

## ICE BLINK: NAVIGATING NORTHERN ENVIRONMENTAL HISTORY Edited by Stephen Böcking and Brad Martin

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# **Imposing Territoriality: First Nation Land Claims and the Transformation of Human- Environment Relations in the Yukon**

*Paul Nadasdy*

## **Introduction**

Environmental historians, anthropologists, and others have long argued that the imposition of Euro-American property regimes dramatically altered how Indigenous peoples could relate to the land, animals, and one another.<sup>1</sup> The effects of this imposition are very much in evidence across northern Canada,<sup>2</sup> where, over the past forty years, Indigenous people have engaged federal and territorial governments in negotiating comprehensive land claim and self-government agreements. These modern treaties grant northern Indigenous peoples real powers to govern themselves and manage their own lands and resources, but because they are conceived in the Euro-American language of property, they also necessarily transform how Indigenous people relate to that land and the animals upon it.<sup>3</sup> In this chapter, I expand the purview of my inquiry into the

nature of these agreements beyond a narrow focus on property per se, and argue that they impose upon Indigenous people ideas and practices of *territoriality* more generally.

Geographer Robert Sack defines territoriality as “the attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area.”<sup>4</sup> He concedes that while there are many other, non-territorial ways of exercising power, “territoriality is the primary spatial form power takes.”<sup>5</sup> Territoriality is thus a particular kind of political strategy, one that focuses on controlling people and processes through the demarcation and control of space. Sack (along with others) views the modern state as a fundamentally territorial form of political organization,<sup>6</sup> and he suggests that two state territorial strategies in particular have played a central role in the transformation of Indigenous people’s relationship to land: the delimitation of property rights in land and the establishment of political jurisdiction.<sup>7</sup> As it happens, both forms of territorial practice are essential to the structure of comprehensive land claim and self-government agreements in Canada.<sup>8</sup>

These agreements are the principal contemporary means for incorporating northern Indigenous peoples into the Canadian state. They spell out the nature of government-to-government relations among the signatory governments, and grant northern First Nations real (if limited) powers of self-government, as well as a key role in the management of northern lands and resources. As a result, First Nation governments across the Canadian north have emerged as significant players in regional politics.<sup>9</sup> This is very different from the days, not so long ago, when they lived under the colonialist dictates of the federal Indian Act and had virtually no say either in their own governance or in the management of the lands and resources upon which they depend. As I have argued elsewhere, however, the price of this newfound authority has been high.<sup>10</sup> Northern Indigenous people have had to restructure their societies in dramatic ways just to gain a seat at the negotiating table. To be heard at all, they have had to frame their arguments in a language intelligible to lawyers, politicians, and other agents of the Canadian state. And, once in place, these agreements have a dramatic bureaucratizing effect, drawing Indigenous people off the land and into offices to become professional “managers.”

In this chapter, I focus on the territorial (and territorializing) aspects of the Yukon land claim and self-government agreements. These agreements

are fundamentally territorial; that is, it is primarily (though not solely) by demarcating space and assigning control over the resulting territories to various governments that the agreements constitute First Nations' authority in relation to other governments and their own citizens. The agreements create two distinct types of First Nation territory (in Sack's sense of the term). First, they carve the Yukon into fourteen distinct First Nation *traditional territories* (Fig. 10.1). Second, within each traditional territory the agreements also demarcate smaller areas of First Nation *settlement land* (Fig. 10.2). As we shall see, traditional territories and settlement lands are integral to the structure of both final and self-government agreements. It is tempting to view settlement lands as a form of property (which, in fact, they are) and traditional territories as being more about jurisdiction. There is some truth to this characterization, but things are actually considerably more complex. In fact, each of these territorial forms has both proprietary and jurisdictional aspects. Having considered the proprietary aspects of the Yukon agreements elsewhere, I focus in this chapter on their jurisdictional dimensions.<sup>11</sup>

Although many people—Indigenous and Euro-Canadian alike—assume that traditional territories reflect “traditional” patterns of land-use and occupancy, Indigenous society in the Yukon was not, in fact, composed of distinct political entities, each with jurisdiction over its own territory; such entities are actually a recent phenomenon in the Yukon. The new agreements, then, are not simply formalizing jurisdictional boundaries among pre-existing First Nation polities; they are mechanisms for *creating* the legal and administrative systems that bring those polities into being. In fact, the agreements are premised on the assumption that First Nation governments must be discrete politico-territorial entities if they are to qualify as governments at all.

Thus, although the Yukon agreements do grant First Nations some very real powers of governance, those powers come in the peculiarly territorial currency of the modern state. Not only does this implicitly devalue Indigenous forms of socio-political organization (which are not territorial), it is also transforming Indigenous society in radical and often unintended ways. My focus in this chapter is on how the land claim agreements and the territorial assumptions underlying them are transforming how Yukon Indian people, particularly those of the Kluane First Nation (KFN) and its neighbours in the southwest Yukon, relate to the land and

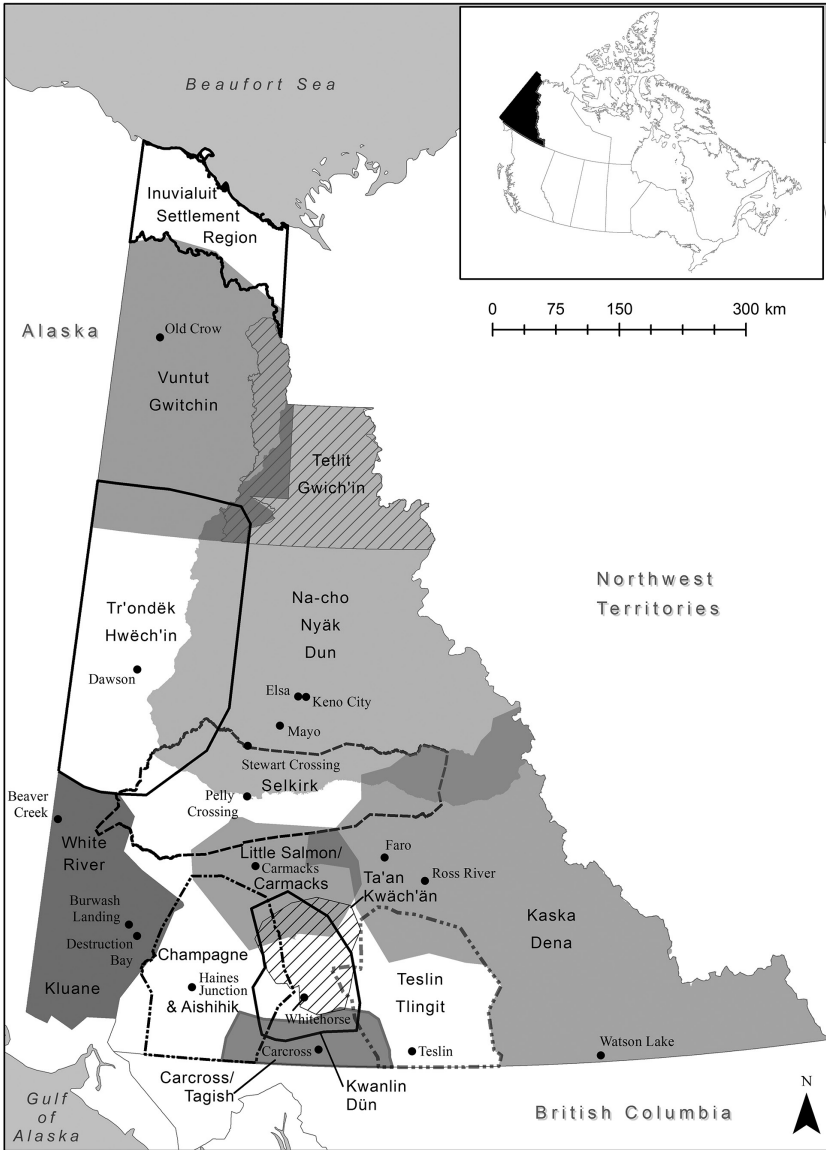


FIG. 10.1: Map of Yukon First Nation Traditional Territories by Tracy Sallaway (Maps, Data and Government Information Centre, Trent University). Contains information licensed under the Open Government Licence – Canada (<http://open.canada.ca/en/open-government-licence-canada>); all other data – Geomatics, Department of Environment, Government of Yukon.

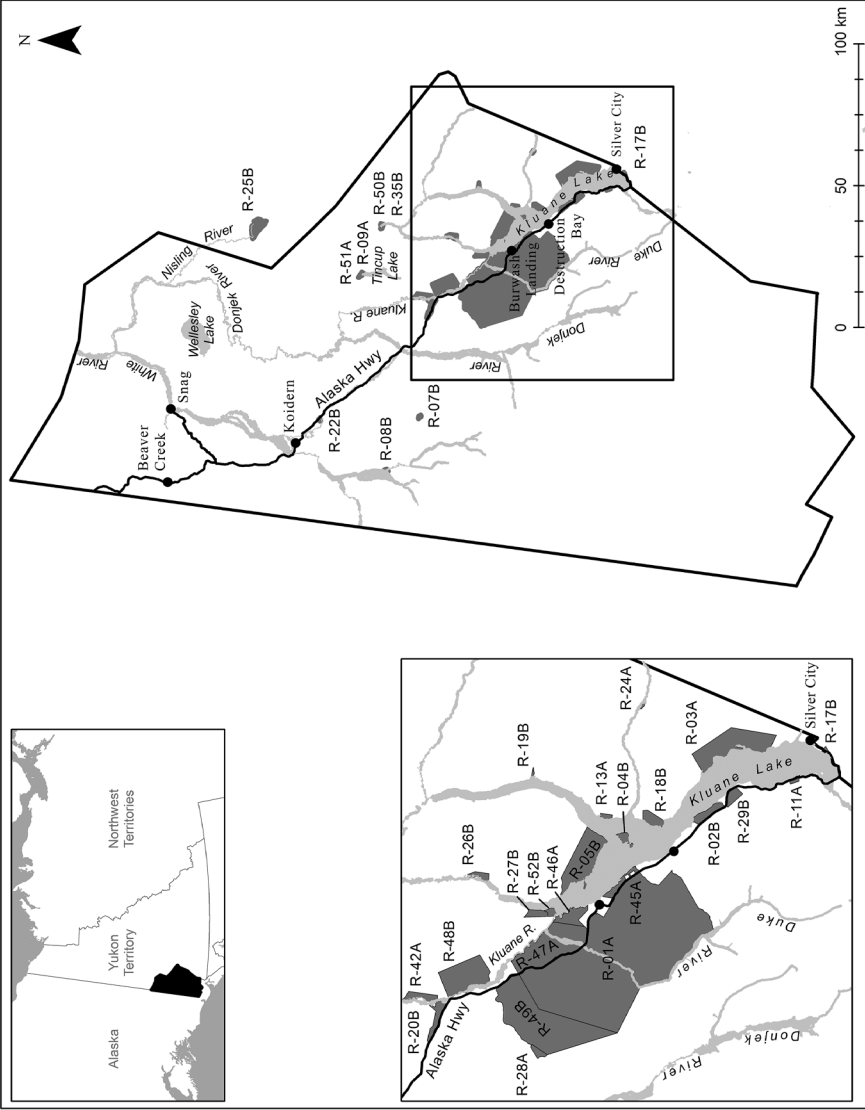


FIG. 10.2: Map of Kluane First Nation Traditional Territory and Settlement Lands by Tracy Salloway (Maps, Data and Government Information Centre, Trent University). All data – Geomatics, Department of Environment, Government of Yukon.

animals—as well as to one another with respect to the land and animals. Before doing so, however, it is necessary to say a bit more about the territorial assumptions underlying the Yukon agreements.

