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Returning to Netukulimk: Mi'kmaq cultural and spiritual connections with resource stewardship and self-governance

Kerry Prosper

Paq'tnkek First Nation, kerryprosper@ns.sympatico.ca

L. Jane McMillan

St. Francis Xavier University, ljmcmill@stfx.ca

Anthony A. Davis

Mount Saint Vincent University, anthony.davis@msvu.ca

Morgan Moffitt

University of British Columbia, morgan.e.moffitt@gmail.com

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Abstract

Recent global initiatives such as the United Nations Declaration on the Rights of Indigenous Peoples have brought the issues facing and needs of indigenous peoples to the forefront of international attention. While underscoring respect for traditional practices, these initiatives have yet to appreciate fully the extent to which indigenous peoples' practices engage ways of being, living and believing that encompass a holistic understanding of the relations between humans and all facets of their ecosystem. The Mi'kmaq, the indigenous people of Maritime Canada, capture and express their holistic understanding through the concept of *Netukulimk*. In this essay we review core attributes of *Netukulimk*. We also review key moments in the colonialization assault on *Netukulimk* as a primary means for subordinating and marginalizing the Mi'kmaq. We close the essay with an overview and discussion of recent developments wherein the Mi'kmaq are working to revitalize the place of *Netukulimk* in treaty-based rights and Mi'kmaq law-ways, particularly within self-governance and resource stewardship initiatives. The Mi'kmaq experiences provide insights regarding the challenges and requirements for achieving respect for traditional practices as key to affirming the rights of indigenous peoples.

Keywords

resource stewardship, Mi'kmaq, cultural practices and beliefs, Netukulimk, Aboriginal rights, Indigenous sovereignty

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Introduction

Netukulimk is a complex cultural concept that encompasses Mi'kmaq sovereign law ways and guides individual and collective beliefs and behaviours in resource protection, procurement, and management to ensure and honour sustainability and prosperity for the ancestor, present and future generations. This paper explores the loss and reconstruction of this important Mi'kmaq traditional concept. We use the example of Mi'kmaq moose hunting to illustrate the impacts and consequences of colonial laws and practices on Mi'kmaq ways of being. The case study reveals the obstacles Mi'kmaq face resisting systemic discrimination and domination as they struggle to meaningfully reassert their rights against the state and its bureaucracy. Moose management is only one strategy for reinvigorating netukulimk practices. Compared to lobster fishing or tree harvesting, moose hunting appears to be a modest resource and Mi'kmaq use of it is seen as a less threatening expression of Aboriginal rights to those in power. This story reveals that even the most modest resources have profound meaning for Mi'kmaq livelihoods and nation building, but are an ongoing source of contention for the state when it comes to sorting responsibility in recognizing and facilitating the implementation of Indigenous rights. Examining the reinvigoration of the cultural significance of netukulimk provides insight into Mi'kmaq institution building and nation rebuilding efforts.

The early 1990s United Nations' Rio Declaration signified the re-invigorated interest of world governance fora in and concern with Indigenous peoples' conditions and issues. To date, one of the most tangible outcomes from this is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by 144 member nation states, on September 12, 2007 (UNDRIP, 2007). The United Nations in concert with the passing of the Declaration has also re-invigorated the UN Permanent Forum on Indigenous Issues as a means to assess progress on achieving the Declaration's goals as well as to sustain focus and work on realizing the Declaration's key provisions.¹ Notably, the four nations initially voting against adopting the Declaration, i.e., Australia, Canada, New Zealand, and the United States, have a history of extremely troubled relations and legal struggles with their Indigenous peoples. Australia and New Zealand endorsed the Declaration in April 2010. The Canadian Government had argued that the Declaration was inconsistent with its Constitution and Charter of Rights and Freedoms, the National Defense Act, Supreme Court rulings and Treaty negotiation policies; but reversed its position in November of 2010, quietly signing the Declaration late on a Friday afternoon without much fanfare. The United States followed suit in December 2010. At the events, the representatives for each country stated that they signed the Declaration because they wanted to improve state relations with Indigenous peoples. In Canada the Harper government wanted to quiet their critics and embark on a "new" relationship with Aboriginal peoples. Seven months after ratifying the Declaration, Prime Minister Harper changed the name of department of Indian and Northern Affairs to Aboriginal Affairs and Northern Development during the announcement of his new Cabinet on May 18, 2011, but noted that the name change neither impacts the mandate nor alters the statutory responsibilities of the Minister (INAC, 2011).

The Declaration provides an unambiguous assertion of the "...urgent need to respect and promote inherent rights of Indigenous peoples...especially their rights to their lands, territories and resources" (UNDRIP, 2007, p.2). Many of the rights specified concern the enabling of conditions critical to advancing Indigenous peoples determination of their social and economic development. In McMillan and Davis (2010) we argue, for instance, the language in Articles 3, 18, 20, 21, 23, 27, and 32 in one way or the other affirms the right of Indigenous peoples to self-determination and decision-making with respect to access and use of territories and resources for the purposes of social and economic development. Contextualizing and framing the exercise of these rights, the Declaration affirms within its preamble that the signatories recognize "...that respect for Indigenous knowledge, cultures and traditional practices [as well as affirmation of existing treaties and agreements] contributes to

sustainable and equitable development and proper management of the environment” (Ibid., p. 2).

In moving beyond stated intentions, of course, Nations must be prepared to take on and resolve considerable challenges. First among these in many settings is the need to change existing resource use and socio-economic development policies and practices so that Indigenous peoples are empowered to exercise their rights within a context that enables respect for and expression of traditional knowledge (TK) and culture. In many settings there are conflicts of interest that position the expression of Indigenous rights in direct opposition with existing distributions of economic advantage and political power of non-Indigenous interests. For instance, the right to self-determine socio-economic development requires access to highly valued land and resources that are already possessed and used by others such as private citizens, public agencies and industrial corporations. In such contexts governments are expected to lead in creating the enabling conditions, for example, the redistribution of land and access to resources critical for Indigenous peoples to achieve and express their rights. In 2004 and 2005 the Supreme Court of Canada in the *Haida* (2004, SCC 73), *Taku River Tlingit* (2004, SCC 74) and *Mikisew Cree* (2005, SCC 69) cases, developed the duty to consult doctrine, which says that governments making decisions that may have an impact on Aboriginal rights or treaty rights have a duty to consult the potentially affected Aboriginal communities even prior to final proof of the rights in court or a final settlement on the rights in negotiation processes (Newman, 2009). Yet, governments are enablers for the very entities currently in control of these resources. To date, government resistance to such changes, irrespective of the rhetoric and the privileging of economic and industrial development over Aboriginal rights and title, contributes to stalling progress on these issues.

