn about treaty. These, along with the themes that emerged from the interviews and my observations, were

presented at a community meeting, August 22, 2016. Thus, while in the next chapter we conclude the research journey or complete the basket, at the same time we also explore how to reinforce the research (basket) as a whole to guide food and lifeways as a concept and practice of treaty relations in the future.

CHAPTER 5: CONCLUSION

And I think we come from a spirit driven [place]...and there has been people feeding it. Do you know what I mean? So like my Mother, my Brother, [and] you get the Bubbies [reference to people like Bub] ... even the people who have passed on. And you start putting them all together. Start putting their gifts into the basket (Councillor Carol Ann Potter, personal interview, February 2, 2015).

5.1 Elokwistoq (Put On A Basket Hoop)

Using the art of Mi'kmaq splint basketry as a framework, we have woven a *eptuktaqaney* or a pack basket about research that explores a concept of treaty generated by L'sitkuk with our allies' learning-in-struggle for food and lifeways (and as a livelihood). We are now at the stage where we need to ensure that the basket is strong enough for use by reinforcing it with a basket hoop or *elokwistoq*, meaning to put on a basket hoop. Elokwistoq involves weaving a thicker strip of wood on to the outside of the top of the basket. The concept of elokwistoq serves to reinforce the emerging research strands of intergenerational connections between present and past food and lifeways, and just as significant, it also reinforces the strands of challenges and strategies—represented by the *eptuktaqaney* as a carrying vessel—for food and lifeways into the future as discussed in the previous chapter. The future is part of the relational understandings of food and lifeways that underscore our relational understandings of treaties that take into consideration future generations. Thus, in this chapter elokwistoq helps us to reinforce the research process (basket) as a whole,

while at the same time attending to how the research can inform how we move forward into the future.

In chapter one, finding the right tree as a first step in the art of splint basketry helps set the context for exploring various strands of the research journey. Beginning with the 1999 Marshall decision upholding a 1760 and 1761 Mi'kmaq treaty right to a moderate livelihood in the fishery as an entry point, the journey constitutes an interweaving of voices of L'sitkuk and our allies, along with my own as a Mi'kmaw researcher/activist and a member of the community. The 1760 and 1761 Treaties are a part of a chain of the Peace and Friendship treaties that did not involve any cessation of Land marking a relational concept of sharing the Land in exchange for the freedom to hunt, fish, gather, and barter and trade. Moving forward to 1999, the 1760 and 1761 treaties were upheld in the Supreme Court of Canada in the Marshall decision. However, it becomes clear that a “moderate” livelihood in the fisheries has excluded the right to determine what this would mean from the perspective of the Mi'kmaq, but instead as set out in the qualification by the SSC in what is known as Marshall No. 2 (see chapter one), the right would be assimilated into the current fishing regulatory regime. This was in great part to lessen the dissention of the industry (Borrows 2016; Wicken 2002). Thus any alternative worldviews were and continue to be excluded even though the Mi'kmaq “believed authorities did not have the unilateral right to determine how, where, and when Mi'kmaw people could fish” (Wicken 2012:17).

Since Marshall, most of the political and economic mandates of Indigenous organizations in the Atlantic region have focused on integrating Indigenous/Mi'kmaq fisheries into the mainstream commercial fishery. L'sitkuk chose instead to explore

ways to realize a livelihood that was conducive to our food and lifeways. This has evolved into a community food fishery and annual moose hunt, community gatherings, and revitalizing ancient canoe routes in our ancestral homelands. In the meantime, the Mi'kmaq leadership of NS had entered into treaty negotiations known as the Made-In-Nova Scotia Process. However, it was only after the Mi'kmaq filed a court application in the Supreme Court of Nova Scotia in 2013 that the federal government finally responded with a mandate to negotiate a treaty right to a livelihood in the fisheries. Therefore my/our research becomes significant in two interrelated ways. First, it provides L'sitkuk and our allies with an opportunity to reflect on our learning experiences since Marshall as a way to inform how we move forward as a community. Secondly, it provides us with an opportunity to centre our voices based on our learning-in-struggle for food and lifeways (rooted in Land/water based relational practice) as a concept of treaty. Together our voices in this research formulate a broader concept of treaty than what is being currently negotiated in formal state-Indigenous treaty and other negotiation processes.

