

**Arctic Oil, Arctic Change: A Threefold Framework for Evaluating Pressures for Rural Oil
and Gas Extraction in Alaska and the Northwest Territories**

by

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Abstract

Oil has driven migration, community growth, and governance of the last century in the North. Today, as Arctic global warming surpasses 1°C with “profound consequences” (IPCC, 2019) for the North, the relationship between oil and climate change cannot be ignored. In light of this tension, this research asks: how is oil development structurally and politically incentivized, even as the North faces disproportionate impacts of climate change that directly threaten the cultures, infrastructure, and economies of communities? More specifically: what roles do governing bodies and institutional mandates – as well as dominant power structures such as settler colonialism – play in ensuring oil extraction continues? Using comparative approaches, this work answers these questions from a Northern perspective, animated by frameworks of settler colonialism, clientelism, and rural theory. Methodologically, this research utilizes relevant academic literature and primary documents that detail land arrangements, policy changes, and power dynamics within relationships in order to resituate the complex nature of policies, underlying values, and relational considerations that entrench oil extraction in Alaska and the Northwest Territories. This research finds that though policy incentives provide opportunities for oil and gas extraction, rurality and the settler colonial state’s emphasis on extraction as a value create a mandate for oil and gas extraction. Clientelist relationships between Indigenous corporations and the oil and gas industry further extraction, but function as a way of maximizing opportunity within present scenarios for the client rather than as a form of soft corruption on the part of the patron, as it is often characterized. Overall, this research challenges the limited scope of the environment vs. development binary often applied to understanding oil and gas extraction in the North, concluding instead that concepts of rights and sovereignty offer more accuracy to understanding oil and gas extraction in the Northwest Territories and Alaska. Ultimately, these

results have implications for understanding how ongoing oil extraction can be reconciled with climate change in a region that is ground zero for both, as well as understanding broader systems of political power and political development across the North.

Preface

What does oil mean to the North? This question is one that I have sought answers to since learning about its impacts and potential on my home in Alaska. If climate change could reshape the world I knew and oil was one of its root causes, why was its extraction something to be prized? This thesis seeks answers to these questions by applying political theories that animate the past and present in order to understand how the future of the North may be shaped by oil. Through a retelling of the political histories of Alaska and the Northwest Territories, I illuminate not just the role that oil plays in these two regions, but why it plays the role that it does. Settler colonialism, rural theory, and clientelism animate this research, giving logic to the policies that underpin evolving oil extraction in the North. Through this work, I contend that the North reacts to its frontier, remote, or rural treatment by finding unique solutions to provide for its own communities. More broadly, this work shows that political themes and trends of Northern regions can best be understood when the regions are discussed in relation to each other, rather than separated and siloed.

POSITIONALITY

I approach this research not as an independent observer with objective relationships, conversations, or readings of the literature. As an Alaskan myself, my research comes from a place of applied curiosity: what are the approaches of other Northern communities, governments, and Indigenous nations that Alaska can learn from? Where are we similar, where are we different, and what experiences can we share in order to build the best future for our communities?

I approach this research as a white settler woman who grew up in Alaska on Dena'ina Ełnena. I approach this research having grown up off-grid in a rural area, in a town of 1300 people that used to be a coal mining town, built overtop and adjacent to the Ahtna lands of Chickaloon Native Village where Ahtna people have been living for the past 10,000 years. The Chickaloon Native Village was “one of the first Tribes to be affected by outside development” (Chickaloon Native Village 2018) in Alaska, facing large-scale resource extraction projects that originated outside of the region. This experience is reflective of the broad-scale approach that resource extraction took across Alaska in the 20th century, one that I am neither immune to nor

innocent of. As an Alaskan, oil funded my public education, the roads I drive on daily, and the Permanent Fund Dividend that I have been receiving for the duration of my life. It is impossible to live one's life in Alaska without understanding that in its current form, our economy, our jobs, and our state are dependent on what oil provides – and, simultaneously, complicit in it.

Oil is a condition of our current governing structure, entangled in broader intersections with the global market, international politics, Western capitalism, and the settler colonial governing structures that structure my daily life in Alaska. It is from this perspective that I approach my work: I am both cognizant of my relationship with oil but also determined to understand Alaska as a place that has existed, can exist, and will exist independent of oil. Accordingly, this means envisioning a land that existed prior to colonialization and was impacted by settler colonialism, but also one that exists outside of exclusively settler colonial governing structures.

My research is informed by my experiences as a settler in Alaska, my advocacy work here, and other research in/about/pertaining to the Arctic. The confluence of these identities means I do not approach my research as an objective observer, but the contrary. I approach my research about the Arctic with a multi-faceted perspective informed by lived experiences. However, I understand that my experiences are just that – my experiences. While they give guidance to my framework and the theories that guide this research, I do not rely on my experience to make assumptions that cannot be cited, especially in relation to the Northwest Territories. My experience may guide the framing of my research, and provide a motivation for it, but I rely on valid resources for the scholarly analysis contained within this thesis.

Though some scholars have lodged critiques of studies informed by the researcher's own worldview (Heath 2015) – sometimes known as 'me studies' – still others have raised particularly keen defenses of this type of research as providing richer analyses with regard to the studied topic (Brown 2010; Haraway 1988). It is not without a defense that I find the latter of these cases more compelling. The Arctic has long been represented in literature by a multitude of explorers (Encyclopaedia Britannica n.d.) and short-term visitors (see John McPhee's *Coming Into the Country*, Jon Krakauer's *Into the Wild*, and even Sir Arthur Conan Doyle's "The Captain of the Pole-Star")¹ who overwhelmingly are not rooted in the North and are without long-term

¹ See The New Yorker's "Literature's Arctic Obsession" (April 17, 2017) for further examples.

lived experiences there. Accordingly, the stories, narratives, and information that these tales espouse are not reflective of the condition of the Arctic, but rather reflective simply of these authors' short-term experiences in it. Scholars have noted that research priorities of Arctic residents do differ significantly from externally imposed research priorities (Huntington et al. 2019), so it should not be surprising that those without roots in the Arctic see it differently from those with roots here.

While I do not personally claim to have a perspective that is anywhere near comprehensive of the Arctic, my approach to conducting research in the Arctic is supported by 20 years of experience living in Alaska. Beyond simply providing additional insight, lived experience provides a level of accountability and incentive to get things right. Where John Cabot and Jon Krakauer were able to represent the Arctic how they wished because there was no accountability directly to Arctic communities for oversight, as an Alaskan, I am much more beholden to ensuring that I represent the Arctic in a way that is reflective of values, perspectives, and knowledges that are situated here.

STYLE AND INTENT

While I intend to write a thesis that is academically rigorous and surpasses the expectations for thesis-based Master's students in the Department of Political Science at the University of Alberta, the academic research product is not the main objective of my research. Ultimately, I seek to meet leaders, community representatives, and residents with whom I can continue working relationships. More broadly, I would like to identify how my research skills and expertise can be of use to in-community organizations, as well as what role I can play in growing research capacity within the communities I work. As a current Master's student, my work is necessarily limited by a shorter timeline. However, whether I continue into a PhD program or decide to work at home in Alaska, I am strongly committed to facilitating collaboration, resource sharing, network building, and cross-border collaboration in the North. Though these goals have been severely limited by the COVID-19 pandemic, articulating these intentions is critical in de-centering² the role of the academic institution in locating knowledge

² Note that throughout this thesis I utilize American spelling for words that have variations in spelling between Canada and the United States.

and expertise, and instead re-investing in communities as experts of their own homes.