Perhaps even more challenging than sorting out the legal and material issues is the simple fact that ‘...respect for Indigenous knowledge, cultures and traditional practices...’ requires an understanding that for most Indigenous peoples, relationship with the land, water, sea and life entails culturally and spiritually rooted sensibilities. Theirs is ordinarily a holistic and inter-dependent relationship wherein they are ‘of’ their environmental-ecological context and this context is every bit as much ‘of’ them. Consequently, actualizing ‘respect’ will entail, in the first instance, situating and empowering Indigenous cultures as critical mediums wherein rights, entitlements and actions are conceptualized and expressed. Systemic discrimination across Canadian institutions significantly obscures the potentials of equitable co-existence, inclusive knowledge mobilization, collaborative strategies for cultural alignment and, most importantly, Indigenous sovereignty. All of which are required to enhance the liberty and capacity of Indigenous peoples toward expressing their rights and embracing and transmitting, generationally, the responsibilities associated with Indigenous knowledge and wellbeing. While efforts have been made to include traditional knowledge in areas such as resource management through various co-management schemes, as Nadasdy (2003) demonstrates, these have often been framed by government priorities and have led to the increasing bureaucratization of many Aboriginal communities (Asch, 1997; Warry, 2007). Thus, rather than respecting and empowering Indigenous ways of knowing, many projects that aim to incorporate Indigenous knowledge have undermined or ignored Aboriginal spiritual relationships with their resources.

In Canada, the primary contests to date over these matters occur in courtrooms and mainly concern so-called legal clarifications of treaty-based rights. These processes are contentious and divisive. They take years and millions of dollars to arrive at final decisions, often after appeals of lower court decisions to the Supreme Court of Canada (Wicken, 2002; Coates, 2000; Napoleon 2005). Yet even unambiguous Supreme Court affirmations of treaty-based rights and clarifications respecting the scope of treaty provisions are resisted by government bureaucrats through tactics such as questioning interpretations, blurring definitions of adequate consultation and accommodation, stalling on implementation, and/or insisting treaty rights be restricted by existing policies and practices. Certainly respect for Indigenous knowledge, culture, and traditional practices are far from evident in the approach

of government administrators working with Indigenous peoples' treaty-based rights and entitlements in Canada.

One recent example of the latter strategy concerns a recent Supreme Court decision affirming the Mi'kmaq treaty right to harvest marine resources for commercial purposes known as the Marshall Decision (1999). In response to the Marshall Decision, the Department of Fisheries and Oceans Canada (DFO) insisted that this right be expressed within the existing practice of limited entry access and effort control through allocation management policies such as licenses and quotas, otherwise resource conservation would be jeopardized (Coates, 2000; Wicken, 2002). To this end, DFO set about negotiating deals with each Mi'kmaq band, as well as buying up boats, fishing gear, licenses and quota for distribution to the bands. In the process DFO exacerbated inter Mi'kmaq band divisions and intra Mi'kmaq community conflicts, as well as fuelled Mi'kmaq-non-Native suspicions and deepened negative ethnic stereotypes (Davis & Jentoft, 2001). But against such systemic discrimination, Mi'kmaq communities persist and in the face of conflict they produce culturally aligned strategies of survival supported by tools of governance crafted in their customs that will restore their powers of law making. An example of a post-Marshall strategy is the fisheries management plan designed by members of the Mi'kmaq community of Esgenoopetitj (Ward and Augustine, 2000).

The ingenuity of the Mi'kmaq is expressed through their spiritual and cultural connections to the land and its resources (Henderson, 1997; Marshall et al in Richardson 1989). These connections have endured and evolved since time immemorial (Bourne 2000). In this paper we focus on Mi'kmaq relations and connections with moose as a means to illustrate the character and substance of Mi'kmaq sustained cultural and spiritual relations to the land and its resources. The Mi'kmaq are Indigenous to Eastern Canada, their territory is known as Mi'kma'ki and extends across all of Atlantic Canada and the Northeastern United States. They have endured a long history of colonization in which many attempts were made to eradicate Mi'kmaq relations to their territory and resources (Paul, 2000). However, Mi'kmaq resilience and inherent rights could not be erased and today are being reshaped in the reclamation of their own history (McMillan, 2003, 1997). We explore the Mi'kmaq concept of netukulimk as a reference point for illustrating the essential connection of Mi'kmaq culture and spirituality in their relations with their changing environments, while ensuring their survivance. This culturally rooted concept operates as a guide to responsible co-existence and interdependence with natural resources, each other and other than human entities. It is considered as a body of living knowledge, which underpins the moral and ethical relationships that explains their world in the past and provides for the present by sustaining the future. Netukulimk provides a roadmap to meaningful expressions of rights and entitlements and shapes the governance required to generate sustainable values of interaction and livelihood. To illustrate this concept we examine the culturally significant relations Mi'kmaq people have with moose.

A Note on Sources and Research Methods

Examining Mi'kmaq relations with moose prior to colonization, the impacts of colonization on those relations, and contemporary Mi'kmaq perspectives, required a holistic research strategy open to incorporating direct experience and mindful of customary knowledge. Central to this process was recognition and assessment of the impacts of centuries of colonization and Eurocentric domination on customary knowledge production, transmission and translation and the political environment within which these are articulated today (Smith, 1999; Tobias, 2000).