By centring our voices, the research also undertakes a decolonizing objective against formal treaty and consultation frameworks informed by neoliberalism that exclude Indigenous experience and knowledge. Allied theories of critical perspectives on globalization and learning, and anthropological perspectives on treaty making, are employed as a way to complement the voices with ancestral understandings of treaty against these dominating knowledge practices. In this respect, the basket weaving framework sets out to weave eptuktaqaney or a pack basket using the ash tree (a wood known for its durability) for carrying the food harvest or camping gear symbolized in the voices of L'sitkuk and our allies in struggle.

In the second chapter, *eligpete'get*, meaning ‘we pound the ash’, we start preparing various splints or the various strands of the research. Drawing on Mi’kmaq ancestral understandings and the concept of allied theories of critical globalization and learning, and anthropological perspectives, we explore more in depth how Indigenous relational understandings of treaty are in opposition to formal negotiation processes such as the Made-In-Nova Scotia process. Formal treaty negotiations and consultations are to a great extent state-led (Federal and Provincial) processes that focus on Land and natural resources as commodity or as a form of economic development for the global economy. Historically, state-Indigenous relations have been laden with policies for extinguishing or dispossessing Indigenous Peoples from Land, and thereby also Aboriginal and Treaty Rights. Although the word “extinguishment” is no longer explicitly used, the policy of legal “certainty” aims to accomplish the same outcome. Governmental policies about certainty of Land title—expressed in most agreements between state and Indigenous governments—aim to assimilate Indigenous Peoples into systems of neoliberal colonial capitalism at the expense of Indigenous food and lifeways that also include practices that attend to the health of the Land and waters. Further, state-Indigenous agreements that exclude community members from consultative and decision-making frameworks have given cause for great concern with the Made-In-Nova Scotia process to the extent that two Mi’kmaq communities have withdrawn (see chapter two).

By building on other Indigenous scholarship, I argue how these formal processes become an extended form of colonialism – neoliberal colonial capitalism—facilitated by domestic and international legal apparatuses that constitute a hierarchy of corporate rights over human and Indigenous rights. This marks a contradictory

tension in law that recognizes Indigenous Aboriginal and Treaty Rights on the one hand, yet government restricts its implementation to neoliberal colonial capitalist paradigms on the other. Thus any power beyond assimilation is restricted (Borrows 2016).

The dominant political and knowledge economies that feed into this contradiction predispose Indigenous relational worldviews to being coopted, and neoliberalism becomes internalized as being the only option for implementing treaties under the guise of self-government and self-determination. Thus various studies and reports on Indigenous Peoples in Canada—that tout economic equality as a means of improving the wellbeing of Indigenous Peoples—often end up serving neoliberal interests while our communities continue to be plagued with missing and murdered Indigenous women and suicide epidemics in appalling numbers.

With the voices of L'sitkuk and our allies, we build on a wide range of interdisciplinary scholarship including Indigenous scholars—allied theories and anthropological contributions—that privilege Indigenous worldviews as a way to centre Indigenous relational understandings and to deepen our concept of treaties beyond the political and knowledge economies of neoliberal colonial capitalism. This encompasses principles of reciprocal relations with each other and sustainable stewardship of natural resources in Land and water as a source of food and lifeways. For example, historical accounts of Mi'kmaq participation in treaty making, including whole communities and their worldviews founded in Mi'kmaw concepts of Ankukamkewe (meaning making relations) and Ankukamkewel (meaning making more than one set of relations), provide a perspective of treaty that underscores the freedom (mobility) to harvest food for subsistence and livelihood in our ancestral

homelands as a relational understanding with others. Mi'kmaq/ancestral relational understandings of treaty in this sense mark a treaty partnership that unlike formal state-Indigenous negotiations— includes all Mi'kmaq people and the broader public (and our natural ecologies).

In chapter three, *elisqapeka'tu'n* (to weave the bottom), we start weaving the bottom of the basket with Indigenous knowledge and methodological approaches as a way to strengthen the interweaving of the rest of the basket that allows for the voices of L'sitkuk, the researcher, and our allies to come together. Central to this approach is Eve Tuck and Marcia McKenzie's (2015) formulation of “critical place theory” and relational validity that reveals how human life is an integral part of an interdependent relationship with the Land/waters. Interdependent relationality critically underlies the principle of mutual collaborative relations with our allies that are consistent with our ancestral relational understandings of the treaties that also extend to sustainably sharing Land/water resources. For example, Tuma Young (2016:78) explains that:

it is necessary to approach 'ecology' as a series of realms or spheres enfolded or within or linked to each other.... Each realm within the ecology shares space with the others, creating the necessity for establishing relationships with each other that are sacred in nature. Humans are no exception, sharing particular spaces or realms with plants, animals and other life forces, just as plants and animals share realm-space with fishes, fungi, and bacteria.... All of these life forms seek relationships or alliances with others.