Though methodologically rigorous, the style of this research does not follow what may be considered narrowly academic. In an attempt to author research that is rhetorically accessible beyond the doors of universities – and thus, hopefully useful – I have chosen to write a thesis that values clear and concise language over jargon that unnecessarily alienates readers. Though there are resources available that guide pedagogy of clear academic writing that I could reference throughout,³ this exercise would seem to defeat the purpose of this intent. Instead, I have chosen simply to develop a thesis that fundamentally tells the story of a ‘real world’ phenomenon, demonstrates with clarity how and why it occurs, evaluates the ongoing impacts, and settles this impact within a world that centers people and communities in lieu of academic canons or theoretical significance. This means that my work often cites sources outside of academia, and that stories and examples play a role in telling the story of this thesis. I also value in situ knowledge, and the expertise of those who are not published academics.

INFORMATION

I was engaged in preparing, designing, structuring (and restructuring), conducting, and writing this research from September 2019 to February 2021. This research was approved by the University of Alberta Research Ethics Board, Project Name “Rural Resources and Political Power: Understanding Incentive Structures, Local Agency, and Oil Development in the Northwest Territories and Alaska” under ID# Pro00097378 on April 23, 2020.

Scoping for this theoretical research involved a series of informal interviews with leaders in the Northwest Territories and Alaska. This series of conversations was originally approved by the University of Alberta’s Research Ethics Office as formal, online interviews with consent processes. Given limitations caused by the COVID-19 global pandemic, I opted for a scaled-down version of these conversations. These interviews acted as an initial guide for grounding theoretical research questions in those relevant to policy and leadership, ensuring that the questions I asked resonated with experiences of important elements of oil and gas extraction in Alaska and the Northwest Territories. Despite a growing interest in the Arctic globally, it is not uncommon for academic literature, government reports, or public policy to misrepresent lived

³ See, for example, *Style: An Anti-Textbook* or the 2010 Plain Writing Act (US).

experiences of the North (Huntington et al. 2019). These interviews sought to buffer against desktop research that relied solely on political science literature, but instead worked to ground the relationship between the theoretical research question and the way in which similar questions are being asked in Northern leadership spaces.

Early drafts of this thesis were informed by papers written independently as a part of classes to fulfill my Master's degree. Specifically, I draw on research and readings from POLS 520: The Politics of Rural Places, POLS 520: Indigenous Resurgence and Reconciliation, POLS 540: The Politics of Oil, RSOC 560: Perspectives on Traditional Knowledge, and ANTHR 587: The Circumpolar North and Global Change. I also draw research and information from my own work published online in E-International Relations as "Oil During COVID-19: Essential Service or Subsidized Resource?" (May 12, 2020) and ArcticToday as "How a Highway to the Arctic Ocean is Changing a Corner of Canada's Arctic" (August 29, 2019). I do not replicate this previously cited research, but rather cite it and according resources where relevant.

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Research is about far more than just the person who authors it – it originates from communities and people that make them up. It is with this in mind that I thank my mentors, teachers, and the leaders that have pushed me to ask questions and to be curious, and all those that taught them before they taught me. As well, thank you to my loved ones, family, and community for their support, care, encouraging words, and dinners made.

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Abbreviations

ACES – Alaskans’ Clear and Equitable Share Act
ACIA – Arctic Climate Impact Assessment
AFN – Alaska Federation of Natives
ANC – Alaska Native Corporation
ANCSA – Alaska Native Claims Settlement Act
ANILCA – Alaska National Interest Lands Conservation Act
COGA – Canada Oil and Gas Act
COGLR – Canada Oil and Gas Land Regulations
COGOA – Canada Oil and Gas Operations Act
COPE – Committee for Original Peoples’ Entitlement
CPRA – Canada Petroleum Resources Act
ELF – Economic Limit Factor
FEC – Federal Election Commission (in context of citizens united)
GCLCA – Gwich’in Comprehensive Land Claim Agreement
HB – House Bill
IBA – Impact Benefit Agreement
IFA – Inuvialuit Final Agreement
IPCC – Intergovernmental Panel on Climate Change
NEP – National Energy Program
PIP – Petroleum Incentives Program
PPT – Profit-based Production Tax
SB – Senate Bill
TAPS – Trans Alaska Pipeline System
UNFCCC – United Nations Framework Convention on Climate Change

Chapter 1: Introduction

Resources have historically “awakened interest in the northern territories” (Coates 1985, 12). Oil is no different. Like other resources in the Arctic, it has fueled mass migration northward for related job opportunities, as well as region-wide boom-and-bust economic cycles, ultimately leaving a large economic footprint. Often sought after for the profits it can provide, oil is a coveted resource in the often rural and remote North. Where decisions about policy and investment flows are typically dictated from southern, urban political capitals and corporate headquarters (Plumer and Fountain 2020; Libell and Taylor 2020), the discovery of oil promises new infrastructure and access for the North alongside education, healthcare, connectivity, and more. Indeed, from the 1968 discovery of oil that pushed to finalize Indigenous land claim settlements in Alaska, to the 2017 completion of the first public road to reach the Arctic Ocean in North America, built initially to reach more oil, this resource continues to shape the Arctic. However, alongside its benefits come real concerns. Oil spills like the ExxonValdez have very real environmental ramifications, and the economic benefits from oil extraction often trump local concerns over water quality, habitat, health, or, increasingly, climate change. In this way, oil is a high-risk/high-reward resource. Across the North – and in particular Alaska and the Northwest Territories – oil extraction and has shaped the lands it lies under, the policies of the regions it is located within, and relationships between the industry and those that live there.

Globally, oil has become a resource of significant importance. Daniel Yergin famously describes oil as the ultimate “prize,” a driver of global conflict, and even “central to security, prosperity, and the very nature of civilization” (Yergin 2009, xiv). Indeed, oil has been the fuel for phenomena as far-ranging as the establishment of new communities and the passage of environmental legislation, treaties and wars, and even the impending climate disaster. As a commercial resource, oil has specific requirements: its extraction depends on sufficient infrastructure often in challenging locations, the ability to transport it to distant refineries, and a market that will purchase it. These processes give rise to cross-border infrastructure, international agreements, a supply and demand push and pull that spans the globe, and even the unchecked growth and expansion of capitalism and globalization. Ultimately, oil as a resource does not resemble any other resources, both in its entrenchment in modern society nor the opportunity for profit it creates. But though oil has been the reason for these decisions,

ultimately, it is those with power – be it corporate power, political power, or even the often-limited community power – that make decisions around oil. Timothy Mitchell argues in *Carbon Democracy: Political Power in the Age of Oil* (2011, 1) that “fossil fuels helped create both the possibility of modern democracy and its limits” through the process of oil extraction, transport, and use. In this sense, oil is not a powerful actor in and of itself. Rather, the way in which those in power react to the openings and opportunities it creates are what situate oil as singular.