Customary Mi'kmaq practices, worldviews, and spirituality, particularly with regard to harvesting resources, are reconstructed from a variety of historical and ethnographic sources such as Denys (1672), Hoffman (1955), Thwaites (1898), Upton (1979), and Wallis and Wallis (1955). The primary

source often referred to as the Jesuit Relations and Allied Documents (Thwaites, 1898) has been especially central. This source is comprised of the earliest commentaries and descriptions of Mi'kmaq culture provided by Jesuit missionaries during the 17th and 18th centuries. The content provides a European Christian perspective on Mi'kmaq customary practices and worldviews, meaning more ethnographic-like descriptions are interwoven with judgmental commentaries representing the Mi'kmaq as innocent, simple, uncomplicated and primitive. Indeed, these early accounts inaccurately portray Mi'kmaq as without law or religion. Non-clerical documents such as the accounts provided by Denys (1672), an early explorer and entrepreneur, provide similar descriptions. In addition to the early historical record, the Mi'kmaq and Maliseet Nations News, published monthly by the Confederacy of Mainland Mi'kmaq, was scanned for articles pertaining to past and current accounts of Mi'kmaq relations to the moose and related Mi'kmaq political activities. The articles provide a Mi'kmaq contextual view of both past and present social activities and spiritual perspectives. The newspaper also contains articles that express current views on Mi'kmaq political and resource issues.

Mi'kmaq anthropologist Kerry Prosper conducted fieldwork and participatory observation by attending community forums held by the Unama'ki Institute of Natural Resources as they conducted studies in Potlotek (Oct 25th, 2007), Wagmatcook (Sept 25th-26th, 2009) and Paqtnkek (Nov. 15th, 2007). The studies involved open discussions on the topic of moose hunting. Community members voiced their concerns about past, present and future moose hunting activities. Men and women hunters discussed their anxieties and described their experiences, providing the researchers with their views on current Mi'kmaq and moose relationships.

From the 1990s to the present, Prosper participated in moose hunting excursions each fall on Hunters Mountain in Cape Breton Island. Prosper's experiences enabled observations on changes in moose hunting activities and attending expressions of netukulimk in practice. For example, these hunting experiences enabled Prosper to engage with Mi'kmaq customary value systems, the ways and means whereby Mi'kmaq hunters show respect for moose and each other. He documented the spiritual and traditional rituals and practices such as sharing meat and communal feasting, which are integral to expressions of netukulimk.

Interviews were conducted with active Mi'kmaq hunters to obtain their perspectives on traditional and spiritual connections to resources. One-on-one, open-ended interviews were completed with seven people. The data identified any continued customary practices and connections to resources expressed by Mi'kmaq hunters through their thoughts, understandings and actions. Previous research we conducted with the Paqtnkek First Nation has provided additional insights on the spiritual and cultural connections the Mi'kmaq share and express with the land, water and resources. For example, Mi'kmaq in Paqtnkek still share a special relationship with the American eel to this day. This relationship is similar to the moose as spiritual ties and rituals are expressed through many communal activities that connect Mi'kmaq culturally.

Finally, Prosper and McMillan have engaged in a variety of ways with the Mi'kmaq Rights Initiative, also known as *Kwilmu'kw Maw-klusuaqn* [KMK]. Among other initiatives, the KMK is focused on the design and conduct of a Mi'kmaq Moose Management Initiative (MMI). This initiative is explored through Prosper's and McMillan's research, illustrates the necessity for and efforts of Mi'kmaq communities and leadership to engage the moral principles of netukulimk as the fulcrum for meaningful expression of Mi'kmaq resource treaty rights and governance. In addition, Moffitt completed research with the UINR on the MMI initiative during the fall of 2009 and winter of 2010 and her views are interwoven into the text.

Netukulimk: A Mi'kmaq Concept of Resource Stewardship

The Mi'kmaq people have inhabited the Eastern Coast of what is now Canada for at least 12,000 years (Davis, 1997). During this time, a relationship to the land, water and all wildlife developed. This relationship laid the foundation for how the Mi'kmaq interacted with and respected all life within their circle. The relationship was expressed in various ceremonies and rituals that conveyed Mi'kmaq respect and gratitude for animals, fish, and all other earthly life forms, which today are called 'resources' (Martin, 1978). Netukulimk is expressed through the performance of rituals and the keeping of customary practices. Particular sets of spiritual rules are performed to guide behavior and foster sustainability. Their performance may be interpreted as an expression of Mi'kmaq law ways, or patterns of interaction that are observed and regulated within communities. Special persons in the Mi'kmaq community, gifted people, who possess extraordinary abilities, usually led the rituals and practices, which were witnessed and observed by others. The hunters and all other members of the community obeyed the laws of interaction with the animal world; to do otherwise may bring harm to the sustainability of the resource and hence the wellbeing of the community. The rituals of giving thanks for taking a plant or killing large game, like moose, were guided by actions and values intended to keep a respectful co-existence and co-dependence between human and animal (Prosper, 2009).

The moose was paramount in Mi'kmaq culture. Their bodies provided the means for shelter, clothing, tools, (handles for tools, knives, hide scrapers, spear and harpoon points), medicine, games and food (Hoffman, 1955; Martin, 1978; Snow, 1968; McGee and Whitehead, 1983). Over thousands of years this special dependency, that was both sacred and practical, influenced economic, ceremonial and traditional activities that enhanced the reciprocal relations of survival of both moose and Mi'kmaq (Prosper, 2009). As Martin noted: "The moose and other game animals thus not only furnished food and raiment but were also tied up with the Micmac spirit world" (1978, p.36).

The Mi'kmaq depended on successful hunting to ensure survival particularly during the winter and early spring, the harshest times of the year. To encourage the success of the hunt during this vulnerable period, they developed a spiritual relationship with the moose, and all other forms and processes, in their environment. The Mi'kmaq practiced ceremonies and rituals that demonstrated respect and expressed gratitude to the spirits of the animals for their meat, hides and other body parts. The bones of the animals were always treated with great care. It was considered spiritually dangerous to throw them into the fire or to feed them to dogs (Denys, 1672; Thwaites, 1898; Upton, 1979; Wallis and Wallis, 1955). These acts were considered disrespectful to the animal hunted because they did not allow the spirit of the moose, for example, to regenerate naturally through decomposition and re-absorption into other life forms. Burning the bones, for instance, interrupted the perpetual reciprocity of the life and death relationship between humans, animals and other than human worlds. This sacred connection, as expressed in the nature of the hunt and acts of netukulimk, were integral to the belief systems and law ways governing the relations between humans and animal spirits. The success of the hunt and the availability of the moose depended on the maintenance of this connection by respecting the moose during life and death. Rituals were carefully constructed to ensure the cycle of regeneration was not interrupted.