Thus equally significant to privileging Indigenous voices are also the voices of allies who continue to work beside Indigenous Peoples in struggle for food and lifeways.

Participatory practices of autoethnography, conversational interviewing and the

Extended Case Method (connecting local and global contexts) are accentuated with Indigenous methods of oral story telling in the interviews and collaboration on the research process and results in sharing circles. These methods were integrated into the research design to allow for participant reflection on the past, present, and ways of moving forward that will help us to learn about and practice treaty (relations). While our research greatly relies on the interviews, the sharing circles provided opportunities for reflection and collaboration on the research process and the results, especially for recommendations about how to learn about treaty. And as I pointed out in chapter three, sharing circles are facilitated with ceremony and deep respect for what is being shared. Out of this respect, I do not focus in detail on what was shared but emphasize how they were helpful in guiding my responsibilities to the community. Participants further expressed hope for more research that allows the community to participate and were more than willing to share recommendations about how to learn and possibly implement treaty.

In chapter four, *elisknuey* (I am weaving) and *elisknuet* (she/he weaves) conceptualize these methodological approaches (interviews and fieldnotes) *in action* through the interweaving of the voices of L'sitkuk, the researcher, and our allies. Together, our voices generate an intergenerational concept of treaty through remembered ancestral teachings and the presence of the spirit world in current Land/water based practices for food and lifeways. Not unlike our ancestral understandings, central to these food and lifeways is the ability to learn how to harvest and share food with others throughout hunting and fishing seasons (of the year) and community events. Harvesting and sharing food involves an element of relational mobility or freedom to move beyond reserve boundaries to harvest fish

from inland and marine aquatic systems and to hunt moose in Unama'kik (Cape Breton). In recent years, the harvesting of food rooted in Land/water based practices is celebrated in an annual four-day harvesters' feast during which current and ancestral harvesters are honoured through feasts of food and storytelling activities, and in which I participated in 2014 and 2015. The community also continues to be engaged in learning how to restore ancestral canoe routes as a way to restore our own relationship to the Land. My colleague Martha Stiegman and I had the opportunity to document through the use of film, a youth canoe trip as part of a film research project, "We Story the Land" (Stiegman & Pictou 2016b). Some of the interviews that were documented on film for that project were integrated with the participant interviews for my/our research (see chapter four). Together these Land and water practices also constitute a form of healing from hundreds of years of colonial oppression.

Our allies provide further insights into how these relational practices mark a departure from the commodification of natural resources through various shared learning opportunities since Marshall. Some of these include the initial meeting with non-Indigenous fishermen protesting in Yarmouth, NS, local and international learning projects, and participation in the World Forum of Fisher Peoples at the international level. Therefore it is not surprising that L'sitkuk and our allies reference one another (including the researcher herself) and shared events as part of the struggle for food and lifeways as helping to learn about treaties as being relational between humans, ancestral spirits, and the natural world.

These reflections further help to identify some of the challenges as a way to also inform strategies for learning and practicing treaty relations in the future. An integral part underlying these strategies is a collective responsibility for ensuring that

there are sustainable food and livelihoods for future generations. This is consistent with the Mi'kmaw concept of Netukulimk (providing by taking only what you need). A strong concern about the responsibility for Land and waters emerge from a combination of historical and contemporary experiences with state policies of assimilation, segregation, racism, struggles to survive hunger, and experience with the current treaty negotiation and other formal consultation processes. Our experiences reflect three strands of challenges that involve access to ancestral homelands and financial support for food and livelihoods (our lifeways), the tension between relational understandings and economic development as a concept of treaty among the leadership, and the impact on sources of food and natural resources by overexploitation, pollution, and climate change. These challenges naturally evolve into related strategies that include enhancing our relational understandings of treaty through more community meetings and support for the harvesters, and experiential learning by directly participating in harvesting food practices as community members, allies, and as youth and children in school—a living curriculum. Therefore, in addition to making meaning out of the text of the treaty, L'sitkuk is greatly motivated by relational understandings—like our ancestral understandings— inherent in the spirit and intent of the treaties. In this sense, our ancestral understandings complement the work of recent anthropological analyses of understanding treaties as political, social, cultural, and economic inter-relations. Therefore, perhaps it can even said that L'sitkuk's refusal to sign fishery agreements is breathing life and spirit back into the written text that has been disregarded within settler-state re-interpretations over the past two hundred and fifty years.