## Territoriality and the State

Over the past two decades, political geographers, anthropologists, and others have analyzed the territorial dimensions of the modern state. Rather than simply taking for granted its territorial boundedness, as scholars did previously, they have begun systematically to examine the role of territory—and of territoriality itself—in the constitution of the state as a particular socio-historical phenomenon. Building on Sack's political conception of territoriality, contemporary political geographers now agree that modern state power is largely—though by no means exclusively—an exercise in territoriality; that is, states seek to control people and resources principally through the demarcation and control of space. Indeed, the demarcation and control over territory, within which the state supposedly exercises exclusive sovereign power, has long been viewed as an essential aspect of the modern state.<sup>12</sup> The establishment and maintenance of clear boundaries both among and within states is essential to the concept of the modern state and the exercise of state power. Maps have played a particularly important role in the creation and consolidation of state power. In his study of the birth of the Thai nation, Thongchai Winichakul argues that early government-generated maps of the country were not simply abstract representations of reality. The situation was rather the reverse: "A map anticipated spatial reality, not vice versa. In other words, a map was a model for, rather than a model of, what it purported to represent."<sup>13</sup> He shows that maps not only helped constitute Thailand as a territorial state vis-à-vis other such states; they were also essential for developing essential *internal* administrative mechanisms.<sup>14</sup>

Sack observes that the modern state is territorial not only externally (i.e., vis-à-vis other states), but also internally: it produces a hierarchy of nested territories right down to the level of individual factories and households, which are themselves internally territorialized.<sup>15</sup> This internal territoriality involves not only the creation of jurisdictional boundaries within states but also the formalization and protection of property rights

in land. These processes of internal territorialization produce administrative differences among citizens and carve the landscape into different geographical sub-units. This is essential because, although the creation of a unified state requires the erasure of certain kinds of difference, other kinds of differences among people and places are essential for the practice of governance. Internal boundaries (whether jurisdictional or proprietary) allow for the delegation of authority and the rationalization of jurisdiction among different levels of government, the coordination and delivery of government services, the management of people and resources, and so on.

Boundary making within the territorial state is far from politically neutral. Malcolm Anderson points out that boundaries within states, though “often presented as technical adjustments to promote efficiency of administration, are never independent of changes in power relationships.”<sup>16</sup> Indeed, as Vandergeest and Peluso show, processes of internal territorialization have played a key role in efforts to expand and consolidate state control over peoples and resources.<sup>17</sup> In settler states, such processes have resulted in the (often violent) reworking of Indigenous social relations, transforming in fundamental ways how certain kinds of people can relate to one another as well as to the land and resources.<sup>18</sup> Yet, internal territorialization is not always a top-down process, nor are its socio-political consequences always those intended by either state officials or those who would resist them. There is a great deal to be said about this process of internal territorialization in the Yukon, but before considering its impact on human-environment relations there, a brief history of territoriality in the Yukon is in order.

## Territoriality and Human-Environment Relations in the Yukon

### *Pre-Contact and Early Contact Yukon*

Until the middle of the twentieth century, Yukon Indian people were nomadic, covering large distances in the course of their annual subsistence round; and for much of the year they lived in small hunting groups. These groups were extremely flexible; there were no formal rules for



membership, and their composition was constantly changing as a result of seasonal and longer-term variations in the availability of resources, social tensions among group members, marriage, long-distance trading, and so on. Catharine McClellan characterized nineteenth-century Yukon socio-political organization: "A very sparse population was spread over a vast area, making a loosely linked social network with very few sharply defined linguistic and cultural boundaries. ... Cohesive political units did not exist—just widely scattered clusters of living groups whose composition and size changed throughout the year as people moved about in quest of food."<sup>19</sup> She noted that Aboriginal leaders "certainly never had clearly defined judicial or punitive powers over all persons living in a delimited territorial unit."<sup>20</sup> Social relations among Yukon Indian people were ordered by principles of kinship and reciprocity rather than territoriality. People drew on far-flung networks of bilateral kin to travel widely and exploit resources more or less where they pleased.<sup>21</sup> Although these kinship networks certainly existed in space, they were not defined by—nor did they define—specific territories, in Sack's sense of the term. This is not to say that Yukon Indian people never used territorial strategies of the sort Sack described. It seems clear, for example, that some important fishing sites were "owned" by particular moieties, the members of which regulated access to them. In practice, though, because the moieties are exogamous, everyone had close relatives from the opposite moiety on whom they could prevail for access.<sup>22</sup>

Yukon Indian people were not organized into distinct "tribes" with control over fixed territories. Nor did tribal categories organize their kinship practices, trade, or political relations. In fact, it is questionable whether they had "tribal" categories at all. In her ethnographic survey of the southern Yukon, McClellan did divide up Yukon Indians geographically on the basis of language and referred to these divisions as "tribes," but she stressed that this was purely for the convenience of the ethnographer and warned that "it is not the kind of classification which the Indians themselves are likely to stress, or perhaps even recognize." "Tribe" was a particularly problematic term, she suggested, because "usually it implies a sense of political unity which the Yukon natives ... never had."<sup>23</sup>

Although Yukon Indian people did not regard themselves as divided into distinct territorially organized "peoples," they did, of course, have ways of classifying one another. McClellan sketched the outline of a very

complex Indigenous system for classifying people, which, she maintained, “is highly relative, depending on the particular vantage points in time and space of both the classifier and the classified. Also, various modes of classification cross-cut each other. Finally, the Yukon Indians prefer to think in terms of selected individuals rather than of total geographically bounded groups.”<sup>24</sup> So, although social differences certainly existed in the Yukon in pre-contact times, those differences were not used to mark off the territories of distinct political units, nor were they used for regulating people’s access to resources.<sup>25</sup> It seems that Yukon Indian people did not organize themselves into distinct politico-territorial units until well after European contact; and, as we shall see, it was as a result of their contact with the Canadian state that they first began to do so.<sup>26</sup>

### *The Expanding State, Territoriality, and First Nation Land Claims*

Although Yukon Indian political organization did change in response to the fur trade, the pace of change accelerated markedly in the 1940s and 1950s, when federal officials began asserting control over the lands and peoples of the Canadian north. To this end, they divided the nomadic Indigenous population into distinct administrative “bands,” each with its own elected chief and council. These bands, created under the federal Indian Act, had no relation to any existing political units; rather, they were composed of different families who had in many cases very different patterns of seasonal movement and who had settled—or sometimes had been coerced to settle—in a number of central locations.<sup>27</sup> The enforced settlement of nomadic populations in easily accessible locations is a strategy that has been used by expanding states the world over; it enables officials to assert control over these peoples and to provide them with government programs and services. The bands themselves, despite having elected chiefs and councils, had little real self-government authority, and acted instead as bureaucratic intermediaries between the federal government and local populations, helping to administer government programs such as the provision of social assistance, medical care, and housing.<sup>28</sup> So the geographical division of the Yukon Indian population into separate administrative bands had more to do with federal administrative objectives than with any cultural or linguistic factors. In fact, the federal government

occasionally amalgamated and otherwise reorganized previously distinct bands for purely administrative reasons, principally to streamline and decrease the cost of service delivery.<sup>29</sup>

In contrast to the situation in much of southern Canada and the United States, the Canadian government never negotiated any land cession treaties in the Yukon.<sup>30</sup> Even so, it claimed to control all lands in the Yukon and maintained the position that Yukon Indian people had no legal entitlement to the land, except that with which the government had explicitly provided them, of which there was very little.<sup>31</sup> Yukon Indian people made no unified effort to assert their rights to land until 1973. In that year, Elijah Smith, president and co-founder of the newly formed Yukon Native Brotherhood, a political organization representing status Indians throughout the Yukon, presented the federal government with a document entitled *Together Today for Our Children Tomorrow*.<sup>32</sup> This was the first comprehensive land claim formally accepted for negotiation by the government of Canada.

Despite this, a Yukon land claim agreement was still a long way off. Negotiations dragged on for twenty years, until, in 1993, representatives of the federal and territorial governments, along with the Council for Yukon Indians, the Yukon Native Brotherhood's successor organization, signed the Yukon Umbrella Final Agreement (UFA). This is not in itself a land claim agreement; rather, it is a framework for the negotiation of specific Final Agreements between each of the fourteen individual Yukon First Nations and the federal and territorial governments. It is a complex document of twenty-eight chapters that deals not only with land and financial compensation, but also with self-government, taxation, renewable and non-renewable resources, heritage, economic development, and more. The UFA contains many general provisions that apply to the entire Yukon, and also identifies the areas in which individual First Nations may negotiate provisions specific to their own needs. Each individual Yukon First Nation was to negotiate its own specific Final Agreement within the framework of the UFA. The complex structure of the Yukon agreement was the result of compromise between Yukon First Nations, who were generally wary of a single Yukon-wide agreement, preferring instead multiple agreements that would be more sensitive to local First Nation needs, and the federal government, which preferred a Yukon-wide agreement so as to avoid the

administrative nightmare of having fourteen completely distinct treaties in the Yukon.

## Territorial Dimensions of the Yukon Land Claim Agreements

With the signing of land claim and self-government agreements, self-governing First Nations have replaced Indian Act bands throughout much of the territory. Although the transformation from band to First Nation has led to some important changes in their demographic composition, there is a great deal of continuity between these new, self-governing First Nations and their Indian Act predecessors. To some extent, this was probably inevitable. As we saw, Indian people were loath to enter into a Yukon-wide agreement, preferring instead a series of individual First Nation Final Agreements that would allow them to address local issues and concerns. Since popularly elected band governments already existed throughout the territory when land claims negotiations began in the 1970s, they naturally played an important role in the political organization of Yukon Indian people. It was individual bands that entered into negotiations with the federal and territorial governments, and ultimately became signatories to the agreements. In fact, people regularly referred to “Band Final Agreements” (rather than the official “First Nation Final Agreements”) through the mid-1990s.