The Indigenous connections to land, water and all life forms were developed as a cyclical and systematic spiritual relationship that is captured in the life and death cycle of all living things (Spence, 1927; Prosper, 2009). Life and death is a continuous cycle as death provides nourishment for the living. Thus, when humans die they are recycled by and in the soil and, in turn, provide nourishment to the plants. The plants provide nourishment for animals, which in turn provide nourishment for humans. This cycle includes all forms of life. 'Passing on' through death expresses constant change and cyclical processes (Prosper 2009).

Mi'kmaq believe that their ancestors are situated within the circle of life. In the Mi'kmaq worldview, consumption of all life forms, such as plants, trees or mammals, is considered as a celebration of their ancestors, as all deceased are integrated into and with the land, water and air. This cycle is a life force that is expressed as Mi'kmaq animism. As described by Martin:

To the Micmac Manitou was the force that created all things on earth and made all things alive and responsive to man. The Micmac world was filled with super human forces and beings- dwarfs, giants, and magicians; animals that could talk to man and had spirits akin to his own; and the magic of mystical and medicinal herbs-a cosmos where even seemingly inanimate objects possessed spirits. (1978, p.35)

This life force is represented in and generated by all of the Mi'kmaq ancestors who are incorporated within cycles of life and death. Resources contain the remnants of the past ancestors and this belief is incorporated and expressed through spiritual understandings, spiritually guided interactions and ceremonial practices intended to demonstrate respect as well as to maintain balance between food, their hunters and all other forms. The primary responsibility of the living Mi'kmaq is to take care of and respect past relations that continue to provide wellbeing for the people by following the principles and practices of netukulimk.

More than a spiritual connection, cosmology or value system, netukulimk encompasses a complete way of being and sanctions particular types of behavior from its adherents, the Mi'kmaq. Martin (1978) describes a "control mechanism" that guides the hunter and his actions during the chase. As Martin notes "The single most important deterrent to excessive hunting, in the Eastern Algonquian's mind at any rate, was the fear of spiritual reprisal for indiscreet slaughter" (1978, p. 18). The "control mechanism" that Martin alludes to was the unspoken way of interaction with the animal world, or netukulimk. Its principles were embedded in a value system that shaped the interaction between the Mi'kmaq and nature as a set of rules and obligations based on respectful gathering from the land and water in a manner that prohibited resource waste. In addition to guiding hunters and gatherers, Mi'kmaq law ways like netukulimk assisted in managing their interactions with each other, their territory, and the spirit world.

Historically, late springs through early winters were busy times for Mi'kmaq hunters and fishers as they prepared for the winter to 'avoid not having enough', a synonym for netukulimk. The constant need to supply sustenance was managed by the leadership of the Mi'kmaq. Netukulimk was mobilized as a management structure and guidelines for harvesting. This is evident in the decisions made respecting the distribution and regulation of hunting activities within the seasonal round. The expectation was that respectful resource procurement was to be carried out by taking only enough to satisfy while avoiding waste. The distribution of hunting territories regulated the impact of resource extraction in Mi'kmaq lands and allowed for the replenishment of resources in a sustainable manner. The manner in which hunting territories were allocated was a spiritual, economic and political process (Chute, 1999). The leaders assured the availability of game and other resources by altering gathering, fishing and hunting territorial allocations. Care was taken to assure that hunting territories were not exhausted. Thus, through netukulimk a human and animal relationship formed that allowed the survival of both in a sustainable manner (Prosper, 2009). This was reinforced by a set of values that expressed Mi'kmaq consciousness and which helped Mi'kmaq peoples understand their place in the biosphere.

European Colonization: Netukulimk Assailed

As experienced at different points in time by most Indigenous peoples around the globe, every aspect of Mi'kmaq culture and way of being was assailed by Western economic and cultural imperialism. For the Mi'kmaq, colonization is the process by which the French and English exerted political, economic and cultural domination over Mi'kma'ki in an attempt to assimilate the Mi'kmaq and their territory into their empires. Western imperialism and colonization involved almost immediate theft of Indigenous territories and resources as wave upon wave of European ancestry settlers received 'title' and cleared 'grants' of land (Wicken, 2002; Wolf, 1982). This played out in different ways in different places. In the case of the Mi'kmaq, European colonialism resulted in the alienation of Mi'kmaq peoples from traditional resources and hunting, fishing and gathering territories, the marginalization of Mi'kmaq peoples, and the criminalization of Mi'kmaq spirituality and traditional subsistence activities (McMillan, 2011). In Northeastern North America, the British and the French competed for dominion and, in the process, formed vastly different relationships with the Indigenous peoples they encountered.

The French never acknowledged Indigenous peoples' title. Instead, they mobilized a strategy of colonizing through assimilation. In particular, the French championed the work of Catholic missionaries to Christianize the 'natives', and through conversion, to enmesh Indigenous peoples in French culture and imperatives. Additionally, the French encouraged the deepening of integration, dependence and assimilation through means such as inter-marriage and mission-centred education (Thwaites 1898). Until the complete transfer of what is now Maritime Canada from the French to the British, through the Treaty of Paris in 1763, the Mi'kmaq had been subjected to over 150 years of French Catholic mission colonization and assimilation. This period witnessed the first assault on Mi'kmaq culture and way of being, particularly on netukulimk as the basis and framework for their co-dependent relationship with their ecosystem.

With the advent of French colonization of Mi'kma'ki two ideological worlds came into conflict. In particular, the introduction of Catholicism altered ongoing mobilization of netukulimk, thereby severely distorting Mi'kmaq relations with the moose and all other life forms. The priests, rejecting animism as profane, coerced the Mi'kmaq to sever their connections to the ancestor and animal spiritual worlds in order to receive a new god. The priests used fear as their tool of instruction and used trickery and threats to bring spiritually powerful people into submission. They convinced shamans to give up their medicine bundles and become baptized in order to "save their souls." Intolerant of their practices the missionaries accused the Mi'kmaq shamans of being frauds and jugglers in league with the devil (Martin, 1978; Hoffman, 1955; Thwaites, 1898). The Mi'kmaq depended upon the shamans for healing their sick and mediating infractions that may have offended the people's relations in the cycle of life. The missionaries discredited the role of the shamans by demonizing their ceremonies and discrediting their relationship with the people through use of gifts, bribes and fear (Thwaites, 1898; Hoffman, 1955).