L'sitkuk's approach to understanding and learning about treaty interweaves a resurgence of sustainable Land/water based practices as a form of decolonization against what is being negotiated in contemporary formal treaty negotiations. For L'sitkuk it is a necessary move because formal treaty negotiations are proving to offer no more than a contemporary form of colonization with emphasis on the commodification of natural resources without regard for the health of natural ecosystems and thus also those lives interdependent on them.

By attending to the voices of L'sitkuk and our allies in this research, complemented by more voices in a film research project, we have been able to delineate how relational understandings are continuously evolving in our consciousness as Mi'kmaq (and our allies), and are interwoven with a broader concept of treaty beyond political and knowledge economies of treaty as being only property/commodity in contemporary formal negotiations. This brings us to a crossroads with formal treaty negotiation and consultation frameworks. Johnny Mack (2010:293) explains that we are always free to walk away from treaty negotiations, but we must remember that, "we will always be in some sort of negotiated relationship with settler society." Therefore he cautions that we must reconnect to our own stories if we are ever to be able to disrupt the imperial cycle of re-colonization. Glen Coulthard (quoted in Rendell 2015) also asserts that while we will always be forced to negotiate, negotiating frameworks that "facilitate development on Indian lands" will not induce the necessary change for the health and wellbeing of Indigenous communities (para.7). This comes back to Coulthard's point that extended forms of colonialism mark a contradiction of how Land provides Indigenous sustenance and cultural practice, while at the same time continued colonialism,

settlement and capitalist development (see chapter two). Here it is important to note that while the Made-In-Nova Scotia Process has not yet been able to determine what a treaty right to the fisheries may look like and is deeply engaged in industrial development projects, it also has been focusing on forestry and moose harvesting plans that encompass Mi'kmaw principles of Netukulimk (MRI 2009, 2014). This includes L'sitkuk's project in restoring our ancestral canoe routes we call Seven Paddles (BRFN 2016). In this sense, L'sitkuk's relationship with the Made-In-Nova Scotia Process marks the contradiction that Coulthard describes.

Therefore, as Coulthard and other Indigenous scholars argue, it is Indigenous resistance and resurgence that will build relations that are truly mutual (Alfred 2009, Alfred & Corntassel 2005; Bargh 2007; Simpson 2014; Stiegman & Pictou 2010; Tuck & McKenzie 2015). I contend that this relationship building for mutuality has to include communities and allies beyond just formal state-Indigenous negotiations. It is in this context of resurgence that L'sitkuk's struggle with allies demonstrates a relational understanding of treaty that is not unlike our ancestral understandings of treaty. While contemporary treaty negotiations are ongoing, the Mi'kmaq treaty right to a moderate livelihood in the fishery has been transformed into an industrial model. And though overt racism is not as prevalent as it was following the Marshall decision, it is questionable if this is because of the cross-cultural learning and relation building with our allies or because most of the Mi'kmaq fishery has now been assimilated into the non-Indigenous fishing industry. Chief Carol Potter says it is a bit of both (personal interview, February 13, 2015; also see chapter four). I contend that as long as the corporate model for commodifying the natural world sets the only context for formal consultation, L'sitkuk's perseverance for food and lifeways, and the allies that

stand with them, speaks to a more progressive approach to treaty relations. Thus while this research does not concretely address the question about our continued participation in formal processes, it does provide a decolonizing basis for navigating through them. Young (2016:82) further writes that a “Respectful examination of the worldview of... Indigenous [P]eoples is a crucial first step in the de-colonization process. Both the dominant and the oppressed cultures need to heal from the devastating effects of racist imperialism.” However, spaces for decolonization must be created (formally and informally) for processes to be truly inclusive of Indigenous worldviews with allies. In this context, my/our research provides that space or the basket that we can fill with all of our voices—all of our gifts.

5.2 Basket weaving as a research framework

As a Mi'kmaw (Indigenous) researcher/activist, the art of basket weaving as a framework has played a very critical role in my own learning and in conceptualizing my academic work and research with my community and allies. In a chance meeting with Mi'kmaw linguist, Bernie Francis, he helped me to conceptualize my research as weaving a basket. This set me on a journey of exploring the whole basket weaving process from locating the right tree to weaving the basket itself. With the death of one of our most renowned basket makers, former Chief Greg McEwan, I started thinking about a pack basket I had purchased from him for my late younger brother Joey many years earlier. The pack basket is an ongoing relational process from its creation to its use and symbolizes a longstanding traditional practice by L'sitkuk for harvesting food and guiding sports fishermen and hunters as a supplementary livelihood. Shortly after honouring the memory of Joey and Greg in the research

proposal I presented to the community on August 11, 2014, my older Brother gifted me with Joey's actual pack basket. With the encouragement of my leaders and my extended family to explore hunting as a concept of treaty, I took that basket with me on a moose-hunting trip and took pictures of it in the place where my extended family had honoured Joey's memory following his death in 2004 (see Figure 9).