The U.S. Geological Survey has estimated that the area above the Arctic Circle holds an estimated 90 billion barrels of recoverable oil and 1,670 trillion cubic feet of recoverable natural gas (U.S. Geologic Survey 2008, 1). As of 2011, the Arctic produced up to 10% of the world’s oil and 25% of the world’s gas (Thurston 2011, 509). In Alaska, exploration of these resources was validated with Richfield Oil Co. drilling into one of these deposits on the Kenai Peninsula in 1957, and later with the 1968 striking of oil in Prudhoe Bay. In the Northwest Territories, oil was struck in 1920 in the vicinity of the community now known as Norman Wells (Meis-Mason, Dana, and Anderson 2014, 251). In both of these regions, a frenzy of interest in oil extraction followed, resulting not only in lease sales and infrastructure expansion, but the creation and growth of entire communities. This is not uncommon with oil: its presence doesn’t just change the economy of a region, but rather, the political, social, and community fabric as well.

Alaska is host to the largest oil field in North America: the North Slope. In September of 2020, North Slope crude oil production in Alaska was approximately 430,000 barrels per day with the price hovering around \$40/barrel (U.S. Energy Information Administration 2020a). Production peaked in 1988 around 2,040,000 barrels per day, and the per-barrel first-purchase price peaked in 2008 around \$125/barrel (U.S. Energy Information Administration 2020a; 2020b). Overall, the State of Alaska has received over \$180 billion in revenue from oil since statehood, with oil funding up to 90% of the State’s budget and contributing to a sovereign wealth fund (the Alaska Permanent Fund) valued at over \$65 billion (Resource Development Council 2020; Alaska Permanent Fund Corporation 2020). According to industry group, the Alaska Oil and Gas Association, oil has accounted for 110,000 jobs and over 38% of wage income in the state (Alaska Oil and Gas Association n.d.). The biggest extractors are the ‘big three’: BP, ConocoPhillips, and ExxonMobil. As well, Alaska’s oil reserves have had far-reaching impacts beyond economic value. The Alaska Native Claims Settlement Act – one of the most significant pieces of legislation in Alaska’s history – was settled to ensure that the pipeline

to transport oil to market could be built; the influx of cash after initial lease sales allowed for the state to build schools and medical facilities around the state; and charter flights to Alaska's northern oil fields even have their own terminal in Anchorage's Ted Stevens International Airport. Clearly, oil is a significant factor in the history, the modern Alaskan psyche, and future projections of the state.

Up to 37% of Canada's marketable light crude oil could be within the borders of the Northwest Territories with 1.2 billion barrels of recoverable conventional oil both onshore and offshore adjacent to the territory (Government of the Northwest Territories 2018). Overall, oil and gas extraction in the territory has been focused in the Norman Wells, Inuvik, and Cameron Hills areas, with aspirations for further extraction encapsulating the Mackenzie Valley and offshore regions as well. One 2016 estimate placed the potential of marketable, unconventional gas in the Liard Basin at enough to sustain 90 years of natural gas consumption in Canada, at 2014 usage levels (Government of the Northwest Territories 2018). These substantial reserves of oil and gas have led to a significant, though cyclical, upturn in economic activity, jobs, and infrastructure growth. In 2012, Statistics Canada estimated GDP from mining, oil, and gas extraction at 1.171 billion chained dollars (NWT Bureau of Statistics n.d.). Extraction was highest in the early 2000s at 26,000 barrels/day (Government of Canada - Canada Energy Regulator 2020). On a longer timescale, oil production was highest from 1986-2004, with peak years between 1988-1995 coming in with 140,000,000 to 166,000,000 cubic meters (NWT Bureau of Statistics 2020). Gas production was at its highest from 2001-2003, hitting 143,000,000 cubic meters, and has been in decline ever since (NWT Bureau of Statistics 2020). In 2017, oil production dropped to 0 barrels/day (Government of Canada - Canada Energy Regulator 2020), but since then extraction has bounced back in a minor way (NWT Bureau of Statistics 2020; Northwest Territories - Industry, Tourism, and Investment 2018). In combination with the overall potential for oil and gas extraction activity around the territory, increases in production – or ambitions for increases – are what led to the construction of North America's first public road to the Arctic Ocean in 2017, as well as the caution towards further extraction that led to the Berger Inquiry in the 1970s. All in all, more than the economy of the Northwest Territories relates to oil; it is also land claims, Indigenous rights, and development that changes the face of communities and population distribution. The way that these pieces of the Northwest Territories' history come together to form the present-day territory ensure that oil and gas are at

the forefront of future considerations, policy development, and community planning.

Though oil plays an economic role, it is clear that its presence expands beyond just a checkbook or board room. On a daily basis, residents of the Arctic experience the benefits, impacts, and the political, economic, social, and environmental challenges that come with oil development. As executives and policymakers allow or dissuade oil extraction, they are simultaneously making decisions about the role that oil-related actors will play in the region and what impacts residents will experience. Once situated, these actors may donate to political campaigns and other causes, buy advertisements, and sponsor events. They may also become responsible for major infusions of cash into potentially often smaller economies, in the form of wages and procurement or, conversely, for oil spills with major environmental and financial repercussions. Of course, this is not to say that other sectors, organizations, or actors may not have influence; this is true of every actor in the Arctic. With oil, the magnitude of money affiliated with extracting the resource makes all the difference. Especially in areas that historically lack sufficient funding or financial resources and support, the potential role that a resource like oil could play in promising future financial stability cannot be understated. Within this context, it is worth assessing the role that oil plays, especially in determining how future decisions are made in relation to current status.

To understand what is at stake in answering ‘yes’ to ongoing extraction, we must understand the impacts outside of simply economics or extraction statistics. Like other oil-based regions around the world, the boom-and-bust economic cycles of oil and gas extraction in the Arctic has the potential to change adjacent communities drastically. Communities in Alaska have voiced concerns about the health impacts of expanding oil extraction, including those related to the release of contaminants, both on humans and via foods consumed from subsistence practices; alcohol, domestic violence, and suicide rates; and on the continuation of culture and tradition (Wernham 2007). In Canada, Northerners have echoed these concerns, most notably through the Mackenzie Valley Pipeline Inquiry, or the Berger Inquiry, but also during various iterations of pipeline proposals. However, it is not just the process of extraction that puts communities in a vulnerable situation. By nature of their location as well as historical injustices perpetrated through colonization, rural and remote communities in the North are often at increased risk for: “physical injuries and accidental mortality; stress on community housing, recreational, health, food and water security, and educational infrastructure; loss of social capital, language, and

cultural continuity; increased income disparity between genders and age cohorts; increased incidence of infectious and chronic diseases; increased prevalence of mental illnesses, substance misuse, and addiction; and increases in crime and domestic, sexual, interpersonal, and structural violence” (Brown et al. 2020, 3; McGetrick, Bubela, and Hik 2015; 2017). Oil extraction exacerbates these vulnerabilities by putting pressure on social and community resources through increased migration, by creating the potential for environmental contamination or disaster, and by introducing a population not rooted in – and thus not accountable to – the community.