The introduction of new diseases strained the confidence and authority the shamans held. Their social position eroded, as they were unable to protect the thousands of peoples who became sick and died from European introduced diseases (Miller 1976, 1982). This situation of uncertainty and distress opened the way for the Jesuits to impress the Catholic Christian belief systems on the vulnerable. The Jesuits both mimicked and undermined the healing practices of the shamans (Hoffman, 1955). The Jesuits devised a strategy to keep the people from moving around by creating fixed settlements and churches, which supplied food and shelter and offered protection to Mi'kmaq during a time when they were being reduced and destabilized from disease. By encouraging sedentary lifestyles, the missionaries were in a better position to proselytize Catholic Christian tenets while actively disrupting Mi'kmaq belief systems, in particular the values and morality of netukulimk and the resource procurement and distributions processes. Many of the Mi'kmaq rituals and customs were displaced and replaced by Christian ceremonies (Robinson, 2004).

French European settlement of Mi'kmaq territory resulted in land loss, deforestation and resource depletion. The French King was viewed as a father figure by the French and somewhat so by the Mi'kmaq. Both parties understood the significance of sharing gifts and trade, which helped fortify the relationship. French and Mi'kmaq lived with a certain level of accommodation in retrospect a primary means fostering assimilation. As Wicken speculates:

In the late 1600s and the early 1700s, a dynamic evolved in Mi'kmaq relationships with the French similar to the one that developed in Canada with the aboriginal communities that were living there. True aboriginal land use patterns in the two regions were not identical. The Acadians settled on land that was used and occupied by the Mi'kmaq. It isn't clear why the Mi'kmaq did nothing[,] while the Acadians settled the land, dyked the marshlands, and expanded their farming activities. Perhaps there were too few émigrés to pose a threat to the Mi'kmaq, or perhaps the lands the Acadians settled were not important fishing or fowling sites. Since there were few records from the early 1600s, there are few answers. Whatever the reasons why co-existence was possible, by the early 1600s Acadians settlement had not resulted in any ongoing hostilities with Mi'kmaq communities. Thus there was no need for either group to resort to military force. (2002, p. 115)

By the late 18th century, when the British assumed complete sovereignty over all Acadia, the Mi'kmaq were a devastated and changed people. It is almost impossible to relate the depth and consequences of the devastation. Capacities to resist, including family and kin support systems, were destroyed by the disease holocaust. A desperate peoples in a desperate situation, the Mi'kmaq where left shattered by the dramatic changes. Without their customary leadership and confidence in customary understandings, practices such as netukulimk were eroded. With the settlement of the British, the Mi'kmaq, powerless, poor and surrounded by Eurocentric racism, experienced further colonization, victimization and cultural genocide. It was clear from the outset that they intended to settle the land as the primary means to integrate Nova Scotia into the Empire (Wicken, 2002). This strategy seriously restricted and confounded Mi'kmaq access to and relations with resources. Conflicting land use ideologies of the Mi'kmaq and the British farmers caused further upheaval in Mi'kmaq relations with moose.

The British initially proceeded as if the land was essentially unoccupied in any meaningful way and, therefore, theirs to claim and use (Wicken, 2002). During the 17th Century 'Indian Wars', many of the region's Indigenous peoples successfully resisted this attempt to steal their territories. Consequently, the British colonizers were compelled to negotiate treaties as the means to secure peace and to obtain legal title to land for settlement. The treaty negotiation processes affirmed Indigenous occupation and title to their territory, affirmed Indigenous nationhood, and specified that Indigenous peoples would receive particular benefits and entitlements in return for surrendering their legally recognized title.

The British, through the course of their imperial contest with the French for dominion over Eastern North America, employed treaty settlements as a means of neutralizing Indigenous peoples. Following the seizure of Mi'kma'ki in the Treaty of Utrecht, the British completed a variety of 'Peace and Friendship' treaties with various Mi'kmaq leaders. These treaties assured the Mi'kmaq undisturbed exercise of their hunting, gathering and fishing ways of life, among a variety of other promises (Wicken, 2000). In return, the Mi'kmaq people were required to declare allegiance to the British Crown and to cease supporting the French. These treaties did not explicitly transfer title to territory from the Mi'kmaq to the British. The British continued employing treaties of 'Peace and Friendship' with various Mi'kmaq communities until the end of the 18th Century as a means for expressing the dominion of the British and the obligations of the Crown for the care and interests of Indigenous peoples. These were the

conditions and the context wherein the Mi'kmaq struggled to retain their cultural and material relations with their ecosystem, and in particular, with the moose.

Moose: A Case in Point

Both animal and human relationships were severely altered by the practices of the British colonization of Mi'kma'ki as populations suffered significant declines throughout the settlement onslaught. Land clearing and the emergence of an extensive forest harvesting industry destroyed wildlife habitats. The destruction of tracts of land disrupted Mi'kmaq ancestor spirits and animals. The netukulimk relationship between Mi'kmaq and moose was significantly jeopardized by the alterations in the environment, increasing British regulation of resources and restricted access to traditional hunting grounds. The ability of the Mi'kmaq to maintain wellbeing through the practice of netukulimk became increasingly difficult.

The Mi'kmaq were not passive, but strongly voiced their concerns as they resisted the destruction of their territories and practices. For instance, a petition in 1853 to the colonial government from Mi'kmaq leader Francis Paul noted that:

The woods have been cut down; the moose and the caribou, the beaver and the bear, and all the other animals, have in most places nearly disappeared. The streams no longer yield their former supplies of fish. So that is it now utterly impossible for us to obtain a livelihood in the way our creator trained us (Petition of Francis Paul, Gorman Paul, Louis Paul and others to Queen Victoria, 14 December 1853, C0127/213.ff.8-25,@19, PANS m/f 13, 1932 in Allen, 2000, p. 111).