Figure 9 Joey's Pack Basket, Moose Hunt 2015, Sherry Pictou Collection

Then in the course of writing this research, I came across a notebook where I had recorded my memories of a few dreams I had in the fall of 2012—the start of my doctoral degree. I had forgotten about these dreams, and one was about an Indigenous person who unlocked a desk drawer from which he took several baskets and gave them to me and said, “Now you have baskets from the North!” I am not certain what North represents but I would like to think that this research reflects teachings from the Indigenous northern part of Turtle Island that are related to the Indigenous South that also represents my work as a researcher/activist in local, national and international contexts. This research/activist work involves supporting the struggle of Indigenous

and small-scale fishery peoples for food and livelihoods. Further, while I cannot say for certain if this dream subconsciously guided my use of basket weaving as a research process, or if Bernie Francis, or both, triggered it, it is evident that the art of basket weaving and the basket itself constitute an Indigenous research framework in action. And in this sense, our stories continue as Siaw pmiaq L'sitkuk: L'sitkuk keeps going.

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**APPENDIX A:
INTERVIEW GUIDE
(L'sitkuk Participants)**

Interdisciplinary Doctoral Thesis Research:
Exploring multi-scalar learning and knowledge production both from within and as social
action in Indigenous and global contexts

Thesis Research Questions

1. What was the learning of L'sitkuk (Bear River First Nation) and its allies within their local, national, and international contexts of struggle over fishing and other natural resources? And how does learning evolve between and across these multiple contexts?
2. What was the knowledge production that evolved out of these struggles?
3. What transformational learning successes, challenges, and potential for social change were realized?

Interview Questions

These interview questions serve as a guide to open up dialogue or to start the conversation in relation to the overall research questions above.

Inner-Present:

1. What experiences are you are experiencing right now with Mi'kmaq treaty fishing rights and (other natural resources) that are important to you?
2. What are some of the ways these current experiences are changing or affecting your life?
3. What have you learned (or are learning) from these experiences?

Backward-Past:

1. Thinking back over the past fourteen years (since the Marshall decision of 1999), what are the experiences with accessing Mi'kmaq fishing treaty rights that have stayed with you or have been most important to you?
2. Do you consider any these experiences as changing or affecting your life?
3. What did you learn from these experiences?

Outward-Social/power relations:

1. Who or what were some the people or events that you feel contributed or helped you and the community to learn from these experiences with Mi'kmaq treaty fishing rights and rights to other natural resources? (Family, community members, local or other organizations, agencies/governments).
2. Did any of these experiences produce new knowledge about Mi'kmaq treaty rights?

3. Are there people, knowledge, or events, that you feel contributed to the learning of treaty rights in the broader public (other communities, organizations, agencies/government) as a whole?
4. Who or what were some of the people or events that you feel made it difficult for you or the community to learn from these experiences? (Family, community members, other communities, organizations, agencies/governments).

Indigenous Cultural Perspectives:

1. How do you feel Mi'kmaq treaty rights relate to you and the community?
2. In what way do you view Mi'kmaq culture or Mi'kmaq knowledge as being important to Mi'kmaq treaty rights?
3. In what way do you view Mi'kmaq culture or Mi'kmaq knowledge as being important for the resource and environment?

Forward –Future (Potential Transformation):

1. How has this interview process contributed to your understanding of the way you learn from your experiences with Mi'kmaq treaty fishing rights (and other natural resources)?
2. What recommendations would you make for other Mi'kmaq people to help them learn from their experiences with Mi'kmaq treaty fishing rights?
3. What recommendations would you make to future generations of Mi'kmaq people to enhance the way they learn from their experiences with Mi'kmaq treaty fishing rights?
4. Is there anything you would like to see change to enhance the way Mi'kmaq people and others learn from their experiences with Mi'kmaq treaty fishing rights? How do you feel this could be accomplished?
5. Is there anything you wish to discuss further or add to this interview?