The political continuity between Indian Act bands and self-governing First Nations is also evident in the fact that First Nations inherited responsibility for the delivery of programs and services that had previously been administered by bands (and, in fact, funding levels for First Nation self-government were based directly on the bands’ historical spending levels). Although First Nations have also assumed responsibility for additional programs and services that were not administered by bands, there is nevertheless an important sense in which self-governing First Nations evolved from the Indian Act bands that preceded them. The current configuration of First Nations in the Yukon, then, reflects quite closely the legacy of the Department of Indian Affairs’ administration of Indian people in the territory.

There are, however, some very important differences between Indian Act bands and the self-governing First Nations that are succeeding them. Primary among these is the fact that First Nations, unlike bands, are political entities whose powers and authorities are territorially constituted. As noted above, the two principal forms of First Nation territory created by the agreements are traditional territories and settlement lands. Both are defined and mapped in First Nation final agreements, and, as we shall see, they are integral to the structure of both final and self-government agreements. They play a particularly important role in the new regime for managing wildlife and other natural resources.

### *Traditional Territories, Overlap, and Black Holes*

First Nations do not “own” their traditional territories; but they do retain some rights on these lands that can be viewed as proprietary. Most important for the purposes of this chapter, First Nation citizens retain the right to hunt and fish throughout their entire traditional territory.<sup>33</sup> When they ratified their agreements, they exchanged their Aboriginal right to hunt anywhere in Canada for the more limited right spelled out in their agreements.<sup>34</sup> In addition to granting Yukon Indian people residual use-rights of this sort, the agreements also grant First Nations a prominent role in the management of wildlife, heritage, and other resources throughout their traditional territories—primarily through participation in formal co-management processes created under the agreements. Of central importance to First Nations is the process for co-managing fish, wildlife, timber, and other renewable resources. Each agreement establishes a Renewable Resources Council (RRC) as the “principal instrument for renewable resource management” throughout a First Nation’s traditional territory.<sup>35</sup> Composed of members appointed by the Yukon and First Nation governments, RRCs make management recommendations directly to the relevant Yukon minister (usually the Minister of the Environment) and/or First Nation.<sup>36</sup> Thus, traditional territories have become significant administrative units for the management of renewable resources throughout the Yukon.

The federal and Yukon governments did not play a major role in the original creation of First Nation traditional territorial boundaries; instead, they left it up to the bands to work these out among themselves,



FIG. 10.3: Entering Kluane First Nation Territory. Photo by Paul Nadasy.

presumably based on patterns of historic land use. Several officials (both federal and territorial) told me their governments had been loath to get involved in disputes over territory among the different bands. Yet, as we have seen, administrative bands were themselves recent and fairly arbitrary amalgamations of different families and individuals, each with their own historically distinct patterns of land use and residency. In some cases, members of the same immediate family—with very similar land-use practices—became members of different administrative bands. Intermarriage among members of different bands was also common. These factors, along with increased individual mobility, made extremely problematic any attempt to map a band's traditional territory based on the historical use and occupancy of its members and their ancestors.<sup>37</sup> What is more, there was little coordination among First Nations in mapping their territorial boundaries, and First Nations seem to have pursued different strategies when confronted with the task. Some took an inclusive approach, drawing their boundaries as widely as possible to capture the historic land use of all their members; others were more conservative, giving up their claim

to certain areas in an apparent effort to minimize potential overlap with other First Nations.

There are three direct results of this ad hoc and uncoordinated process for drawing up First Nation traditional territory boundaries. First, there is a great deal of overlap among First Nation traditional territories in the Yukon (see Fig. 10.4). Some First Nations are in a situation where well over half their traditional territories overlap with those of their neighbours. Second, there are a few areas in the Yukon that do not fall within any First Nation's traditional territory. The largest of these is located in the southwest Yukon. Dubbed "the black hole," it includes a large portion of the Nisling River valley northeast of Kluane First Nation territory (see Fig. 10.4).<sup>38</sup> Third, some Yukon Indian people feel that they have been cheated, because they have lost all say in the management of—and, in the case of the black hole, the right to hunt as Indian people in—certain areas of special importance to them personally. Today, the question of traditional territory boundaries is quite contentious in some parts of the Yukon.

Although the federal and Yukon governments played a minimal role in the creation of traditional territory boundaries per se, they have generally been adamant about the need to minimize and even eliminate overlap. Because traditional territories are essentially administrative boundaries that determine the jurisdiction of various management boards and councils set up under the land claim agreements, any territorial overlap necessarily creates jurisdictional conflict. In anticipation of this problem, First Nation Final Agreements require First Nations to "resolve" any overlap by negotiating an "Overlap Resolution Boundary," a contiguous line that in effect eliminates the conflict by specifying where one board's jurisdiction begins and another's ends.<sup>39</sup> Until overlap is resolved in this way, overlap areas exist in a jurisdictional void, and several very important provisions of the Final Agreements do not apply within them. This poses a particularly acute problem in the arena of resource management, because Renewable Resources Councils have no jurisdiction at all in overlap areas. Although this way of handling overlap does prevent jurisdictional conflicts between Renewable Resources Councils, it also means that First Nations and their citizens have virtually no say over the management of fish, wildlife, and timber in overlap areas (except on settlement lands, to be discussed below).<sup>40</sup>

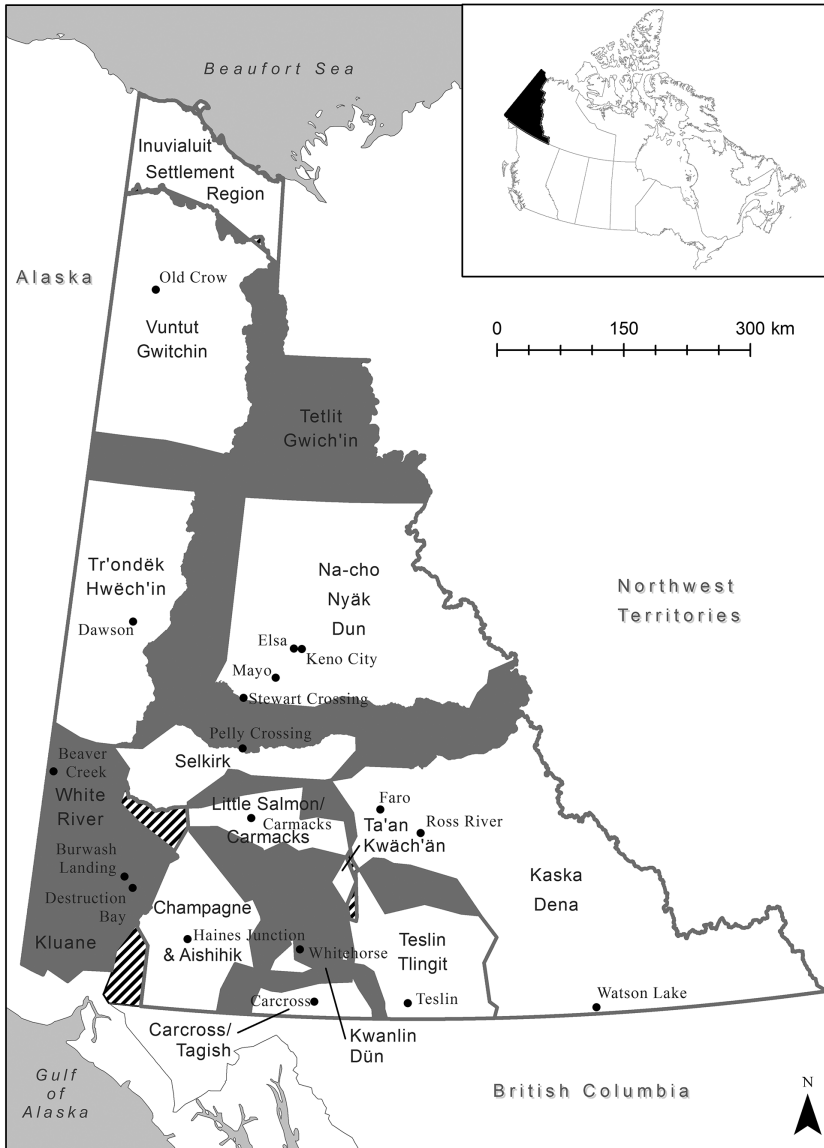


FIG. 10.4: First Nation Traditional Territory Overlap in the Yukon by Tracy Sallaway (Maps, Data and Government Information Centre, Trent University). Shading denotes overlap; cross-hatching indicates areas not included in any First Nation traditional territory. Contains information licensed under the Open Government Licence – Canada (<http://open.canada.ca/en/open-government-licence-canada>); all other data – Geomatics, Department of Environment, Government of Yukon.



In theory, overlap resolution boundaries would be used only to establish the jurisdiction of a few co-management boards and to bring a handful of other provisions (mostly regarding economic development) into effect in the overlap areas. For most other things, most importantly the exercise of hunting rights, the First Nations could continue to “share” the overlap areas (i.e., citizens of both First Nations could hunt there). In fact, there has been some interest in and activity around the negotiation of “sharing accords” among First Nations. These are reciprocal agreements that go beyond the shared use of overlap areas by extending to one another’s citizens certain rights, particularly hunting rights, throughout the signatory First Nations’ *entire* traditional territories.<sup>41</sup> In practice, however, the negotiation of overlap resolution boundaries has often been contentious and difficult. This is not surprising, since it requires Yukon Indian people to do something they have never done before: construct firm political boundaries between themselves and their neighbours (who are, often enough, close kin). The notion of a contiguous line separating “us” from “them” flies in the face of important cultural values of kinship and reciprocity, which continue to structure social relations among Yukon Indian people.<sup>42</sup>

Technically, First Nations could continue to share most everything in the overlap area, since an overlap resolution boundary applies only to certain jurisdictional issues, but in my experience this is often poorly understood. The very term “traditional territory,” with its invocation of “tradition,” seems to imply a link to historical use and occupancy, and Yukon Indian people (along with government negotiators) by and large think of them in this way. Yet, any well-defined territorial boundary between First Nations must necessarily be cross-cut by kinship relations and inconsistent with historical and contemporary patterns of use and occupancy. What is more, in the minds of many Yukon Indian people, traditional territories have come to be emblematic of self-governing First Nations’ history and sovereignty.<sup>43</sup> As a result, there is often great reluctance to “give up” land to neighbouring First Nations through the “resolution” of overlap, because to many this seems tantamount to denying their affective ties to the land derived from historical and contemporary use.<sup>44</sup>