Destruction of the habitat at the hands of the newcomers and increasing exclusion from land, shorelines and water had significant consequences for Mi'kmaq capacity to live the way of netukulimk, let alone maintain the integrity of their culture and relations (Miller, 1976). The demands of their daily struggle to satisfy the requirements for life placed the Mi'kmaq in constant stress. Miller stated:

This abrupt shift in the seasonal round and the diet was accompanied by changes in all aspects of Micmac culture. Most relevant here are the changes that physically affected the Micmac people. The Indians themselves, as well as European observers noted the effects of dietary change on health and the fact that lung, chest, and intestinal disorders were increasingly common, especially in winter. With then inadequate food supplies, the Indians were particularly susceptible to the new disorders. (1976, p.122)

The Mi'kmaq had no choice in such conditions but to do what they could to survive. In so doing, their culturally netukulimk-mediated relations with moose were under assault and their survival within the colonial economy, an economy which pursued and rewarded the commercial exploitation of wildlife, was marginalized. The moose populations soon fell to critically low levels. As Pulsifer and Nette note, "By the mid and late 1700's it was obvious that the provincial moose herd could not accommodate the constantly growing demands for meat and hides by Natives, settlers and market hunters" (1995, p. 210). Hunting and harvesting moose to satisfy settler demand for meat provided one of the few opportunities to access the cash Mi'kmaq required to participate in the new economy to purchase food and other necessities, including ammunition, guns and traps. The conditions compelling Mi'kmaq participation in this economy dramatically shifted their relations with the natural environment and ecosystem. Netukulimk was compromised as the moral basis framing and guiding Mi'kmaq relations with nature

due to the competitive character of the market economy, the decline in communal resource procurement strategies and the subservient position of Mi'kmaq within the settler economy.

Yet some Mi'kmaq resisted assimilative forces encouraging them to either join settler society or to cease and desist. Throughout the 19th and early 20th centuries Mi'kmaq leaders repeatedly petitioned the colonial and Provincial governments about the hardships they faced as a result of over-harvesting wildlife, specifically moose, and clearing habitat (Allen, 2000). Mi'kmaq petitioned to have the moose reserved for them and to protect the resources from settlers from harmful hunting practices that disrupted Mi'kmaq abilities to maintain netukulimk strategies.

That the occupation and settlement of the Country by the white man has left the poor Indians of Nova Scotia but a few and scant means of support, the principal difficulty is the moose, which yet remains to afford sustenance to former Lords of the soil. That the gradual destruction of this animal is the subject of deep grief to your petitioners and the final destruction would leave the Indian in a very destitute Condition...That the hunting in the winter season generally commences about the first of February and continues till about the middle of March, that during the month March, if there is any quantity of snow in the woods, it is impossible for the moose to escape the dogs of the white man but is taken with little difficulty and scarcely any resistance...Your petitioners therefore pray that your Honorable House will be pleased to pass a law to prevent the killing of this animal during the month of March except for the [sustenance?] of the Indians. (Petition of Joseph Gload et al close the March moose hunting season to white men 20 March 1844 (PANS RG% Series P Vol. 8A, m #93,m/f 15,605 as noted in Allen 2000, p.17). The final form of the legislation, which received Assent on 19 April 1844, contained no exemption for the Mi'kmaq food harvest (JLA, 19 April 1844, p.175, PANS m .f 3532 as noted in Allen, 2000, p.18).

The first regulations on selling moose meat were introduced in the 1840's and the "concept of regulated hunting seasons" was imposed on Mi'kmaq customary moose hunts. Despite their request, the provision of an exemption for the Mi'kmaq was left out of the final legislation (Prosper 2009). The Mi'kmaq people were to abide by imposed rules regarding seasonal use or be charged with legal offenses if they hunted 'out of season'. The arbitrary imposition of European rules exemplifies the denial of Mi'kmaq law ways by settler society and represent an explicit non-recognition of Mi'kmaq rights or entitlements in maintaining control over their territories. The management of the moose herd was handed over to the Provincial Government under the guise of another new and convenient concept, "conservation" without consultation with the Mi'kmaq, who were the resource stewards for thousands of years.

As the technology for exercising netukulimk changed, so too did the guiding principles of netukulimk. The protections offered by the cultural expression of netukulimk and the exercises of treaty-based access to wellbeing were silenced by colonialism. The Mi'kmaq were forced to hunt outside of the established geographic and regulatory boundaries in order to provide for their sustenance. This brought them into direct confrontation with the new regulatory regime. These clashes lead to legal disputes that brought the old Peace and Friendship Treaties to the forefront. The Mi'kmaq began to resist by employing their understandings of treaty-based rights, privileges, and provisions as the means to assert access and use, as well as to re-establish netukulimk in their relationship to the land and recourses (Prosper, 2009). The Mi'kmaq began to talk about their treaties and the promises made by the British Crown for friendship, as well as about the capacity of these treaties to enable a revitalization of their connection to and expression of netukulimk. The policies of the state, however, were directed to assimilation rather than accommodation.

Premised on the assumption that the Mi'kmaq needed to be protected from increasing encroachment on their hunting territory by settlers, the federal government established the Indian

reserve system (Tanner, 1983). Mi'kmaq reserves were established following the 1876 Indian statute in the British North American Act that brought the Mi'kmaq under what has been referred to by Tanner (1983) as "wardship policy". Rather than protect and preserve Mi'kmaq hunting and fishing territories, reserves were often situated far from traditional harvesting territories. The need for food forced the Mi'kmaq to venture off reserve to hunt. The effect of this separation from favoured hunting and fishing regions was two-fold: the Mi'kmaq were unable to access lands where resources were located to obtain necessary subsistence resources and, as a result, the Mi'kmaq were occasionally unable to hunt altogether. Consequently, there was a loss in traditional hunting knowledge and the ability of Mi'kmaq hunters to pass on their knowledge to the future generations was restricted. Moreover, the concept of netukulimk conflicted with western capitalist ideology, mounting resource competition, increasing sedentism due to Federal policy and reliance on European foods.