Outside the weighing of pros and cons, oil extraction in the North is overwhelmingly tied up in questions of sovereignty, local control over resources, and how communities have changed due to extraction and colonization. The way in which oil impacts communities – both presently and historically – is complex, nuanced, and tied to broader processes, both global and local. Further, the pressures that communities face in understanding their relationship with the oil industry are inextricably linked to the policies that communities are embedded within, as well as their own social, political, and economic contexts. However, when discussing oil and gas extraction in the North, these nuances and complexities are often lost in favor of an environment vs. development narrative. This narrative allows rural Northern community-level needs to be eclipsed by state, federal, or corporate interests. Further, it limits the North to an externally imposed framing rather than fully encapsulating what is at stake with oil extraction on a local, lived experience level.

Despite a history of strong influence on the Arctic, oil extraction in Alaska and the Northwest Territories is, at present, far from guaranteed in the way it has been historically. In Alaska, the Trump administration opened the Arctic National Wildlife Refuge to lease sales in January 2021 after decades of legal battles, opposition, and arguments about the viability of the oil field (Fountain 2019) – but lease sales “fizzled,” falling far short of their projected income and international interest (DeMarban 2021). Further east, the Northwest Territories is still reeling from a federal moratorium on offshore drilling on oil and gas set to expire in 2021. Globally, 2020 saw a dip in per barrel price below \$0 due to the COVID-19 pandemic, and most countries worldwide have signed onto the Paris Climate Agreement that sets specific emissions standards, thus limiting the burning of fossil fuels to a certain threshold. Thus, it is not just individual states, territories, or projects that are facing a questioned future, but oil extraction as a whole (International Energy Agency 2020).

Despite – or perhaps in light of – these factors, the role that climate change plays in the conversation around oil comes into clearer focus. As warming caused by the burning of fossil fuels surpasses 1°C with “profound consequences” (Intergovernmental Panel on Climate Change 2019) for the Arctic, the relationship between the Arctic that produces oil and the Arctic that directly experiences climate change impacts is full of tension. This charged space is the most recent iteration of the conversation around the environmental impacts of oil extraction, and resource extraction more broadly. Where the disproportionate impacts of climate change on the Arctic put a finer point on the cycle of extraction, sale, and burning of fossil fuels, the environment versus development narrative is one that has been present since initial oil extraction in the Arctic. Certainly, the either/or dichotomy set up by the environment versus development narrative is one that is well-worn. However, this narrative does not fully portray the complex relationship⁴ between the North, those that live there, the resources they live adjacent to, and the places in which they reside – nor the changes they experience.

THEORETICAL FRAMINGS

In this thesis, I use three concepts to frame my research. Separate but able to operate in the same sphere, settler colonialism, rural theory, and clientelism work together to create a theoretical framework that illuminates the pressures and power dynamics at play in making decisions about resources in the North.

Settler Colonialism

From the first page of this thesis, settler colonialism is critical to understanding the political basis, context, and development of Alaska and the Northwest Territories. Though oil has had an outsized impact on the Arctic, its extraction, transit, sale, or even the climate change resulting from its burning is not single-handedly responsible for the Arctic that we experience in

⁴ Note that the way in which I utilize the term relationship throughout the course of this work focuses explicitly on understanding a linkage between one organization, body, or concept and another. I understand that the terms relationship, relationality, and relational have a different definition within Indigenous knowledge systems that emphasizes more holistically certain processes and connections. Though my research refers to governance, politics, policy, and land in a way that emphasizes the role that Indigenous peoples, communities, and nations play, my use of the term relationship does not seek to engage more broadly with the concept of relationality but rather is used more generically.

the 21st century. Instead, oil is the product of capitalism and a globalized economy, both of which themselves are fundamentally shaped by settler colonialism which has restructured the communities, governing structures, and worldviews represented in North America from the 17th century onwards. As such, the convoluted web of policies and politics that govern oil-specific decision making in the Northwest Territories and Alaska is underpinned by the dominant system that governs North America: settler colonialism.

Settler colonialism, understood as an ongoing structure that aims to “eliminate native societies” (Wolfe 2006, 402) rather than simply an event that introduced white settlers into regions with Indigenous peoples, underpins all discussions of oil extraction in Alaska and the Northwest Territories. I do not recognize settler colonialism within the context of oil as a way to posit that long-standing traditional governance structures developed by the Indigenous peoples in Alaska and the Northwest Territories play no current role in governing oil within these regions. On the contrary, traditional governance and the autonomy of the Inupiat, Gwich’in, and Inuvialuit are critical to current governing arrangements. Indeed, land claims, treaty arrangements, and the traditional governing structures that pre-date these agreements are a key part of the multilevel governance that characterizes Alaska and the Northwest Territories.⁵ In order to understand the complex regime that governs oil in the Arctic, it is necessary to understand the histories, origins, and interlocking power dynamics that dictate their interaction. These arrangements and institutions are central to the research that follows.

Settler colonialism is not limited by high-level formal borders, but rather, can be experienced on a more local scale as well. Widely applicable to the North, internal colonialism focuses “on the resilience of colonial relationships within a specific polity – a predicament that could not be approached by envisaging the ultimate sovereign independence of the colonized” (Veracini 2016, 2). In addition to settler colonialism, this double colonialism applies to oil in the

⁵ Note that there are much more critical descriptions of how settler colonialism defines the interplay between the politics of recognition and land claims. Glen Coulthard’s *Red Skin, White Masks* (2014) is the most notable of these, arguing that “the politics of recognition has come to serve the interests of colonial power” (25). He depicts recognition – in contrast to emancipation – as one key issue pertaining to the relationship between land claims and the settler colonial state. As settler colonialism is presented in this thesis as critical context with illuminating literature rather than a theoretical framework that I seek to challenge and expand, a deeper analysis of Coulthard’s work and other critiques is outside the scope of this thesis.

North specifically during state-building processes that work to assert more localized control for settler populations, often to the detriment of Indigenous communities, tribes, or nations. Veracini (2011, 57) defines this first subset of double colonialism as “settler assertion of distinct sovereignty” or a “right to self-government that is invoked against metropolitan attempts to exercise direct power” while also reiterating the words of Marc Ferro who deems this to be the “most advanced stage of white colonial expansion.” Sabin (2014, 381) describes the specificity of this structure within the North in greater detail, referring to it as “contested colonialism.” By his definition, contested colonialism engages with the concepts of identity and autonomy claims within settler colonialism to describe the unique form that settler-driven Northern political development takes (Sabin, 2014). His definition is of particular relevance to the North, especially given the commonly evoked title of ‘resource colony’ used to describe power relations between Alaska and the Northwest Territories and their respective federal governments. I explore this in further detail within the context of Alaska’s state building in Chapter 2.