Those areas, such as the black hole, which fall outside the bounds of any traditional territory, present First Nations with a different set of issues. Although such lands comprise but a tiny percentage of the total area of the

Yukon, their exceptional status illustrates just how important traditional territories are for structuring First Nation hunting and management rights in the post-land claims Yukon. Falling as they do outside all traditional territories, areas like the black hole do not come under the jurisdiction of any Renewable Resources Council at all—in effect giving the Yukon government a disproportionate role in wildlife management there.<sup>45</sup> The issues posed by these administrative anomalies are even more significant with respect to hunting rights. By ratifying their agreements, citizens of self-governing First Nations have lost their Aboriginal right to hunt in the black hole without having gained any treaty-based hunting right to replace it.<sup>46</sup> If they wish to hunt on such lands legally, they now have no choice but to obtain a Yukon hunting license and abide by Yukon hunting regulations like any non-Indian resident hunter.<sup>47</sup>

In practical terms, obtaining a Yukon hunting license is not a problem for Yukon Indian people, but to do so is to submit to the authority of the Yukon Fish and Wildlife Branch. As I have detailed elsewhere, fish-and-game laws were among the principle mechanisms used by federal and territorial officials to establish and maintain control over Yukon Indian people, and the consequences of their imposition were especially dire in the southwest Yukon, where in the 1940s they threatened Indigenous peoples' very survival.<sup>48</sup> Indeed, opposition to Yukon fish-and-game laws was one of the prime factors motivating Yukon Indian people to organize politically and push for the settlement of land claims in the 1970s. They had been staunch defenders of what they saw as their Aboriginal hunting rights and would never have agreed to a treaty that subjected them to Yukon hunting regulations.<sup>49</sup> That they must now do so in the black hole and a few other such areas not only highlights how important traditional territories are for structuring contemporary Yukon First Nation hunting rights, it also shows just how unanticipated and problematic anomalous areas of this sort are for the territorial regime established by the agreements.<sup>50</sup>

### *Settlement Lands: First Nation Property in a Sea of Crown Land*

In contrast to traditional territories, where First Nations retain only some residual use and management rights, settlement land is a form of property. Much smaller than the traditional territories within which they are located, the parcels that comprise settlement land are owned by First Nations,

who are deemed to possess in them “the rights, obligations and liabilities equivalent to fee simple”<sup>51</sup> (see Fig. 10.2).

But settlement lands are not simply First Nation property; they also define the territorial limits of a self-governing First Nation’s full political, legal, and administrative jurisdiction. It is on their settlement lands—and only on their settlement lands—that Yukon First Nations exercise full self-government authority, including significant powers of governance, taxation, management, regulation, and administration.<sup>52</sup> It is for this reason that the federal government was reluctant to agree to a First Nation’s selection of settlement land outside its traditional territory—and then only with the consent of the First Nation within whose traditional territory the selection lay.<sup>53</sup> Consent was deemed necessary because these parcels of settlement land become embassy-like pockets of jurisdictional exception within another First Nation’s traditional territory. Consent from another First Nation was also generally required when a First Nation chose a parcel of settlement land in an overlap area *within* its own traditional territory, because, depending on the location of any overlap resolution boundary, jurisdictional issues might be nearly as complex in overlap areas as outside the traditional territory altogether.

Especially significant for the purposes of this chapter is the fact that First Nations have full jurisdiction over hunting and many other forms of land use on settlement lands (Category A settlement lands in particular).<sup>54</sup> First Nation jurisdiction on these lands interacts in complex ways with the Yukon government’s jurisdiction over wildlife on non-settlement land. While a Yukon First Nation has the power to regulate its own citizens’ hunting throughout its traditional territory, it is the Yukon government that has final jurisdiction over non-First Nation hunting on non-settlement lands.<sup>55</sup> All non-First Nation citizens must obtain a Yukon hunting license to hunt in the Yukon, which entitles them to hunt anywhere in the Yukon except on First Nation Category A Settlement lands, which are owned and exclusively managed by First Nations. Hunting on all lands is subject to regulation by the government that has jurisdiction over wildlife management on the land in question—First Nation governments on settlement land, the Yukon government on non-settlement land. First Nation governments may permit non-First Nation citizens to hunt on their lands, and may charge them a fee to do so, but those hunters are then subject to First Nation wildlife laws, as well as general Yukon hunting laws.<sup>56</sup>



FIG. 10.5: Entering Kluane First Nation Government Settlement Land. Photo by Paul Nadasdy.

## Imposing Territoriality in the Southwest Yukon

The new territorial divisions created by the Yukon agreements were initially devoid of social meaning for most Yukon Indian people. Over time, however, this has begun to change. Like Thongchai's maps of Siam, the maps attached to the Yukon land claim agreements were created as models for a new territorially ordered form of governance, as mechanisms for the creation of a particular system of legal, administrative, and jurisdictional relations. To the extent that they now undergird a complex system of political and legal relations, these maps and the territories they create have gradually assumed significance not only in the realm of Indigenous-state relations, but among Yukon Indian people, as well. One of the most important aspects of this is the rise of ethno-territorial nationalism among First Nations, about which I have written elsewhere.<sup>57</sup> Closely associated

with the rise of First Nation nationalism, however, is what Vandergeest and Peluso refer to as the “territorialization of resource control.”<sup>58</sup>

They argue that, “all modern states divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used. These zones are administered by agencies whose jurisdictions are territorial as well as functional.” And they note further that the maps created by these bureaucratic agencies play “a central role in the implementation and legitimation of territorial rule.”<sup>59</sup> In Canada, as elsewhere, the imposition of state regimes for the management of wildlife and other renewable resources has played an important role in this territorializing process, which has taken place on multiple scales. The federal government long ago devolved the management of fish and wildlife to the provinces and territories, which generally have jurisdiction over these matters within their respective borders.<sup>60</sup> But the provinces/territories are themselves internally territorialized. The Yukon government, for example, has subdivided the entire Yukon into game management zones and sub-zones (Fig. 10.6). At the same time, other government maps subdivide the Yukon into conservation officer districts, outfitting concessions, and/or trapping concessions (Figs. 10.7–10.9). Although they overlap and otherwise fail to correspond to one another, each of these internally territorializing maps is essential for administering some aspect of human-wildlife (and human-human) relations in the Yukon. As models *for* wildlife management, they (or some earlier version of them) were crucial for developing the administrative mechanisms of the Yukon government’s Fish and Wildlife Branch, and they remain vital tools for implementing and enforcing hunting, fishing, and trapping regulations.

Arbitrary as they are, the internal territories created by these maps have come to structure people’s actual experiences on the land. Wildlife biologists, for example, tend to bound their wildlife surveys by management sub-zone, and outfitters and trappers, because they are only legally permitted to guide hunters or trap within their respective concessions, tend to focus their activities there. As a result, these maps now play a critical role in shaping how wildlife biologists, outfitters, trappers, and others actually come to know and think about the land and animals. In this way, the internal territories of wildlife management serve to structure



FIG. 10.6: Game Management Areas, © Yukon Department of Environment, Information Management and Technology Branch, 2016.



FIG. 10.7: Conservation Officer Districts, © Yukon Department of Environment, Information Management and Technology Branch, 2016.



FIG. 10.8: Outfitting Concessions, © Yukon Department of Environment, Information Management and Technology Branch, 2016.





FIG. 10.9: Trapping Concessions, © Yukon Department of Environment, Information Management and Technology Branch, 2016.

the kinds of management interventions that are possible and even *thinkable* by various actors.<sup>61</sup>

Yukon First Nation final agreements do not disrupt the territorial order of state wildlife management; on the contrary, they merely superimpose a new layer of internal management-relevant territories upon the old. Maps of First Nation traditional territories and settlement lands have now joined those showing game management zones and trapping concessions as important tools for delineating how and by whom Yukon lands and resources can be used.<sup>62</sup> Just as the older administrative maps were models for the complex of human-environment relations they helped bring into being, the new First Nation Final Agreement maps also envision a new set of relations among humans, land, and animals; and they take for granted a set of far-reaching social and institutional changes whose intent is to transform that vision into reality. Principal among these changes has been the institutionalization of First Nation “management” through the creation of First Nation bureaucracies modeled on those of the Yukon government.

Because they now have legal jurisdiction over fish and wildlife (and other renewable resources) on their settlement lands and over First Nation hunting throughout their entire traditional territories, self-governing Yukon First Nation governments have had to create their own bureaucratic mechanisms for managing these resources. As in the Yukon government, First Nation resource officers are generally housed within departments that manage all aspects of land and resource use. Kluane First Nation’s resource officer, for example, is in charge of managing all renewable resources, and answers to the director of KFN’s department of lands, resources, and heritage (hereafter Lands Department). The creation of First Nation management bureaucracies is having a significant effect on how First Nation citizens can relate to one another and to the land and animals. One of these effects, predicted by Sack, is that “by classifying at least in part by area rather than by kind or type, territoriality helps make relationships *impersonal*.”<sup>63</sup> As the following story illustrates, the replacement of personal by impersonal social relations is an important aspect of the territorialization of resource control in the Yukon.

In the summer of 2006, as we were about to depart for several days of moose hunting around Fourth of July Creek just across the KFN-CAFN (Champagne and Aishihik First Nations) border, Joe Johnson surprised

me when he said that in preparation for the hunt he had obtained a Yukon hunting license. Recall that under the terms of KFN's Final Agreement, Joe, a KFN citizen, was free to hunt anywhere in KFN's traditional territory without a Yukon hunting license. To hunt within another First Nation's territory (such as along Fourth of July Creek), however, he had a choice: he could either get permission to hunt there from that First Nation (in this case, CAFN), or he could obtain a Yukon hunting license in the same fashion as any non-Indian Yukon resident and be subject to Yukon—rather than First Nation—hunting regulations. I was completely taken aback to learn that Joe had done the latter. As noted above, it was no more difficult for him to obtain a Yukon hunting license than to get permission to hunt from CAFN, but to do so was politically and culturally unpalatable, because it required him to submit to the authority of the Yukon Fish and Wildlife Branch. Indeed, years before, Joe himself had flouted Yukon hunting regulations and risked imprisonment by “illegally” hunting Dall sheep for his father's funeral potlatch, without which, he felt, it would have been impossible to carry out a proper ceremony.<sup>64</sup>

Relations between KFN and CAFN are friendly, and there is considerable day-to-day social interaction between Kluane and Champagne/Aishihik citizens, nearly all of whom, including Joe, have very close relatives (spouses, parents, children, siblings, or cousins) in the other First Nation.<sup>65</sup> Hence my surprise when I learned about his choice to obtain a Yukon hunting license rather than go through the CAFN lands department. When I asked him why he had done so, he explained that the summer before, the last time he and I had hunted together up Fourth of July Creek, he had asked CAFN for permission to hunt. In response, they sent him a letter granting him permission to hunt there for one specific week only. After telling me this, he looked at me for a while, his eyes smouldering. Then he went on to say that if a CAFN citizen asks for permission to hunt in Kluane territory, “we give them as much time as they want.” He said he had decided to get a Yukon license so he could hunt wherever he wanted, and would not have to put up with such insulting treatment anymore.