The Mi'kmaq began to employ the tools of their oppressors to resist colonial domination. In addition to making petitions to the Crown, the Mi'kmaq fought for their rights and asserted their identities in courts of law. In one case, Grand Chief Gabriel Sylliboy was hunting for food "off" reserve when he was apprehended and charged by the Provincial authorities with hunting out of season and without the required licenses. At his defense Grand Chief Sylliboy stated:

I am a Micmac and was chief for six years. Became chief in 1909. Heard that according to treaty we had right to hunt & fish at any time. I cannot read. Heard it from our grandfathers. Heard that King of England made treaty with Micmac, with the whole tribe. (Objected to.) Remember hearing that goods were given-blankets-under treaty. (Objected to.) About 65 years ago. In the fall before Christmas. Big coats and old faction guns& and powder horns also. And some hides to make moccasins. And some food. In the spring potatoes& [?] some for seed. Tobacco too. And some spears for spearing eels. Where people had little farms they got oats. These goods distributed every six months. Where people hunting they were supplied with powder & shot & a guns (Whitehead, 1991, p. 327-328).

The Crown in this case did not acknowledge the authority of the Mi'kmaq treaties and had the words removed from the court records. The Crown attempted to silence all recognition given to the existence to any treaty between the British Crown and the Mi'kmaq. The right to hunt was nominally recognized within reserve boundaries, but all hunting activities off reserve were criminalized. While convicted, the Chief Sylliboy's experience is considered the first legal case to argue the validity of Mi'kmaq hunting rights (Inglis, Mannette, & Sulewski, 1991). From this point forward one can trace the trajectory of Mi'kmaq legal entanglements as they fight the laws that criminalize their customary practices, beliefs and ways of life. Although the Sylliboy case was decided in 1928, it would take close to 50 years before Mi'kmaq rights were argued in courts again.

The ruling that convicted the late Grand Chief Sylliboy was later reversed in the Isaac case. In 1975, Stephen Isaac was also found guilty of hunting "off" reserve lands. Later, in his appeal, the conviction was quashed at the Supreme Court level.

The reversal was contained in a decision brought down by the Nova Scotia Supreme Court and delivered by Chief Justice MacKeigan. In the judgment which found in favor of an appeal by Stephen Isaac, a Chapel Island Mi'kmaw...Stephen Isaac had been charged under section 150(1) of the Nova Scotia Lands and Forest Act and was found guilty in Magistrates Court. The decision by Nova Scotia Supreme Court Appeal Division allowed in favor of Isaac's appeal and quashed his conviction. This decision was also based on the Royal Proclamation of 1763. In effect in 1975, the Royal Proclamation was validated by the Nova Scotia Supreme Court, meaning that hunting

and fishing rights still existed for Mi'kmaq in Cape Breton (Inglis, Mannette, & Sulewski, 1991, p. 36).

The criminalization of Mi'kmaq hunting and food security continued into the 1980s, when Matthew Simon of Indian Brook First Nation was charged for hunting deer "off" reserve. Again the Mi'kmaq were fighting for their rights in the courts of the dominant society. In the Simon case, the Mi'kmaq used the 1752 Peace and Friendship treaty as a defense. The Supreme Court of Canada ruled in Simon's favor and the Mi'kmaq the treaties were affirmed as valid. This important case protected Mi'kmaq treaty-based rights to hunt anywhere in Mi'kma'ki. While the favorable Supreme Court ruling decriminalized Mi'kmaq hunting activity "off" reserve, the Provincial government authorities continued to deny the Mi'kmaq access to the moose by imposing very narrow limits of recognition of Mi'kmaq treaty entitlements. The Province expanded their regulatory process by which the Mi'kmaq were expected to comply. In response to unreasonable limits to their livelihoods, the Mi'kmaq began to conceptualize and implement a holistic approach to the exercise of their treaty rights. In doing this, Mi'kmaq and their leadership returned to the concept of netukulimk as the values and moral principles reference base upon which to operate Mi'kmaq resource stewardship and governance.

Discussion and Conclusions

Mi'kmaq today are defining netukulimk as: "...A concept which includes the use of the natural bounty provided by the Creator for the self-support and well being of the individual and the community at large" (Native Council of Nova Scotia, 1994). Presently, the concept is articulated in part, as the right to have enough to be well. Russell Barsh describes the belief as a process of sustaining wellbeing:

Netukulimk is the process of supplying ones self or making a living from the land, and netukulimkewel refers to the applicable rules or standards. Interestingly, the closest homophone is nutqw-(insufficiency) rather than pukw-(abundance); thus Netukulimk sounds more like "avoiding not having enough" than like obtaining plenty. The Mi'kmaq were gathering to avoid not having enough and not so much as having plenty. The etymological root meaning of "ntuk" would mean to the Mi'kmaq the provisions needed for the continuation of ones well-being. (Barsh, 2002, p.1)

Mi'kmaq linguist, Bernie Francis describes the model of netukulimk as an ancient belief that translated into English means, "to seek well being". Francis also states:

...[t]his concept has had to evolve to incorporate economic development including "gathering" berries, shellfish, medicines and hunting that also include the modern day concept of knowledge and money, and we must remind ourselves that our gifts come from the Creator (the land, water, and their resources) are sacred gifts. This was built in physically among the Mi'kmaq. In other words, it doesn't have to be spoken of because it is simply understood. (Francis, 2008 – unpublished document)

The Mi'kmaq law ways practiced through the concept of netukulimk are being re-embedded in Mi'kmaq hunting and gathering activities as a political strategy. Netukulimk has been written into the hunting guidelines that were ratified by the thirteen Mi'kmaq Chiefs at the annual Treaty Day celebrations October 1, 1986. With the development of hunting guidelines and the Treaty Hand Book, the thirteen Chiefs, under the direction of the Grand Chief and the Grand Council, the customary

government of the Mi'kmaq, implemented a set of guidelines that the Mi'kmaq were to follow. The guidelines followed the direction and spirit of netukulimk. The concept of netukulimk had not been written into any document until this moment. Once an unspoken concept of moral and spiritual guidance, netukulimk is now spoken and written into a document setting out the hunting guidelines framing Mi'kmaq practice and intentions (Prosper, 2009). The guidelines state:

Until the Mi'kmaq people can come to some agreement with Canada and Nova Scotia on changes to their legislation and regulations, it will be necessary to adopt some interim netukulimkewel, (rules and standards) of our own – both for our own protection and the protection of the animals and fish which form part of our inheritance from the Creator. (The Mi'kmaq Treaty Handbook, 1987, p.14)

The revitalization by the Mi'kmaq of netukulimk is intended to reconnect their severed spiritual relations with land, plants, water and animals and to restore respect for the responsibilities inherent in their rights (Prosper, 2009). Through this, Mi'kmaq are reclaiming their customary position in relationship with moose and all other resources in order to build a sustainable future. Netukulimk offers a relationship of mutual existence and reciprocity between the human and animal world that is spiritually connected and accountable for a continued sustainable existence of all living things here Mi'kma'ki.