Due to settler colonialism broadly and internal and contested colonialism more closely, the North American Arctic has been subject to a deep fracturing along constructed boundaries of international, federal, Indigenous, state, territorial, and regional lines. This fracturing continues to this day, via actions like assimilation policies, erasure, and a continued emphasis on colonial borders. The divide is further complicated by the institutions and their corresponding mandates and policies. The jurisdiction and mandates of these institutions act as a way to limit participation and access to the very same institutions, ultimately inhibiting the broader Arctic – and the narrative that accompanies it – from witnessing the intertwined history of the lands that currently make up Alaska and the Northwest Territories. These different layers of governance build an even more complex web around questions of land, obscuring the realities of the Arctic that exists as a geographic area unsevered by any actual physical border. While institutions are a reality of the Arctic and are, in fact, a critical part of carrying out governance on the ground, they serve to conceal the interconnectedness of what is happening on the ground as well as the realities that play out on a daily basis. In my research, I seek to better understand the power dynamics behind oil development within the broader context around and gas extraction in the Northwest Territories and Alaska.

Understanding settler colonialism is key to understanding oil in the Arctic. Where well-known oil scholar Daniel Yergin is quick to link oil to the rise of modern capitalism (2009),

Patrick Wolfe writes that “settler colonialism was foundational to modernity” (Wolfe 2006, 294). As such, examining oil within the history and corresponding framework of settler colonialism is not a new idea (C. Westman, Joly, and Gross 2019). My research reiterates this linkage between extraction, capitalism, and settler colonialism. Rather than making this linkage the core focus of my research, I reiterate it to the extent necessary to reinforce that it exists as the landscape upon which oil extraction in Alaska and the Northwest Territories stands. As institutions grew to extract, market, sell, burn, and govern oil, they necessarily grew out of this same landscape. As such, settler colonialism dominates not just the history of oil in the Arctic, but the ongoing power dynamics between institutions within it – eventually influencing everything from elections to pipeline decisions to funding models around oil.

Rural Theory

Where settler colonialism sits as necessary to understanding political context and history in the North, rural theory acts as a predictor of relational dynamics in Northern jurisdictions while also acknowledging the global nature of the corresponding dynamics. As utilized in this thesis, rural theory derives from real, lived experiences rather than imagined experiences of what constitutes rurality (Cloeke 2006). These rural experiences tell us to expect that the rural will be situated as a site of extraction, always in relation to urban power centers and feeding capitalist structures (Woods 2011). In the North, the application of this theory manifests itself through the resource frontier narrative that has been historically used to justify settler colonial expansion of extraction into the North, as well as the export of the extracted resources to urban hubs, or southern-based centers of control. By digesting Alaska and the Northwest Territories through this aspect of rural theory, it becomes clear that though the North may be unique, it is not exempt from capitalist and settler colonial patterns of interaction and corresponding extraction.

Where theories of settler colonialism provide a logic to the settler colonial state, rural theory acts as an additional framework that helps to digest settler colonial logic into geography and proximity. One major way in which I apply this is through the environment vs. development narrative that is often applied to potential sites of rural extraction by external actors. To those that live in places that are drilled, or hope to be drilled, there is no simple dichotomy between the environment and development, nor does the environment preclude development (or vice versa). To choose the ‘environment’ side of the narrative allows for clean water and lands that sustain

living beings that nourish cultures, food systems, and ways of life. In many instances, it also may mean denying well-paid jobs to your community, the influx of cash to your economy, community-wide investment from entities with more resources than government, and a financially rich local (municipal, borough) and state/territorial government that can afford to provide infrastructure, education, and health services. Conversely, where choosing the ‘development’ side means choosing these potential benefits, it also means accepting risk for environmental degradation and disaster events like oil spills, as well as the web of results these impacts could have. Even more, neither of these narratives encapsulates the nuanced experience that may lead to saying “yes” and “no” to oil extraction. Other considerations include: which company is proposing the extraction and what is their history of working with local communities? Is the extraction originating from one of the big players in the oil industry – think BP or ConocoPhillips – or is it a smaller company looking for smaller scale operations? Is the extraction occurring in critical areas for certain species like salmon spawning sites or caribou calving grounds, or is the area typically less utilized by humans? Is the extraction occurring onshore or offshore, and what technology is available to ensure safety? What benefits could the extraction project provide, and what is the ability of the community to negotiate these benefits in their favor? Has an impact-benefit agreement been reached, and if so, what are its promises? All of these questions factor into the experience of living in an oil region and play a role in local decision-making.

While the environment vs. development narrative still features prominently, the rapidly changing climate has become an increasingly common narrative about the North in recent years, sometimes being substituted for the ‘environment’ side of the environment vs. development narrative. With the Arctic heating up twice as quickly as the rest of the world, it is not surprising that the Arctic has come to be seen as being on the frontlines of climate change (Intergovernmental Panel on Climate Change 2019). Certainly, climate change is already changing the Arctic; stories of atypical sea ice, warmer winters, thawing permafrost, and even communities working to relocate feature prominently in the media. Despite these impacts that have very real consequences for Northern residents, it has been argued that the media tends to downplay the justice-related implications of climate change, choosing instead to focus on Arctic transformations, polar bears, and openings in shipping routes (Stoddart and Smith 2016), or traits that can be understood to stand more clearly in line with the environment vs. development

narrative. These nature-focused narratives stand starkly against the climate justice narrative that emphasizes the disproportionate impacts of climate change on non-white populations in North America (Thomas et al. 2019). Having a small population that does not contribute significantly to climate change yet feels its impacts most acutely further amplifies this disproportionality.

Despite this, Arctic drilling is often targeted for continuing a cycle of reliance on fossil fuel extraction. As many climate justice scholars and advocates point out, the majority of the burning of fossil fuels that causes these impacts often occurs far from the Arctic, despite the way in which Northern – and often Indigenous – residents feel the disproportionate impacts (Urquhart 2018; C. N. Westman and Joly 2019). Palosaari articulates this as a form of neocolonialism, stating: “the developed world has for long exploited oil resources, but when oil is found in indigenous peoples’ lands it is claimed that they may not benefit from it” (Palosaari 2011, 25). They reframe this question in terms of ethics in a later publication, asking: “Is it acceptable to explore and exploit new oil and gas in the Arctic at a time when humankind needs to reduce its carbon emissions?” (Palosaari 2019, 144). Especially as the Arctic faces vast changes brought on by climate change, my research works with rural political theory and an acknowledgement of the settler colonial state in order to challenge inaccurate binaries and resource frontier narratives in Northern research around oil and gas. Ultimately, I argue that the dynamics at play fit more largely within the context of rural theory, in which the concept of ‘rural’ is defined by its spatiality; its relationship within capitalist systems of production, consumption, and exchange; and an often fractured negotiation between a lived reality and from-afar interpretation of what composes rural life (Halfacree 2006, 50–51).

Clientelism

Through the utilization of settler colonialism and rural theory, I ultimately recognize the relationship between the oil industry and adjacent communities in the Northwest Territories and Alaska through clientelism. A theory that political scientists recognize as the offering of goods or money in exchange for political support (Stokes 2011), an adapted form of clientelism provides a framework through which I evaluate Alaska and the Northwest Territories. While I ultimately determine that this is an appropriate framework for explaining the dynamics at play between the oil industry and adjacent communities, I also use my research to push the boundaries of clientelism. Instead of claiming that the presence of clientelist tendencies indicates corruption, I

posit that it indicates a strategic use of leverage to gain community resources, made possible by the expansion of political power of Indigenous communities through the settlement of land claims and the creation of Indigenous corporations. These theories help to build context around how the oil industry operates in the Arctic, explaining that the answer to oil extraction is not a simple yes/no dichotomy that confirms/denies the environment or development, but rather a highly relational consideration that involves asymmetries of power, patronage, and politics. I spend a significant portion of Chapter 4 deconstructing clientelism and its appropriateness for this comparative analysis.