**APPENDIX B:
INTERVIEW GUIDE
(Allies-Participants)**

Interdisciplinary Doctoral Thesis Research:
*Exploring multi-scalar learning and knowledge production both from within and as social
action in Indigenous and global contexts*

Guiding Research Questions):

1. What was the learning of L'sitkuk (Bear River First Nation) and its allies within their local, national, and international contexts of struggle over fishing and other natural resources? And how does learning evolve between and across these multiple contexts?
2. What was the knowledge production that evolved out of these struggles?
3. What transformational learning successes, challenges, and potential for social change were realized?

Interview Questions

These interview questions serve as a guide to open up dialogue or to start the conversation in relation to the overall research questions above.

Inner-Present:

1. What are you experiencing right now with L'sitkuk (Indigenous) and their treaty fishing rights and (other natural resources) that are important to you?
2. What are some of the ways these current experiences are changing or affecting your life?
3. What have you learned from these experiences?

Backward-Past:

1. Thinking back over the past fourteen years (since the Marshall Decision or since working with L'sitkuk), what are the experiences you have had with L'sitkuk in accessing Mi'kmaq fishing treaty rights that have stayed with you or have been most important to you?
2. Do you consider any of these experiences as changing or affecting your life?
3. What did you learn from these experiences?

Outward-Social/power relations:

1. Who or what were some of the people or events that you feel contributed or helped you to learn from these experiences with L'sitkuk and their Mi'kmaq treaty fishing and other natural resources? (Communities, networks, agencies/governments).
2. Did any of these experiences produce new knowledge about Mi'kmaq treaty rights?
3. Are there people, knowledge, or events, that you feel contributed to learning for other networks or other communities as a whole?

4. Who or what were some of the events, people or processes that you feel made it difficult for you or other networks and communities to learn from these experiences? (Communities, networks, agencies/governments).

Indigenous Perspectives:

1. How do you feel Mi'kmaq treaty rights relate to you and others?
2. In what way do you view Mi'kmaq (Indigenous) culture or Mi'kmaq knowledge as being important to Mi'kmaq treaty rights?
3. In what way do you view Mi'kmaq (Indigenous) culture or Mi'kmaq knowledge as being important to the resource and environment?

Forward –Future (Potential Transformation):

1. How has this interview process contributed to your understanding of the way you learn from your experiences with L'sitkuk and Mi'kmaq treaty fishing rights (and other natural resources)?
2. What recommendations would you make for others to help them learn from their experiences with Mi'kmaq or Indigenous people in struggles over treaty fishing rights?
3. What recommendations would you make to future generations to enhance the way they learn from their experiences with Mi'kmaq/Indigenous people in struggles over treaty fishing rights?
4. Is there anything you would like to see change as a way to enhance the way people (including other communities, organizations, governments agencies) learn from their experiences with Mi'kmaq and Indigenous people in struggles over treaty fishing rights? How do you feel this could be accomplished?
5. Is there anything you wish to discuss further or add to this interview?

APPENDIX C: SHARING CIRCLE GUIDE

Interdisciplinary Doctoral Thesis Research:
*Exploring multi-scalar learning and knowledge production both from within and as social
action in Indigenous and global contexts*

Description:

Sharing circles are a form of Indigenous talking circles. Though talking circles are usually themed guided, they are also guided by ceremony and are conducted in a manner where each participant has an opportunity to contribute without any time restrictions. While sharing circles are also theme oriented and can be guided by ceremony, they may be restricted by time depending upon the theme and topics to be covered or the time each person has available. These sharing circles will open with a ceremony by an Elder (if possible). Following the opening ceremony, the process for each sharing circle will be reviewed for mutual approval. The sharing circles will be digitally recorded with the exception of any ceremonies as part of the process. Any information or quotes used from the sharing circles in the research will not personally identify any of the participants. This will also apply to any skype or tele-conference sharing sessions with ally participants.

Sharing Circle 1.

The purpose of first sharing circle will be to consecutively introduce and present the purpose of the research, the research questions, the interview and sharing circle guides, and consent forms. Participants will be given the opportunity to ask questions and provide feedback on each item and to identify any gaps or clarifications and revise methods if necessary. The nature of the sharing circle is to ensure that each participant has the opportunity to contribute to the circle without disruption and with respect as per our cultural community practice.

Sharing Circle 2.

A second sharing circle will be conducted in a similar manner as the first one. By this time participants will have had the opportunity to have viewed and provide feedback on their own transcripts. This will allow the participants to fully engage in the second sharing circle as an opportunity to review the emerging themes and analysis and to reflect on the research process as a whole. If there are any significant changes or revisions required, these will be confirmed in person, or by email or telephone with each participant.