Two decades before, it would also have been unthinkable for a Yukon Indian person to deny or limit another's right to hunt anywhere he or she wanted. In light of the continuing cultural and economic importance of Indigenous hunting in the Yukon, and the colonial legacy of wildlife

management in the territory, it is hard even now to imagine one Yukon Indian person denying another's right to hunt. In the case of Joe's application to CAFN the previous year, wildlife officials were able to restrict his ability to hunt in the way they did only because of the prior creation of a bureaucratic apparatus for managing fish and wildlife, a development that was itself wholly dependent upon the creation of jurisdictional boundaries between the two First Nations. CAFN's agreements have been in place since 1995, so in 2006 they were much further along in the process of establishing their own government institutions than was KFN, which had been self-governing only since 2004. CAFN had by then established a formal permitting process to deal with requests like Joe's. As a result, the limitation on Joe's ability to hunt was issued not by a specific person, but by the First Nation's bureaucratic apparatus. Thus, Joe's anger was directed not at a specific person acting in a culturally inappropriate manner, but at "them"—CAFN's impersonal management bureaucracy.

Joe's impression that KFN regularly and routinely granted citizens from other First Nations permission to hunt in their territory was rooted in his many years of experience in the KFN office, where he served in various capacities, including several terms as chief, until his retirement in 1996. During those years, KFN dealt with requests for permission to hunt in an informal, ad hoc, and personalized manner. From my own observations in the KFN office between 1995 and 2003, I, too, got the impression that KFN routinely granted such requests from citizens of other First Nations. The issuance of letters of permission—mostly to CAFN hunters—had seemed to me little more than a formality. But things began to change after KFN's agreement came into effect on 2 February 2004. On 15 April of that year, the director of KFN's lands department told me that she was regularly fielding calls from CAFN citizens requesting permission to hunt in KFN territory. Since the newly self-governing KFN as yet had no policy in place for dealing with these requests, she said, she had no choice but to deny them permission. She admitted this was a difficult situation, because many of them got quite angry when she told them they could not hunt. She said she hoped KFN and CAFN would soon sign a sharing accord to deal with the problem. In fact, KFN and CAFN, along with the Ta'an Kwäch'än Council (the Southern Tutchone Tribal Council's third member), signed a sharing accord back in 1997, but KFN did not ratify it because of concerns about whether they had the legal authority

to do so, given their one-hundred-percent overlap with White River First Nation (WRFN).<sup>66</sup> The legal implications of the overlap issue did not disappear when KFN became self-governing, with the result that there was still no sharing accord in place in 2006, when Joe Johnson wanted to hunt on Fourth of July Creek.

Overlap with WRFN was not the only obstacle to formalizing reciprocal hunting rights between CAFN and KFN citizens. By 2006 there was a growing concern, especially among some younger KFN citizens, about possible over-hunting of moose in KFN's territory owing to encroachment by CAFN citizens. Several of them independently expressed to me their concerns about the number of CAFN citizens who had recently been hunting in the Donjek River valley, deep in Kluane territory. One man—the same, incidentally, who also orchestrated the raising of signs on the Alaska Highway to mark the boundaries of Kluane territory (see Fig. 10.3)—told me it was imperative that KFN get its government up and running as soon as possible, so that Kluane people could control hunting by citizens of other First Nations and thereby protect their animal populations. The implication of his statement was clear: without an impersonal bureaucratic screen of laws and regulatory processes in place, it would remain very difficult for any KFN citizen to deny—or provide only limited approval to—requests by citizens of other First Nations to hunt in Kluane territory.

As of the summer of 2011, the Southern Tutchone First Nations had yet to ratify a Sharing Accord. In fact, much of what I describe above had become institutionalized; as a matter of policy, CAFN was issuing permits that were valid for two weeks only and were also species-specific. CAFN is a bit unusual because of its proximity to Whitehorse; other First Nations were generally responding to requests for permission to hunt by issuing permits that were good for the whole season. By contrast, and in a break with the recent past, KFN was not granting citizens of other First Nations permission to hunt in their territory at all. One Kluane citizen who worked for a time in KFN's lands department acknowledged that this causes anger among those whose requests are denied, but defended the policy as necessary for protecting Kluane animal populations.

## The Instability of the Territorial System

It is becoming more common to hear Yukon Indian people invoke the language of territoriality to assert their First Nation's exclusive rights to control the resources within its traditional territory. But territorial sentiments of this sort do not always take precedence over cross-cutting relations of kinship and reciprocity. Non-territorial principles governing social relations remain strong among Yukon Indian people, and provide the basis for a trenchant moral critique of the new territorial regime. Vandergeest and Peluso note that territorialized resource management regimes are often unstable due to factors ranging from the state's inability to enforce them in the face of local resistance to conflict among government agencies with competing territorial mandates.<sup>67</sup> Because of "the lack of fit between lived space and abstract space," they argue, a government's territorial strategy for controlling resources is "often a utopian fiction unachievable in practice because of how it ignores and contradicts peoples' lived social relationships and the histories of their interactions with the land."<sup>68</sup> The territorialized resource management system in the Yukon is unstable for some of the same reasons.

One source of the new territorial regime's instability is its own complexity. Even a cursory comparison of Figs. 10.1, 10.2, and 10.4–10.7 reveals inconsistencies across and among the internal territories created for wildlife management in the Yukon; they cross-cut, overlap, and otherwise fail to correspond to one another. The result is a territorial regime of such complexity that even officials in the Yukon Department of Environment can sometimes get confused. In 2007, for example, a member of the Dän Keyi Renewable Resources Council (DKRRC)—the Renewable Resources Council established pursuant to KFN's final agreement—told me that Yukon government officials had recently contacted the council to inform them that they were planning to conduct fisheries research in two lakes within the council's jurisdiction, Tincup Lake and Wellesley Lake. He told me that the council had thanked them for the heads-up, but politely informed them that Wellesley Lake was actually well outside the council's jurisdiction. Shaking his head, he told me that the government biologists had seemed completely unaware of the terms of KFN's agreement and the jurisdictional implications it has for wildlife management in the region.<sup>69</sup> Similarly, in 2011, I was told that a CAFN citizen had recently shot

a moose within the no-hunting corridor along the Alaska Highway near the Duke River on KFN settlement land. KFN officials wanted the Yukon government to charge him for hunting illegally, but the regional conservation officer had refused, claiming he had no authority to do so because KFN and CAFN were both signatories of the Southern Tutchone Sharing Accord.<sup>70</sup> The conservation officer had then been surprised to learn that KFN had never ratified the accord (back in 1997), and promised that in the future he would bear that in mind.<sup>71</sup>

If even Yukon government officials—whose job it is to know these things—can sometimes be unclear on the details of the new resource management regime, it should hardly come as a surprise that First Nation hunters and the general public, too, sometimes have trouble keeping it all straight. This general ignorance of a complex regime contributes to its instability; yet, for many First Nation hunters, something more than mere ignorance is at work. Unlike Yukon government officials, who accept—even take for granted—the underlying territorial premise of the new management regime, the same cannot be said for many First Nation hunters.

Yukon Indian people, like Indigenous peoples elsewhere, long chafed under hunting and trapping regulations imposed upon them by state wildlife managers. It was not merely the specific regulations that they resented (although some of these were particularly onerous), but the very idea of management itself. The idea of wildlife management, rooted as it is in the political and economic context of capitalist resource extraction and based on an agricultural metaphor, sits uneasily with Yukon Indian people's ideas about proper human-human and human-animal relations.<sup>72</sup> For them, to hunt is to participate in a complex web of reciprocal social relations among human and other-than-human persons.<sup>73</sup> To be sure, these relationships can at times be difficult and fraught with danger, so hunters must manage them with considerable care. But this kind of "management" is an intensely personal affair, involving introspection and self-control rather than the coercion of others. The idea that some outsider—who is by definition ignorant of the delicate and complex web of social relations in which the hunter is enmeshed—should dictate the terms of the hunt is anathema to the maintenance of proper interpersonal relations among persons. And the idea that regulations, along with the authority to make them, should vary according to arbitrarily defined geographical areas—rather than the particularities of those interpersonal relations—verges on

the nonsensical. Finally, I would note that the very act of regulating the behaviour of others by telling them directly what they are permitted to do and where is itself deeply inconsistent with the norms of proper social interaction among Athapaskan peoples.<sup>74</sup>

Thus, although the new agreements do grant First Nation people significant new powers to manage and co-manage renewable resources throughout their territories, the very exercise of those powers threatens to transform the ways in which they relate to animals, and, perhaps even more significantly, to one another with respect to animals. The fact that it is now First Nation—rather than Yukon—government officials who claim the authority to interfere with the interpersonal relations of the hunt by dictating to hunters what they may do and where does not seem like much of an improvement to many First Nation hunters. As a result, some—even among those who may be otherwise supportive of the new agreements—find ways around the territorial regime of resource management or else refuse to comply with it altogether.

A case in point: one of the first acts of the newly self-governing Kluane First Nation in 2004 was to institute a permit system for the cutting of firewood on its settlement lands. Nearly five years earlier, a fire had raged through the area, nearly burning down the village and leaving a twelve-kilometre-long swath of easily accessible standing dead timber. The new permit system was primarily intended to control the harvest of firewood by commercial cutters from as far away as Haines Junction and even Whitehorse. Permits to cut firewood for personal use were issued free to KFN citizens and other local residents, although they did specify where the permit holders were allowed to cut. For non-First Nation citizens, including commercial cutters, the new system was but a minor change; it simply meant getting a permit from KFN rather than from the federal government, as they had previously been required to do. For KFN citizens, however, who until then had had the right cut firewood anywhere they wanted without a permit, it meant submitting to the territorial authority of a government, in this case KFN. Even though permits were free to KFN citizens, and KFN's Lands Department granted permits to cut wherever its citizens requested, there was a great deal of grumbling in the village about the new policy. Some KFN citizens refused outright to obtain permits on the grounds that no one had the right to tell them when, where, or how much firewood they could cut. Indeed, it seems that Yukon Indian people



now increasingly view their own First Nations' management bureaucracies—along with co-management bodies like the Renewable Resources Councils—with considerable suspicion, simply because they have assumed the role of “managers.”<sup>75</sup>

Even when First Nation people do abide by the new rules, they are sometimes able to subvert the impersonal bureaucratic control imposed by the new territorializing agreements. Indeed, the agreements may even be giving rise to new kinds of social relationships that cross-cut traditional territory boundaries. For example, because First Nation hunters can effectively avoid the need to obtain a hunting permit from another First Nation if they are accompanied on the hunt by a citizen of that First Nation (who can claim to have done the shooting), at least some hunters are cultivating a Yukon-wide network of “hunting buddies” upon whom they can prevail whenever they wish to hunt outside their own First Nation's territory. One First Nation hunter told me in 2011 that he has hunting buddies all over the Yukon. The first thing he does if he wants to hunt in another First Nation's territory is to phone one of his buddies in that First Nation. Only if none of them is available to hunt with him does he formally request permission to hunt from the First Nation government concerned.