Clientelism is a framework not typically applied to North America, but often applied to rural areas. My intrigue in examining whether clientelism accurately describes the oil industry-community relationship derives from two points. First, rural regions globally share similar characteristics like limited infrastructure, distance from centers of political power, more complex access to resources, and all the added difficulties that come with distance from administrative centers. As such, it seems that the rural North could react to these challenges in ways similar to rural areas elsewhere. My second point grows naturally from the first, interrogating why political science literature has shied away from applying the term “clientelism” to North America even though it may have insight to offer. In an effort to challenge (North) American exceptionalism, this research puts a mirror to those in American and Canadian political and administrative centers that are willing to point out the negatives of clientelism in far-away places without considering the complexities of their own respective countries.

METHODOLOGY

This research is a retelling of the role of oil in the Northwest Territories and Alaska that comes together to present a grounded conceptual framework for understanding oil extraction in the North. It relies on the body of literature that examines the political history and economy of oil placed within work that emphasizes the theoretical lens of rural and clientelist theories. Further, I structure this research through a comparative lens, in which I analyze the phenomenon of oil in Alaska and the Northwest Territories in tandem in order to emphasize the shared experiences of these two regions, as well as what can be learned from their divergence. Throughout this work, I open each chapter with stories from Northerners as a means to ground this research in the notion that research about the North is ultimately about people – not just

theories, numbers, or institutions. Methodologically, I use a comprehensive literature review as evidence for reframing the way in which the politics of oil are discussed in the rural North. The original component of this work comes in my unique use of settler colonialism, rural theory, and clientelism as three related bodies of literature that provide specific insight into relational considerations of power related to oil and gas extraction in Alaska and the Northwest Territories. Though conceptual in nature, readers will find that my analysis still aims to sit closer to the ground than the environment vs. development narrative, and works to articulate the contradictions, complexities, and ambivalences of extraction and climate rather than collapsing these considerations into a black and white dichotomy. Within this response, I find that it is critical that this process of complexifying concepts originates in the North, Northern experiences, and Northerners themselves.

I apply a threefold theoretical framework to understanding both Alaska and the Northwest Territories. I specifically focus on the ways in which rural political theory and settler colonial values of extraction animate the relationship between the oil industry and the community. I give particular attention to understanding the overlapping political structures that are capable of initiating pressures and incentives to extract, namely: the federal government, state/territorial governments, and Indigenous corporations. Ultimately, I situate these Indigenous corporations within the framework of clientelism. To this end, I utilize relevant academic literature and primary documents that detail land arrangements, policy changes, and power dynamics within relationships in order to concisely summarize the complex nature of policies, underlying values, and relational considerations that entrench oil extraction. Ultimately, my work focuses on establishing a framework for understanding rural, Northern, settler colonial politics; the history of land changing hands since the start of the 20th century in the two regions; the details of federal and state/territorial incentive structures around oil and gas extraction in said regions; and the application of clientelist theory to the cases of Alaska and the Northwest Territories.

Comparing Alaska and the Northwest Territories

Though facing different political institutions, governing paradigms, and, to a certain extent, histories, Alaska and the Northwest Territories share a similar political culture around oil. Federal governments have made – and are currently making – far-reaching decisions about

Northern oil without concern for the opinions of Northern communities (Davenport 2016; 2019; Government of the Northwest Territories 2016); Indigenous peoples are a majority portion of the population in the area but are internally divided on the value of new oil extraction (Croft 2020); climate change is already impacting communities, resulting in relocation and infrastructure redevelopment (Norwegian Refugee Council and Alaska Institute for Justice 2017); and oil fields in both places continue to provide attractive offers of jobs, economies, and infrastructure to residents with otherwise limited market economies. On a broader scale, oil in both Alaska and the Northwest Territories is beholden to the global market and the push and pull of supply and demand. Further, despite the Arctic's geographic separation from other oil regions, oil in the Arctic is bound to global politics in the same way that oil in Venezuela or Saudi Arabia is. In this way, while oil is an intensely localized issue, it is inseparable from global processes and their implications.

Beyond simple comparisons of a shared political culture, Alaska and the Northwest Territories have a very real shared history and experience. First (and most obviously), both countries are settler colonial states resulting from the 'expansion' of the British empire, with shared results of 'Manifest Destiny' policies that sought to eradicate Indigenous peoples and claim respective areas for their origin country. Shared experiences of imperialism shape current governing structures in both regions in fundamental ways. Other examples that demonstrate the shared history between Alaska and the Northwest Territories are the CANOL pipeline project during World War II that linked the two regions via oil infrastructure and demand (Bone and Mahnic 1984, 54); the striking of oil at Prudhoe Bay "trigger[ing] an exploration boom" in the NWT (DiFrancesco 1996, 234) and the proposed Mackenzie Valley pipeline; and even present day solidarity against drilling in the Arctic National Wildlife Refuge between Gwich'in nations either side of the U.S.-Canada border (Kubny 2020; Croft 2020). Beyond these historical examples, the Gwich'in and the Inuit/Inupiat homelands stretch across what is now known as the U.S.-Canada border, and across this land stretches lifestyles, mountain ranges, and ecosystems. We even share borders with the Arctic Ocean and oil reserves.

However, the trajectories of Alaska and the Northwest Territories have deviated significantly despite their shared experiences. The State of Alaska depends on oil revenue to fulfill budgets and provide services, where the Northwest Territories has seen very limited extraction of oil and gas since 2017. While Alaska sought statehood in 1959, the Northwest

Territories has remained a territory, not opting for devolution until 2017. Even the way in which land claims were settled deviates significantly between the state and territory, providing more sovereignty to the Gwich'in and Inuvialuit in the Northwest Territories than all the Alaska Native peoples in Alaska. Does oil and the governance that arose from it play a role in this divergence? If so – how, and to what end? The initial similarities but later divergence is what makes this comparison intriguing. Knitted together, all of these factors indicate that Alaska and the Northwest Territories are ripe for comparison – to each other, but also to the literature analyzing oil elsewhere in the world.

Thus, my research will begin there. Comparative work between Alaska and the Northwest Territories from within political science is not common, and this research seeks to argue that much can be learned from this comparison. Where previous research on oil development in the North American Arctic rests largely in the realm of natural sciences, economics, or risk analysis, my research will use an analysis of incentive structures to situate oil development in the two areas within a theoretical framework that combines political theories of clientelism, extraction, power, and rurality. Research like mine that makes legible the stark resemblance in situation while also foregrounding surmountable differences will not only illuminate the varying impacts of status quo, but also allow for increased dialogue and enhanced cross-pollination of solutions-oriented research, policy, and governance.