(Allies-Participants)

Where it may not be possible for all allies to physically gather, attempts will be made to perform sharing circles in a similar way as outlined above or individually, except this may be conducted by skype or tele-conferencing. In this respect, all ethical considerations of electronic recording, data collection and access will still apply.



APPENDIX D: CONSENT FORM

Project Title:

Exploring multi-scalar learning and knowledge production both from within and as social action in Indigenous and global contexts.

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Introduction:

It is an honor for me to have this opportunity to conduct research with my own community and with those who have helped us on our journey to realize our treaty right to a livelihood fishery. You are invited to participate in this research as a part of my doctoral thesis work for the Dalhousie University Interdisciplinary PhD Program. Your contribution will help the community to reflect on where we have been, where we are now, and where we hope to go with our treaty right to a livelihood fishery and other natural resources.

Taking part in the research is entirely voluntary. It involves both an interview and two sharing circles described below that will be recorded with a digital recorder with your consent. As per community protocol, no ceremonies will be recorded. Out of respect for you and for the information you share, I am required to have your written consent. You may withdraw from the study at any time for any reason. The information below provides more details about what is involved in the research. Please ask as many questions as you like. If you have any questions later, please feel free to visit or contact me at any time.

Purpose and outline of the research study:

The purpose of my research is to look at L'sitkuk's informal learning experiences that produced the most successes, offered the most potential, and presented challenges in our on-going struggle to access a livelihood fishery (and other natural resources). My research aims to study this by focusing on the learning experiences of L'sitkuk community members, our

allies who have worked with us, and on my own learning experiences locally, nationally and internationally. Given that only recently the Federal Government stated that they even had a mandate to negotiate a treaty right to a livelihood fishery, it is hoped that this research will help us to review where we have been and where we want to go as a way to guide us in this future with the treaty negotiation process. Secondly, where L'sitkuk has been overlooked in the fishery, this research aims to focus on the voice and experiences of L'sitkuk and our vision for a livelihood fishery.

The research will involve an interview with each participant and two sharing circles with all the L'sitkuk participants. The interview will be recorded with a digital recorder. In respect to our allies, I will offer to conduct an interview with you by telephone or skype through the use of speaker phones so that the interview can also be recorded with a digital recorder. The sharing circle will only be recorded with the exception of any ceremony as per community protocol. One sharing circle will be at the beginning to look at the purpose of the research, interview and sharing circle guides, this consent form, confidentiality issues, my role as both a member of the community and as a researcher, and to discuss any changes or additions that you may want to make. The second sharing circle will be at the end of the research to look at the results of the research and to discuss the final research report (thesis) for the University. In between the sharing circles, each participant will have an opportunity to review their own interview transcript and make any changes or deletions. A similar process will be conducted with our allies by group or if necessary, individually by telephone or skype calls.

Who and how many people can take part in the research study?

Participants from the L'sitkuk community and several of their allies in various networks are being invited. These will include:

- At least two fish and natural resource harvesters
- At least one elder
- At least one other community member
- At least one or two leaders (Council members)
- At least one or two youth (young adults)
- Others will also be invited so that everyone has the opportunity to participate if they wish.

I as the researcher will include my own responses to the interview questions.

In respect to ally participants, participants from each of the following networks will be invited:

- One or two associated with the Bay of Fundy Marine Resource Centre
- One from a non-Indigenous fishing organization
- One from the World Forum of Fisher Peoples
- One from a collaborative network who has worked with L'sitkuk on a specific project related to the fisheries or other natural resources.

What you will be asked to do:

First you will be invited to a beginning sharing circle to look at the purpose of the research, sharing circle guide, interview guide questions, this consent form, confidentiality issues, my

roles as both a community member and researcher, and to discuss any changes or additions that you may want to make.

Then, to help us understand our learning and the knowledge we produced based on our learning in local, national, and international processes, I will conduct an interview with you at a time and place of your choosing. The interview itself will be expected to last from one to two hours. I will be asking a number of questions about your experiences with a treaty right to the livelihood fishery (and other natural resources) that we can discuss during the interview. These questions will help us look at our successes, the potential, and our challenges in accessing a treaty right to a livelihood fishery. This interview will be digitally recorded and translated into a written document which will be provided to you. You can review and request any changes or deletions you want make. Finally, you will be invited to a final sharing circle to look at the results of the research and to discuss the final research report (thesis) for the University.