In light of all this, it would be inaccurate to claim that Yukon Indian people have internalized the new management regime and its territorial assumptions. Nor can one say that the new agreements have completely transformed Yukon Indian people's relationship to the land and resources. But there can be little doubt that the new territorializing maps and boundaries function as *models* for a powerful new system of legal and administrative relations. While this system has not replaced Indigenous ways of relating to one another and the land, it does undermine them, and poses a serious obstacle to those First Nation citizens who would continue to relate to the land and animals—and to one another—as their grandparents did. Those who choose to do so often transgress not only Yukon law, but now also their own First Nation's laws, risking fines and possibly even imprisonment in the process. Even when First Nation citizens find creative ways to subvert the new territorial system (through the cultivation of hunting buddies, for example), they must grapple with and adjust their practice to accommodate it. Thus, the new territorial system must be seen for what it is: a powerful engine for social-ecological change.

## Conclusion

Although I maintain that land claim and self-government agreements in the Yukon are imposing a new territorial political order in the Yukon, I do not mean to imply that it is being imposed—in some straightforward, top-down fashion—on Indigenous people by the Canadian government. Rather, the agreements have resulted from decades of struggle against colonial policies; and they grant Yukon First Nations significant powers to govern their peoples and resources. Those powers, however, come in the currency of territorial sovereignty, and to wield them Yukon Indian people have had to alter their forms of social and political organization in dramatic and often unforeseen ways. One of the most important dimensions of this territorializing process has been the rise of First Nation resource management bureaucracies, which compel Indian people—bureaucrats and citizens alike—to relate to the land and animals in new ways (though not always in the ways resource managers intend). The fact that the agreements are having such a transformative effect on human-animal-land relations is significant because the preservation of hunting practices, and the social relations they entail, was one of the principal goals motivating Indian people to enter into land claim negotiations in the first place. There is, then, a certain political ambiguity in the territorially ordered political system currently emerging in the Yukon. Rooted as it is in colonial administrative practices, the new configuration of territorially constituted First Nations must be viewed as a legacy of colonial rule, of federal efforts to incorporate Yukon Indian peoples more firmly into the Canadian state. At the same time, however, this territorial system is also the product of Indigenous resistance to colonial incorporation, a result of forty years of struggle and compromise. In other words, the new territorially ordered system must be viewed as both an assertion of territorial sovereignty by Yukon First Nations (and recognition of that sovereignty by Canada), and, simultaneously, as a process of internal territorialization that is creating new territorial units (and identities) within the Canadian state.<sup>76</sup>

It is hard to imagine how it could have been otherwise. The territorial assumptions underlying First Nation final and self-government agreements in the Yukon are so fundamental to contemporary political thought that non-territorial forms of governance are not even recognized as potential alternatives to colonial rule: First Nation self-government must be

territorially ordered or it will not qualify as “government” at all.<sup>77</sup> Michael Asch has argued convincingly that the Canadian government’s claim to sovereign jurisdiction over Canadian territory is itself rooted firmly in the underlying assumption that contact-era Indigenous people were too primitive to have governments.<sup>78</sup> A central challenge for Yukon First Nations in the land claim process has been to convince the federal government that they are capable of self-government (i.e., that they are no longer too “primitive” to govern themselves), and the only permissible evidence of this capacity is the ability to establish and run a European-style, territorially ordered government. Kluane negotiators were regularly forced to counter veiled suggestions that they were not yet ready for self-government with assurances that they would indeed develop Euro-Canadian style laws and political institutions.<sup>79</sup> This same paternalistic subtext is evident in calls, by now taken for granted, in Canada’s self-government discourse for First Nations to “build capacity”—a euphemism for Euro-Canadian-style training that enables them to serve as the bureaucratic functionaries increasingly required by land claim and self-government agreements—as though they lacked the “capacity” to govern themselves before the arrival of Euro-Canadians.<sup>80</sup> Yukon First Nation negotiators thus found themselves in a grimly ironic position: the only way they could convince federal negotiators that they were politically mature enough to handle “self-government” was to agree to the establishment of a socio-political system that was not their own. In an important sense, then, the Yukon agreements can be viewed as part of an ongoing process of internal territorialization in Canada. Because this process compels Indigenous people to adopt Euro-Canadian forms of governance, it serves to extend the colonial project even as the agreements grant newly emerging First Nation polities a measure of power within the state context.

## Notes

- 1 Although based in part on an article previously published in *Comparative Studies in Society and History*, this chapter has been significantly rewritten and reframed for inclusion in this volume. Thanks to all the participants at the authors' meeting in Peterborough for comments and discussion, which inspired me to develop this chapter in a new direction. Thanks especially to Stephen Bocking and Brad Martin for their insightful comments on my draft manuscript and for all their editorial work, as well as to Gerry Perrier at Environment Canada for help with the maps. I would also like to acknowledge the National Science Foundation and the Wenner-Gren Foundation for funding the research on which this article is based. As always, I wish to thank the people of Burwash Landing for their friendship and hospitality, particularly the late Joe Johnson, Luke Johnson, Robin Bradasch, and Gerald Dickson, who, along with Jim Bishop, Ron Sumanik, and other government negotiators, helped me understand many of the processes I discuss in this article. Any errors are mine alone. Thomas Biolsi, "The Birth of the Reservation: Making the Modern Individual among the Lakota," *American Ethnologist* 22, no. 1 (1995): 28–53; Eric Cheyfitz, *The Poetics of Imperialism: Translation and Colonization from The Tempest to Tarzan* (New York: Oxford University Press, 1991); William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983); Carolyn Merchant, *Ecological Revolutions: Nature, Gender, and Science in New England* (Chapel Hill: University of North Carolina Press, 1989); James Tully, "Rediscovering America: The Two Treatises and Aboriginal Rights," in *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993), 137–76; Nancy M. Williams, *The Yolngu and Their Land: A System of Land Tenure and the Fight for its Recognition* (Stanford: Stanford University Press, 1986).
- 2 Notwithstanding the long and contentious debate over whether the family hunting territories of the eastern North American subarctic constituted an Aboriginal form of private property. See Paul Nadasdy, "Property' and Aboriginal Land Claims in the Canadian Subarctic: Some Theoretical Considerations," *American Anthropologist* 104, no. 1 (2002): 247–61 for an overview of that debate.
- 3 Nadasdy, "Property' and Aboriginal Land Claims."
- 4 Robert Sack, *Human Territoriality: Its Theory and History* (New York: Cambridge University Press, 1986), 19.
- 5 Sack, *Human Territoriality*, 26.
- 6 Although Sack and others view the modern state as the quintessentially territorial macro-political form, territorial strategies are utilized in all societies and at all scales. According to Sack, the appeal of territoriality lies in its efficiency. If a parent wants to prevent his or her very young children from playing with dangerous items in the kitchen, for example, it is more efficient simply to exclude them from the kitchen (a territorial strategy) than to try to explain and enforce

- a distinction between those items with which they may and may not play. Sack, *Human Territoriality*, 22.
- 7 Sack, *Human Territoriality*, 15.
  - 8 Although often treated as distinct, property and jurisdiction are so deeply implicated in one another that they might better be viewed as different aspects of state territoriality than as distinct forms of territoriality in themselves. Indeed, assertions of state jurisdiction are based on the assumption that the sovereign state possesses "underlying title" to all the land within its territorial boundaries. For some implications of this in the realm of Indigenous-state relations in Canada, see Michael Asch, "First Nations and the Derivation of Canada's Underlying Title: Comparing Perspectives on Legal Ideology," in *Aboriginal Rights and Self-government: The Canadian and Mexican Experience in North American Perspective*, ed. C. Cook and J. D. Lindau (Montreal: McGill-Queen's University Press, 2000), 148–67.
  - 9 Some, like the Grand Council of the Cree, have become prominent—and sometimes effective—players on the international stage, as well (see the chapter by Carlson in this volume).
  - 10 Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: UBC Press, 2003).
  - 11 Nadasdy, "'Property' and Aboriginal Land Claims."
  - 12 For example, Anthony Giddens, *The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism* (Berkeley: University of California Press, 1981); Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. W. Mills (New York: Oxford University Press, 1946), 78.
  - 13 Thongchai Winichakul, *Siam Mapped: A History of the Geo-body of a Nation* (Honolulu: University of Hawaii Press, 1994), 130.
  - 14 For more on the way in which maps construct rather than merely represent the world, see Denis Wood, *The Power of Maps* (New York: Guilford Press, 1992).
  - 15 Sack, *Human Territoriality*, 53.
  - 16 Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Malden, MA: Polity Press, 1997), 107.
  - 17 Peter Vandergeest and Nancy Peluso, "Territorialization and State Power in Thailand," *Theory and Society* 24, no. 3 (1995): 385–426.
  - 18 Cronon, *Changes in the Land*.
  - 19 Catharine McClellan, *My Old People Say: An Ethnographic Survey of Southern Yukon Territory*, 2 vols. (Ottawa: National Museum of Man, 1975), 14.
  - 20 McClellan, *My Old People Say*, 481.
  - 21 See McClellan, *My Old People Say*, 95–105; and Catharine McClellan and Glenda Denniston, "Environment and Culture in the Cordillera," in *Handbook of North American Indians*. Vol. 6: *Subarctic*, ed. J. Helm (Washington, DC: Smithsonian Institution Press, 1981), 372–86, for a description of the annual subsistence round in the southern Yukon and the entire Cordillera, respectively. For good descriptions of the social dynamics in Athapaskan hunting bands, see Henry Sharp, *The Transformation of Bigfoot: Maleness, Power, and Belief among the Chipewyan*