COVID-19 Methodological Revisions

It should be noted that the structure of my current research originates from a different research planning process that was made impossible by the COVID-19 global pandemic, beginning in Canada and the United States in March 2020.

Originally, this research was conceived of as a community-based research project in which I utilized semi-structured interviews and snowball sampling techniques to identify community participants. I intended to compare two small, primarily Indigenous, communities in Alaska and the Northwest Territories, both at the center of regional energy economies. In these communities, I planned to interview leaders, elected or former elected officials, elders, and other social leaders. Once completed, these interviews would provide a clear understanding of how federal, state/territory, and municipal structures incentivize oil development through formal and informal mechanisms. They would also ground my research in real-world examples, ensuring not

only that I understood the concept of the policies but also how they directly impacted communities. In my revised thesis methodology, I open each section with narratives from Northern leaders as a reminder that, even if interviews are not central to my actualized research, this thesis works to sit closer to lived experience than other theoretical frameworks might.

Research Ethics in the North

Research that is conducted in the North that follows Western academic research methodologies is fundamentally extractive. This is expressly true when research of this type studies, refers to, or even explicitly ignores Indigenous peoples as the original inhabitants and caretakers of land (Tuhiwai Smith 2012). Often, Northern research “privileges the interests of southern institutions and fails to address Northern societal needs and issues” while also adhering to – and furthering – a “colonial framework” (Pfeifer 2018, 29). Scholars and experts McGregor, Bayha, and Simmons note that this practice has a long history, as evidenced by its description in Canada’s Royal Commission on Aboriginal Peoples in 1993 and, more recently, scholar Frances Abele in 2006 (McGregor, Bayha, and Simmons 2010).

Though scholars argue that more recently Northern research broadly has moved from researching on to researching with, there is still a gap between research that involves Northerners and research that is driven by Northerners (Pfeifer 2018). The Aurora Research Institute in the Northwest Territories as well as the Nunavut Research Institute in the neighboring territory have worked to develop an awareness of these dynamics in southern-based researchers – and, to a certain extent, drive Northern engagement in Northern research. Some examples of Northern-driven research that have been hailed as successful include: the Native Village of Kotzebue’s Environmental Program (Native Village of Kotzebue n.d.), the Gwich’in Renewable Research Board research priorities (Gwich’in Renewable Resources Board 2013a) and research interest list (Gwich’in Renewable Resources Board 2013b), and the Inuvialuit Regional Corporation’s Guidelines for Research in the Inuvialuit Settlement Region (Inuvialuit Regional Corporation n.d.). Research guided in this way is seen by many as a manifestation of Indigenous governance (McGregor, Bayha, and Simmons 2010). However, these examples are neither the norm nor are they a requisite for conducting research in these specific regions according to most university ethics practices.

Given the value that universities worldwide place on ethical research, conducting ethical

research in the North should be the norm, not an exception. One study showed that while 79% of participating early career researchers conducting research in the Arctic wanted to increase their engagement with Indigenous peoples during the research process, only 50% of respondents “felt that they had the basic knowledge of how to conduct research involving northern Indigenous communities” (Sjöberg et al. 2019, 32). Still others felt that increased engagement was prohibited by a lack of financial resources, contacts and networking opportunities, and time (Sjöberg et al. 2019). McGregor, Bayha, and Simmons have identified other limitations as being that “practitioners feel that the people’s voices are not being heard and accounted for in meaningful ways,” supplemented by a “deep suspicion of “research”... usually because it has been experienced as form of mining where knowledge is paid for and taken elsewhere (who knows where?) by outsiders affiliated with external institutions” (McGregor, Bayha, and Simmons 2010, 118). Clearly, increased engagement does not necessarily result in ethical engagement. One can imagine that the limitations to ethical Northern research are then twofold: first, engagement is limited by a number of institutional factors and then, secondarily, ethical engagement is limited by dominant Western research methodologies that do not hear or account for Indigenous voices in meaningful ways in addition to not acknowledging the extractive history of research.

How do research ethics change when research moves from being in-person fieldwork to research conducted remotely? Does the definition of ethical research change when the research is desktop research? Do ethical standards change when research is about the North but does not involve conversations with Northerners? Should a Northern-specific research license be necessary if the research conducted is about the North but does not physically take place in the North? If research relies more heavily on previously conducted research or compiled data, the expectation for ethical community engagement shifts. But to what extent? Interestingly, these questions are not answered by the literature despite the implications they have for representing the North in scholarly literature. Given that research ethics processes have been developed to measure and mitigate harm caused by in-person action, this is not surprising. However, it does beg the larger question: what are the ethical standards for desktop research about the North?

The fieldwork that was proposed within the original iteration of this thesis was not co-developed with communities, nor was it undertaken in collaboration with communities. In this way, it follows a pattern of research that extracts from the North and relocates expertise to more

southern capitals, conferring said expertise on researchers rather than residents. However, as the COVID-19 pandemic required me to change my research methodologies, I also came to question the way in which my research re-situated itself ethically. I do not do this to absolve myself of initial ethical concerns, but rather to be transparent as a researcher and give rise to a discussion that I do not currently see happening within the literature, despite the seemingly important framework it creates. Indisputably, my final COVID-19-friendly research plan was still not co-developed with Northern communities, nor undertaken in collaboration with them. I developed nearly all of its details in conversation with my advisor, based on an assessment of what was feasible and realistic. Instead of my initial plan, I chose to conduct fewer interviews and to conduct them remotely and as initial scoping for my research. These interviews exist in my final thesis as an undercurrent, more as informal advice from professionals rooted outside of academia advisors than as data to be coded and analyzed. Though this research is about the North and involved conversations with residents, it did not happen in the initially planned communities nor in person. To what ethical standard should my research be held? I do not have answers to this question, but it is one that merits reflection, especially as data becomes more readily accessible online and digital engagement becomes more common.

RESEARCH QUESTION

In this thesis, I examine how oil shapes the way in which residents, organizations, governing bodies, industry, and other institutions experience and participate in politics across the Northwest Territories and Alaska. In particular, I ask: how is oil extraction structurally and politically incentivized, even as the Arctic faces disproportionate impacts of climate change that profoundly threaten its wellbeing? More specifically: what roles do governing bodies and institutional mandates – as well as dominant power structures such as capitalism and settler colonialism – play in ensuring oil extraction continues? What ramifications do these roles have for the ability of Northern peoples to make decisions regarding oil extraction? While examining these power structures, I am especially interested in what pressures exist for communities and governing bodies to approve further oil extraction, especially when this extraction fundamentally threatens ways of life, living, and being. Who is external and who is internal to these decision-making processes – and what does that say about the role oil plays in the Arctic?

At its core, this research is about land, place, community, and power. Though I am

careful to detail the complex and often overlapping jurisdictions, incentive structures, and policies that govern oil, I recognize this complexity often works to obfuscate opportunities for engaging in decision making processes. Ultimately, this severs people from the process, decisions, and corresponding impacts. It is my hope that my work in discussing this complexity will render them transparent – or transparent enough to be able to see what values are at play. It is these values that drive my research, acknowledging that they play a role in the way in which land is distributed, place is valued, and power is (re)produced.