Time frame:

The first sharing circle will take place in the later part of November and the interviews will be conducted throughout December 2014 to April 2015 followed by transcribing the interviews from May to June 2015. Each participant will receive a copy of their own transcript and be provided an opportunity to submit comments, request further clarifications, and make revisions by the end of July 2015. The analysis for common themes and issues will take place August to October 2015. The writing of the research (thesis) will be scheduled to take place from November 2015 to March 2016. The second sharing circle will take place in April 2016 to review the interviewing process, results, and if at all possible to review a draft of the overall thesis. Revisions will take place if necessary.

Possible benefits, risks and discomforts

Benefits:

It is hoped that your contribution will benefit the L'sitkuk community by helping us to review where we have been and want to go as a way to guide us in future steps with the treaty negotiation process. Secondly, where L'sitkuk has been overlooked in the fishery, the benefit of this research is that it will provide an opportunity to voice L'sitkuk's experiences.

Risks

The interviews will be confidential and upon request, your name will not be used. However, given the close nature of small Indigenous (First Nation) communities, there is still some risk that individual community member participation can still be identified within the community. The same also applies to participants from networks. Some of the ways I will aim to reduce these risks are:

1. I will offer to protect the anonymity and confidentiality of participants through the use of pseudonym (another name of your choice).
2. I will guarantee that the interviews will only be accessed by me on my own personal laptop with password protection and that only your pseudonym name will appear on your recorded interviews. Please note, that once recorded interviews are downloaded on to my personal laptop, the recording will be deleted from the digital recorder.

3. Each participant will be given the opportunity to review and change or delete parts of their interview once it's transcribed. Also participants will be given the opportunity to review and provide input into the research results and how the research is to be presented in the final written research (thesis) report.
4. Further, at any time during the interview process you may request the recording be stopped if you do not want something to be recorded or quoted in the research.
5. And as noted above, you may withdraw from this research study at any time for any reason.
6. Sharing Circles will be conducted with mutual respect as per the protocols of our ceremonies.

Privacy/Confidentiality:

In addition to offering anonymity in the interviews, all digital recordings of the interviews will be stored on my own personal password protected laptop computer and in files that will be also be password protected. This will also be the case for the Sharing Circles. However, it is important to point out that while I will keep names of participants in the sharing circles confidential in the report, your participation will be known to other participants in the Sharing Circles.

All information you share will be kept confidential. You will be provided with a copy of your own interview transcript once it is transcribed and will be given the opportunity to review and change or delete any part of the interview. Then all the interviews and information from the sharing circle will be compared for common issues and themes. With your consent, quotes will be used from both the interviews and sharing circles (without personal identification) as part of the research thesis. The research thesis report will be provided to you at a second sharing circle where we will review together and discuss any final changes before it is submitted to Dalhousie University. Any related articles or any means of publication will discuss only the themes and issues in general and no one will be personally identified in the use of any quotes. This means that upon your request you will not be identified in any way in any publications, or the thesis itself. I will use a participant pseudonym (another name of your choosing) in any written and computerized records.

Questions and concerns:

You can raise any questions about this research at either of the Sharing Circles or by contacting me at any time at **902-245-3120** or **sherrypictou@eastlink.ca** or **sherry.pictou@dal.ca**. If you have any ethical concerns about your participation in this research, please contact me. If I cannot address your concerns or answer any questions, then you or I, or both of us together will contact the Director, Research Ethics, Dalhousie University at (902) 494-1462, or email: **ethics@dal.ca**

Your signed consent indicates that you have given time to read this consent form and that you have voluntarily agreed to participate in this research study

CONSENT FORM SIGNATURE PAGE

Consent form for the participation in the research project:

Exploring multi-scalar learning and knowledge production both from within and as social action in Indigenous and global contexts.

You will receive a copy of this consent form signed and dated by yourself and the researcher. This consent form in no way obligates you to participate in the research study and you may withdraw from the research study at any time.

I, (PRINT YOUR NAME HERE) give consent to participate in this research study and:

1. I agree to have my interview tape-recorded and allow direct quotes from my interview.
2. I also understand that I will be invited to participate in two sharing circles (ally participants: in individual or group skype or by phone conference discussions) from which information may also be used for the purpose of the research study.
3. I also understand that by checking this line, I am requesting the use of pseudonym – a name other than my own chosen by me to be used. **Place check mark (√) here**
_____.
4. I will receive a copy of the transcript of the interview and a final copy of the thesis report for review.

Participant’s Signature

Date

Researcher’s Signature

Date