- (Washington, DC: Smithsonian Institution Press, 1988); and Roger McDonnell, *Kasini Society: Some Aspects of the Social Organization of an Athapaskan Culture between 1900–1950* (Ph.D. diss., University of British Columbia, 1975).
- 22 McClellan, *My Old People Say*, 483. Dominique Legros paints a very different picture of Yukon Indian society in the nineteenth century, one in which family control over critical fishing sites led to the emergence of mafia-like corporate kin groups and extreme social inequality. Dominique Legros, "Wealth, Poverty, and Slavery among 19th-Century Tutchone Athapaskans," *Research in Economic Anthropology* 7 (1985): 37–64. Despite their differences, however, neither Legros nor McClellan ever suggests the existence of distinct polities with jurisdiction over their own bounded territories.
  - 23 McLellan, *My Old People Say*, 13. In the Yukon today there are several "tribal councils," mid-level political entities situated between individual First Nation governments and the Council for Yukon First Nations. These are recent constructions that correspond roughly to linguistic boundaries laid out by early ethnographers in the region; see Barbra A. Meek, *We Are Our Language: An Ethnography of Language Revitalization in a Northern Athabaskan Community* (Tucson: University of Arizona Press, 2010), 128–30.
  - 24 McClellan writes that among the more important Indigenous criteria for classifying people were: "the kinds of technology, the specific food staples or the natural environment most closely associated with the group, the group's distance and direction from the speaker, the name of the particular place where families are congregated at a given point in time, or the histories and kin ties of important persons within a group" (McClellan, *My Old People Say*, 14). Notably absent from her list is language/dialect. Although she notes that Yukon Indian people "easily distinguish dialectal variations and are quick to comment that an individual speaks either 'the same as' they do, or 'a little bit different,' or that they 'can't hear [understand] him at all,'" these linguistic differences were cross-cut by other, often more salient kinds of difference, so that in practice, "Yukon Indians rarely single out language as a primary guide in circumscribing or naming a geographical group" (13–14; but see her entire discussion: 13–16). The low social salience of linguistic difference in the nineteenth century may be attributable in part to the fact that many Yukon Indian people spoke multiple Indigenous languages/dialects (McClellan, *My Old People Say*, 14); Kluane elders confirmed to me the multi-lingual abilities of their grandparents' generation.
  - 25 Catharine McClellan, "Before Boundaries: People of Yukon/Alaska," in *Borderlands: A Conference on the Alaska-Yukon Border*, Whitehorse, Yukon, 2–4 June 1989 (Whitehorse: Yukon Historical and Museums Association, 1992), 8–34. This is not to say that Yukon Indian people had no way of distinguishing legitimate from illegitimate land use. It is simply to say that their criteria of legitimacy were derived from interpersonal rather than territorial relations. As Colin Scott put it for the Cree, "this

- system [of human-animal-land relations] entails specific criteria for inclusion within the network of human beings who practice it. Cree, in their own view, legitimately exercise and maintain their rights as against alien claimants who fail to conform to criteria of sharing and stewardship. Historically, when white men have apparently conformed to tenets of reciprocity, and contributed to stewardship of resources, they have been accorded a measure of legitimate participation in the Cree system. Thus when white men fail these standards, evasion or opposition is deemed legitimate by Cree.” Colin Scott, “Property, Practice, and Aboriginal Rights Among Quebec Cree Hunters,” in *Hunters and Gatherers: Property, Power, and Ideology*, ed. T. Ingold, D. Riches, and J. Woodburn (New York: St. Martin’s Press, 1988), 40. See also Hans Carlson, *Home is the Hunter: The James Bay Cree and Their Land* (Vancouver: UBC Press, 2008) for a detailed historical account of European efforts to conform to—and later reject and undermine—these Cree social standards.
- 26 Long ago, Morton Fried argued that “tribes,” in this sense, far from being a primordial political form, are instead what he called a “secondary phenomenon” because they have emerged almost everywhere as a result of—and in complex relation with—states. Morton Fried, *The Notion of Tribe* (Menlo Park, CA: Cummings, 1975). Recently, James Scott has elaborated on Fried’s argument; see Scott’s *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009), especially ch. 7.
- 27 This is not to say that Indian Act Bands had no relationship whatsoever to the geographical distribution of Yukon Indian peoples at the time of their creation; I simply suggest that the situation was too complex to allow for any straightforward one-to-one mapping along those lines. McClellan characterizes the situation as follows: “Most of the modern government ‘bands’ have probably been organized on the basis of aboriginal territorial groupings, in the sense that those individuals who most often came together in the past probably segregated into the particular local groups that first built their cabins around a particular trading post, mining centre, church or school. Yet each such centre also attracted other families whose ties to the nuclear group were loose or non-existent” (*My Old People Say*, 481). To this one could add a further complication: families that came together at the same trading post at certain times of the year—and so ended up in the same band—often ranged over very different country at other times of the year. For example, some families that ended up in the Burwash band spent much of their year along the Donjek and White rivers, while others were oriented more in the direction of Kloo Lake and the Alsek drainage. The important point here is that Indian Act Bands did not correspond to any preexisting politico-territorial entities, since such entities did not exist.
- 28 Kenneth Coates, *Best Left as Indians: Native-White Relations in the Yukon Territories, 1840–1973* (Montreal: McGill-Queen’s University Press, 1991), 233.

- 29 See Paul Nadasdy, "Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations," *Comparative Studies in Society and History* 54, no. 3 (2012): 499–532.
- 30 The only potential exception is a small part of the southeast Yukon, which was included in Treaty 11, signed in 1921. Even there, however, it is doubtful that Yukon Indians willingly ceded their lands. Although the Canadian government regards Treaty 11 as a land cession treaty, there is ample ethno-historical evidence to show that the Indians who signed it did not view it that way at all, believing instead that they were signing a treaty of peace and friendship. See Michael Asch, "On the Land Cession Provisions in Treaty 11," *Ethnohistory* 60, no. 3 (2013): 451–67.
- 31 It was estimated in 1962 that only 4,800 acres of land in the entire Yukon had been allocated for the use of Yukon Indian people. This included a few very small reserves. Most Indian villages in the territory, however, were not legally designated reserves but were set aside for Yukon Indian people's use by Orders in Council (Coates, *Best Left as Indians*, 235).
- 32 Yukon Native Brotherhood, *Together Today for Our Children Tomorrow* (Whitehorse, YT: Yukon Native Brotherhood, 1973).
- 33 The right to hunt can be viewed as a residual usufructuary right; see Nadasdy, "'Property' and Aboriginal Land Claims." The agreements also provide First Nations and their citizens with some opportunities for preferential employment and other forms of economic development within their traditional territories.
- 34 For example: Kluane First Nation, *Kluane First Nation Final Agreement among the Government of Canada and Kluane First Nation and the Government of the Yukon* (Ottawa: Public Works and Government Services Canada, 2003), 236.
- 35 Kluane First Nation, *Kluane First Nation Final Agreement*, 241.
- 36 Who gets the recommendation depends on which government (First Nation or Yukon) and which department within a government has jurisdiction over the matter in question.
- 37 See Brian Thom, "The Paradox of Boundaries in Coast Salish Territories," *Cultural Geographies* 16, no. 2 (2009): 179–205 for discussion of a similar situation among the Coast Salish on Vancouver Island.
- 38 The only other sizeable area in the Yukon not included within any First Nation traditional territory lies between the Kluane and Champagne/Aishihik territories. It poses less of a problem for First Nations, however, because it is composed of uninhabited and virtually inaccessible mountains and ice fields.
- 39 For example: Kluane First Nation, *Kluane First Nation Final Agreement*, 37.
- 40 For a complete list of provisions not in effect in overlap areas, see Kluane First Nation, *Kluane First Nation Final Agreement*, 35, 39–40, 44.
- 41 The three Northern Tutchone First Nations of the central Yukon signed a Sharing Accord in 1995.



- 42 Nadasdy, *Hunters and Bureaucrats*, ch. 2; see also Norman Easton, "King George Got Diarrhea: The Yukon-Alaska Boundary Survey, Bill Rupe, and the Scotty Creek Dineh," *Alaska Journal of Anthropology* 5, no. 1 (2007): 95–118; and Thom, "Paradox of Boundaries." Carlson also vividly describes Cree hunters' discomfort with drawing territorial boundaries among themselves (Carlson, *Home is the Hunter*, 215–16).
- 43 In our very first meeting, for example, Joe Johnson, then Chief of Kluane First Nation, told me that when driving north on the Alaska Highway, he feels that he has "come home" when Kluane Lake comes into view, and that when driving south he gets that same feeling once he crosses the White River. I did not know it at the time, but this corresponds to the traditional territory boundaries he and other KFN delegates were advocating at overlap negotiations with the White River First Nation; see Nadasdy, "Boundaries among Kin."
- 44 This is precisely what happened in failed efforts to resolve overlap between the Kluane and White River First Nation territories; see Nadasdy, "Boundaries among Kin."
- 45 These areas do still fall under the jurisdiction of the Yukon Fish and Wildlife Management Board, a co-management board established under the Yukon Umbrella Final Agreement with jurisdiction over the entire Yukon. Given the much broader scope of the board's authority, however, it is unlikely its members could devote as much focused attention to issues in the black hole as more "local" members of an RRC.
- 46 The members of First Nations that have not ratified a final agreement, such as WRFN, retain their aboriginal right to hunt in the black hole.
- 47 First Nation citizens, however, do have a treaty-right to hunt on settlement lands within the black hole. Kluane First Nation, for example, has a 18.9-square-kilometre parcel of settlement land at the junction of Onion Creek and the Nisling River, well inside the black hole; see Kluane First Nation, *Kluane First Nation Final Agreement*, 238.
- 48 Nadasdy, *Hunters and Bureaucrats*, 38–41.
- 49 Nadasdy, *Hunters and Bureaucrats*, 55.
- 50 That no First Nation of the central or southwest Yukon claimed the black hole as part of its traditional territory does not mean it was historically unimportant to them. On the contrary, the Nisling River valley has long been a vital hunting and (especially) fishing area for people throughout the region. McClellan, *My Old People Say*, 30–31, 483; see also Yukon Archives, Kluane First Nation Collection, SR234-(1), 1977 interview with Sophie Watt, trans. Billy Joe. Several Kluane people regularly hunted and trapped in the valley (mostly in winter) throughout the period of my fieldwork and continue to do so into the present. Prior to the construction of the Alaska Highway, the Nisling valley was also at the nexus of a set of important trade and travel routes. It was on the "Carmacks Trail," which linked the Yukon River to the upper White River, with branches connecting to Kluane Lake, Aishihik, and the Donjek/White River country. Frederick Johnson and Hugh Raup, "Appendix III: Notes

on the Ethnology of the Kluane Lake Region,” in *Investigations in Southwest Yukon: Geobotanical and Archaeological Reconnaissance*, 159–98, Papers of the Robert S. Peabody Foundation for Archaeology (Andover, MA: Peabody Foundation, 1964), 196. A couple of kilometres above the Nisling’s confluence with the Donjek lie the remains of Lynx City, a key settlement in the region until its abandonment in about 1940. The historical use and occupancy of Lynx City epitomizes the cosmopolitanism of pre-1950s Indigenous society. It was a meeting place for Southern Tutchone speakers from Kluane, Aishihik, and Kloo Lakes; Upper Tanana people from the Yukon/Alaska borderlands; and Northern Tutchone people from along the Yukon River—all of whom were connected to one another by ties marriage and kinship. Gotthardt et al. note that, “at one time, many large potlatches were held [at Lynx City] and it was said that approximately 16 people were buried [there]. Many people lived [there] year round, and when they left, they dispersed to Snag, Burwash or Beaver Creek.” The well-known Copper family, whose descendants are now citizens of half a dozen First Nations in the central and southwest Yukon, was based in the Nisling and lower Donjek valleys. Ruth Gotthardt, Sally Robinson, and Greg Skuce, *Historic Sites in the White River/Donjek River Area* (Whitehorse, YT: Heritage Resources, Government of Yukon, 2004), 6; Catharine McClellan, Lucie Birckel, Robert Bringham, James Fall, Carol McCarthy, and Janice Sheppard, *Part of the Land, Part of the Water:*