Recently, the Mi'kmaq Rights Initiative, Kwilmuk Maw'klusuawn (KMK), created the Moose Management Initiative (MMI). The Moose Management Initiative (MMI) was established with the goal of implementing Mi'kmaq treaty rights and increasing Mi'kmaq autonomy (Moffitt 2010). The project has been spearheaded by the Unama'ki Institute of Natural Resources (UINR) as a direct result of community working groups established throughout on-going negotiations between the KMK, the Government of Canada, and the Province of Nova Scotia. The MMI is a community-based project that uses consensus building to develop Mi'kmaq guidelines for moose hunting and to expand Mi'kmaq jurisdiction over the hunt (Moffitt 2010). The program is deeply rooted in the cultural beliefs and practices of the Mi'kmaq people and in netukulimk in particular.

The MMI program coordinator set up various workshops and discussions in Mi'kmaq communities to talk about the moose hunt with community members. This approach was used to generate guidelines that were created and agreed upon by all Mi'kmaq community members, rather than guidelines created and imposed by the government of Nova Scotia or the government of Canada. Multiple discussions, workshops and drafts were created by the MMI and resulted in the creation of a community-based consensus building mechanism that ensures the guidelines reflect the Mi'kmaq conceptualizations of their relationship with the resource and each other. This consultative approach reflects Mi'kmaq customary law practices of “talking it out”, and demonstrates an important process in nation rebuilding (Jorgensen, 2007; McMillan, 2011). Netukulimk is central to the guidelines created by the UINR and is conceptualized as the traditional method resource management resource extraction. Through the application of netukulimk as a key pillar in the development of Mi'kmaq jurisdiction over moose, the UINR are creating guidelines that are distinct from those laws that regulate non-Mi'kmaq hunters (Moffitt, 2010). The struggle is to legitimize Mi'kmaq laws against the hegemony of non-Aboriginal laws and enforcement and this research has found that the concept of netukulimk is vital in this legitimation process (McMillan and Davis, 2010; Prosper, 2009).

The moose is the catalyst through which the Mi'kmaq implement a sustainable management plan for the moose hunt. The issues of externally imposed regulation verses culturally aligned value system management will be tested. The Mi'kmaq hunters may not accept the implementation of a regulation system that resembles or duplicates the provincial system. The challenge will be the ability of the Mi'kmaq to widely embrace the concept of netukulimk, the spiritual relationship that the Mi'kmaq

once practiced and intersect it with livelihood activities in ways that are meaningful economically and socially. Mi'kmaq are faced with the fact that resources are limited and the exercise of their rights to provide a moderate livelihood, as laid out in the Marshall Decision, may be beyond the capacity of the resource. The "control mechanism" suggested by Martin, could act as a moderating force to individual ambitions that threaten communal sustainability efforts. Personal responsibility requires that one must be aware of the implications of their activities upon the resource and the spiritual relationship that is meant to guide the individual's actions (Prosper, 2009).

The values of netukulimk need to be sewn into the customary fabric that blankets Mi'kmaq ways of life. Such spirituality may challenge those Mi'kmaq who have embraced Catholicism. Attempting to reestablish the spiritual connection Mi'kmaq had to the animal world is a significant undertaking against such a contentious religious history, but this research found that netukulimk remains a vital spiritual connection to the traditional values of Mi'kmaq culture to which more and more people are returning (Prosper, 2009). Netukulimkewe'l guidelines will have to be re-embedded into the value system of the Mi'kmaq and spiritually nourished in revitalized customary rituals and practices. The control mechanism of netukulimk may be utilized to control the overwhelming demands of the free market ideology. Resources like the moose or any other resource, cannot keep up with the ever-increasing demands of humans, without better stewardship and communal responsibility. The intervention of spiritual laws that are connected to the animal world and that should manage human behavior spiritually is represented in netukulimk for many Mi'kmaq (Prosper, 2009). Mi'kmaq must reposition themselves spiritually and culturally with their resource use and environment. "Our youth are reaching out for their culture, our land and resources, like the moose, and for our help. Past concepts for a future hold many changes and we need our all of our relations to help us embrace them" (Prosper field notes 2009).

In conclusion, most Indigenous cultures have developed holistic understandings of and relations with their ecosystems. Consequently, the '...respect for Indigenous knowledge, cultures and traditional practices...' championed within the UN Declaration on the Rights of Indigenous People necessarily requires situating the definition and exercise of 'rights' with respect to the prerogatives and core attributes of Indigenous cultures, including their moral and spiritual qualities. For the Mi'kmaq, their concept of netukulimk embodies the spiritual and moral substance that is essential and foundational for relations with ecosystems, as well as the basis for sustainable use of resources.

Yet, the last centuries of colonization and imperialism, including the imperatives of neo-liberalism and globalization, have penetrated and eviscerated much of Indigenous peoples' cultures, including their spiritual and moral worldviews. For many, such as the Mi'kmaq, empowering and exercising 'rights' can only move forward through revitalization of their customary practices, particularly the moral and spiritual guidance that these practices can provide for responding to the challenges and opportunities of modernity. Among the challenges facing the Mi'kmaq, as well as other Indigenous peoples, is reaffirming the place of customary practices and morality as the necessary means for a sustainable and independent future. Respect of and support for Indigenous rights requires substantial respect of and support for customary beliefs and moralities, such as netukulimk. Such beliefs and moralities are being recast and revitalized as core reference points in the ways and means that Indigenous peoples develop to undertake their exercise of 'rights' and stewardship in their relations with ecosystems and resources.

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ⁱ http://www.un.org/esa/socdev/unpfii/en/session_ninth.html.