*A History of the Yukon Indians* (Vancouver, Toronto: Douglas and McIntyre, 1987), 301. There are still elders alive today—in various contemporary First Nations—who were born at Lynx City and/or spent many of their younger years in and around the Nisling valley. Although Lynx City itself falls just within several First Nations’ traditional territories (Kluane and White River First Nations of the southwest Yukon, and the Selkirk First Nation of the central Yukon; see Figure 10.1), the fact that most of the Nisling valley is not part of any traditional territory at all must be attributed to the ad hoc and uncoordinated nature of the boundary-making process. Prior to ratification of its final agreement, Kluane First Nation attempted to rectify this problem by amending its traditional territory to include the black hole, but it was unable to obtain the required consent of all Yukon First Nations. The chief stumbling block was overlap with White River First Nation; see Nadasdy, “Boundaries among Kin.”

- 51 Kluane First Nation, *Kluane First Nation Final Agreement*, 67. The reason for this somewhat strange phrasing is that under their final agreements First Nations retain aboriginal rights and title to most of their settlement lands (Kluane First Nation, *Kluane First Nation Final Agreement*, 18, 65). The exact nature of aboriginal title remains undefined, but it is deemed for purposes of the agreements to be at least equivalent to fee simple. To complicate matters further, the agreements actually define three different categories of settlement land—category A, category B, and fee simple—and the exact nature of

- First Nation rights differs for each. Ch. 5 of the Yukon agreements (Kluane First Nation, *Kluane First Nation Final Agreement*, 65–79) lays out these rights in some detail.
- 52 Kluane First Nation, *Kluane First Nation Final Agreement*, 68; Kluane First Nation, *The Kluane First Nation Self-Government Agreement among Kluane First Nation and Her Majesty the Queen in Right of Canada and the Government of the Yukon* (Ottawa: Public Works and Government Services Canada, 2003). It should be noted that First Nations also have a set of powers, particularly relating to governance and the delivery of services to their own citizens, that are not confined to settlement land (Kluane First Nation, *Kluane First Nation Self-Government Agreement*, 13–14).
- 53 For a discussion of the settlement land-selection process, see Paul Nadasdy, “The Antithesis of Restitution? A Note on the Dynamics of Land Negotiations in the Yukon, Canada,” in *The Rights and Wrongs of Land Restitution: Restoring What was Ours*, ed. D. Fay and D. James (London: Routledge, 2008), 85–97. Kluane First Nation, for example, has five parcels of settlement land that lie outside its traditional territory. By far the largest of these (18.9 square kilometres) is located in the black hole (see n44). The other four are small, site-specific selections within CAFN’s territory. The largest of these is a fifteen-hectare parcel near the village of Haines Junction, approximately 120 kilometres south of Burwash Landing. Since there is no high school in Burwash, KFN students (along with their parents) often relocate to Haines Junction for several years so they can attend school there. KFN selected land in Haines Junction so it could provide housing for its citizens residing there.
- 54 Kluane First Nation, *Kluane First Nation Self-Government Agreement*, 14.
- 55 First Nations also have the power to regulate the hunting of other First Nations’ citizens in areas that lie “within the geographical jurisdiction of the [Renewable Resources] Council established for that First Nation’s Traditional Territory” (Kluane First Nation, *Kluane First Nation Final Agreement*, 238–39). This means that in overlap areas where there is no overlap resolution boundary, First Nations can only regulate hunting by their own citizens; citizens of another First Nation may be subject to different regulations on the same land; see also Kluane First Nation, *Kluane First Nation Final Agreement*, 35, 40, 44.
- 56 See, for example, Kluane First Nation, *Kluane First Nation Final Agreement*, provisions 16.5.0 and 16.12.0.
- 57 Nadasdy, “Boundaries among Kin.”
- 58 Vandergeest and Peluso, “Territorialization and State Power,” 389.
- 59 Vandergeest and Peluso, “Territorialization and State Power,” 387.
- 60 In fact, however, provincial/territorial jurisdiction over wildlife is complicated by a number of factors. First, the federal government retains jurisdiction over some species, such as salmon and other anadromous fish, which fall under the purview of the federal Department of Fisheries and Oceans. Second, the federal government can pass legislation, such as the Species

- at Risk Act, and enter into international agreements, such as the Migratory Bird Treaty of 1916 and the 1973 *International Agreement on the Conservation of Polar Bears*, which impinge on provincial/territorial jurisdiction over fish and wildlife. Third, because animals do not respect political boundaries, their effective management often requires provinces/territories to work collaboratively with other jurisdictions; a prominent example of this kind of inter-jurisdictional cooperation in the Yukon is the co-management of the Porcupine Caribou herd.
- 61 For analysis of a specific case, see Nadasdy, *Hunters and Bureaucrats*, 193–96.
- 62 It is perhaps worth pointing out that Figures 1–2, which depict First Nation traditional territories and settlement lands, were created by Environment Yukon, the same government agency that produced Figures 6–9, and all are available from the same government website: <http://www.environmentyukon.ca/maps/>.
- 63 Sack, *Human Territoriality*, 33.
- 64 I put “illegally” in quotation marks because he killed them in the Kluane Game Sanctuary; had he been caught, he would have been charged under Yukon law. The Yukon Court of Appeal, however, subsequently ruled in *R. v. Michel and Johnson* (1983) that status Indians did in fact have an aboriginal right to hunt in the sanctuary.
- 65 Some of Joe’s closest relatives were citizens of CAFN, including his paternal uncles, who helped raise him and taught him to hunt.
- 66 Kluane and White River First Nations emerged as distinct political entities from amidst the breakup of the Kluane Tribal Council in 1990 (KTC itself had resulted from the prior amalgamation in 1961 of the Kluane and White River bands). Because traditional territorial boundaries had by then already been agreed to by the parties to the UFA, Kluane and White River found themselves with hundred-percent territorial overlap. For an extended discussion of this overlap and the complications to which it has given rise, see Nadasdy, “Boundaries among Kin.”
- 67 Vandergeest and Peluso, “Territorialization and State Power,” 389–91.
- 68 Vandergeest and Peluso, “Territorialization and State Power,” 389.
- 69 The situation here is particularly complex because it involves special provisions in KFN’s agreement designed to deal with the fact that the Kluane and White River First Nations have hundred-percent overlap. See Nadasdy, “Boundaries among Kin,” for a detailed discussion of the issue and a map from KFN’s agreement that shows Wellesley Lake well outside the area over which the DKRRC has jurisdiction.
- 70 Unless and until KFN negotiates terms by which it will assume powers of law enforcement and the administration of justice (see Kluane First Nation, *The Kluane First Nation Self-Government Agreement*, 17–19), it is Yukon—rather than KFN—officers who are charged with enforcing both KFN and Yukon laws.
- 71 There are different ways in which one might interpret these incidents of official ignorance. Andrew Mathews shows that the “ignorance” of state officials is

- sometimes the product of delicate negotiations with their political superiors, on one hand, and their “clients” and/or the local population, on the other. Andrew Mathews, “State Making, Knowledge, and Ignorance: Translation and Concealment in Mexican Forestry Institutions,” *American Anthropologist* 110, no. 4 (2008): 484–94. See also Nadasdy, *Hunters and Bureaucrats*, 56–59. I do not have sufficient information about these incidents to offer an analysis of this sort, but the possibility exists that something other than simple ignorance was involved.
- 72 Paul Nadasdy, “Adaptive Co-Management and the Gospel of Resilience,” in *Adaptive Co-Management: Collaboration, Learning, and Multilevel Governance*, ed. D. Armitage, F. Berkes, and N. Doubleday (Vancouver: UBC Press, 2007), 208–27; Paul Nadasdy, “‘We Don’t Harvest Animals, We Kill Them’: Agricultural Metaphors and the Politics of Wildlife Management in the Yukon,” in *Knowing Nature: Conversations at the Intersection of Political Ecology and Science Studies*, ed. M. Goldman, P. Nadasdy, and M. Turner (Chicago: University of Chicago Press, 2011), 135–51.
- 73 Nadasdy, *Hunters and Bureaucrats*, ch. 2; Paul Nadasdy, “The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality,” *American Ethnologist* 34, no. 1 (2007): 25–43.
- 74 Jean-Guy Goulet, *Ways of Knowing: Experience, Knowledge, and Power among the Dene Tha* (Lincoln: University of Nebraska Press, 1998); Nadasdy, *Hunters and Bureaucrats*, 102–8.
- 75 In 2007, the executive director of the DKRRC and two of its members independently complained to me that local residents seemed to regard the RRC as “the enemy”—even though its members were all also local residents.
- 76 It seems to me that Carlson (his chapter in this volume) makes a very similar argument regarding developments in *Eeyou Istchee* since the signing of the James Bay Agreement. For a discussion of this ambiguous political space, see also Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007).
- 77 This resonates with Liza Piper’s observation (see her chapter in this volume) that Canadian government officials who were interested in improving northern Native diets often did not regard country food as food at all.
- 78 Michael Asch, “From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973–96,” in *Indigenous People’s Rights in Australia, Canada, and New Zealand*, ed. P. Havemann (New York: Oxford University Press, 1999), 428–46.
- 79 Nadasdy, *Hunters and Bureaucrats*, 250–51.
- 80 Stephanie Irlbacher-Fox, *Finding Dahshaa: Self-government, Social Suffering, and Aboriginal Policy in Canada* (Vancouver: UBC Press, 2009). In her chapter in this volume, Tina Loo shows that the Canadian government’s patronizing preoccupation with the need to “build capacity” among northern Native peoples long predates the modern land claim era.