This thesis is structured in a way that allows for comparison of Alaska and the Northwest Territories while also articulating the complexity of often interlocking and overlapping concepts, histories, theories, and policies. As such, each chapter has a broad focus that is narrowed down by sub-components that focus on specifically relevant topics. Each chapter poses a question and hypothesis that contributes to answering the overarching research question: how is oil extraction incentivized, how do these incentives translate into pressure, and what does this corresponding pressure to say yes to oil extraction sound like?

This chapter provided an introduction to the thesis topic being investigated. Here, I drew out threads of political history and ideologies that shaped the formation of the modern state of Alaska and territory of the Northwest Territories in order to provide context for this research. More specifically, I identified settler colonialism – and the resulting emphasis on extractivism – as a root of governing these two regions and pose questions to be answered throughout the thesis about how these values shape ongoing oil policy and governance. I also identify rural theory and clientelism as key frameworks that animate the research conducted herein. Lastly, I provided an overview of the methodology utilized and ethics under consideration throughout this work. I anticipate that this chapter, framed as it is, sets up clear expectations for the readers: it gives insight to the varying contexts that frame this research and its development, as well as some of the meta-considerations that were worked through while developing this research.

Chapter 2 covers the topic of land. It examines the impact of 20th century land ownership regimes on oil extraction, giving specific focus to the ways in which oil extraction shapes governing structures, as well as how rurality acts to incentivize said extraction. It also examines how Indigenous institutions push back on the settler colonial state for control of land and resources. This chapter moves in a mostly chronological order, chronicling Alaska statehood

(1959), the discovery of oil at Prudhoe Bay (1968), the Alaska Native Claims Settlement Act (1971), and the Alaska National Interest Lands Conservation Act (1980) while also comparing them to the discovery of oil (1920s), signing of Treaty 11 (1921-1923), the Paulette Caveat and Berger Inquiry (1973-1977), the Inuvialuit Final Agreement (1984), the Gwich'in Comprehensive Land Claims Agreement (1992), and devolution (2013) in the Northwest Territories. Shared experiences of oil 'discovery,' oil and gas exploration, short spurts of infrastructure development and investment, and changing ownership of land and power are common themes throughout this chapter. For the most part, this chapter roots my research in 20th and 21st century histories and understandings of governance. It also shows how certain types of control over land create a mandate to extract, which in turn provides the landscape upon which policy incentives and specific interests play out.

Chapter 3 examines policy. It shows the way in which federal and state/territorial policies that incentivize or subsidize oil extraction in Alaska and the Northwest Territories have evolved throughout history and places these policies within the larger context of federal oil and gas subsidies. Moreover, it asks what the incentive policies that are implemented say about the relationship between oil and the state. I focus the majority of this section on taxes, royalties, and subsidies, but co-management and revenue sharing – including how they operate in relationship with one another – also play a role. This conversation is not new, but I add to it by arguing that these incentives create a political environment in which the pressure to say 'yes' to oil extraction is increasingly present. This chapter builds on the last, demonstrating the way in which policy and political capacity is largely guided by the shape of the governing institutions that create and implement it.

Chapter 4 examines relationships. Though land and policy are critical to this research, they do not birth themselves; they originate from and are implemented by actors that operate in relation to one another. This chapter examines the way that institutions that extract, market, sell, burn, and govern oil interact with adjacent communities, and analyzes how extraction patterns reflect changing power dynamics between these actors. Specifically, I focus on how the industry-community (told through clientelism and rural theory) relationship is reconfigured into the industry-Indigenous corporation relationship which works to perpetuate oil extraction in a way that provides meaningful benefits to rural Northern communities. Here, the industry-state/territory relationship, local government-state/territory government relationship, and the

state/territory-federal government relationship and the public-government relationship are relevant but fall outside the scope of this research. I focus specifically on the industry-Indigenous corporation relationship. By placing my examination of the incentive to extract within a relational framework – including the political theories that correspond to it – I re-insert institutional responsibility in the examination of oil extraction instead of deeming it suited for governments-only, and thus dependent only on administrative, political, or policy shifts.

Chapter 5 concludes and discusses implications for the research. I return to the organizing concepts of land, policy, and relationships in order to answer the question: how is oil extraction incentivized, how do these incentives translate into pressure, and what does this corresponding pressure to say yes to oil extraction sound like? Rooted in these conclusions, I offer suggestions for what this research can offer in regard to understanding Northern futures, specifically oriented around new oil projects, a changing climate, and vulnerability to the global oil market. With increasingly urgent climate change and a North that is changing with it, I show the ways in which this research comes at a critical time, especially for Northern and rural regions like Alaska and the Northwest Territories.

Chapter 2: Land

In 1966, William L. Iggiagruk Hensley returned home to Alaska to apply to graduate school. A young man “terribly homesick” and with “limited marketable skills” , he sought to work towards a Master’s degree in finance (Hensley 2009, 110). This ambitious young man later would become a founder of the Northwest Alaska Native Association, work in the Alaska Legislature, and serve as the director, executive director, president, and co-chair of the body critical to land claims settlement in Alaska, the Alaska Federation of Natives (more commonly known as AFN) (Hensley 2009). Hensley’s bio claims that he is “well-known in Alaska for his work with the settlement of the Alaska Native Claims Settlement Act (ANCSA) and his present engagement with the resulting Alaska Native Corporations” (Hensley 2009, biography). However, his story is more than a list of titles; instead, it is one that conveys the complexity of living in Alaska, depending on oil, and working towards a different future for his people.

In his own words, Hensley’s Master’s studies took a different direction than he had anticipated. In his autobiography, he states:

I signed up for a class on constitutional law taught by the young and brilliant Jay Rabinowitz, chief justice of the Alaska Supreme Court. I had the impression that Judge Rabinowitz used the eight students in the class as a sounding board on issues he was confronting on the bench.

As part of the course, he assigned us a research paper on any legal subject we wanted to explore, any issue involving constitutional law. After all the reading I had done as a homesick undergraduate keeping up with my homeland’s early years as a full-fledged state, I knew exactly what I wanted to investigate: Alaska’s vast lands--and the complex, vital, and sometimes deeply personal issues surrounding Native ownership (2009, 110–11).

Hensley’s interest in land tenure came at a pivotal moment in Alaska’s history, a moment in which much of Alaska’s land ownership was questioned, in flux, or had yet to be determined. However, questioning land ownership often means requesting how that ownership came to be. As such, Hensley’s questions were not ones of simple deeds, but rather, ones that rested on the settler colonial foundation of Alaska.

It was 1966, seven years since Alaska had become a state, and the fledgling state had a population of fewer than 300,000 and almost no private land to tax. Delving into the numerous issues regarding the foundation of my state, I learned that virtually all of Alaska was under the control of the federal government. To ensure that the new state could survive, the act of Congress that created it granted the state government the right to

select up to 104 million acres for state ownership. Not surprisingly, the state officials aimed to pick out the acreage with the greatest potential for oil, gas, and mineral deposits; they were paying no attention at all to Native interests in the land, and were, in fact, poised to steal it away from us entirely.

Given that Alaska was officially American now, I wanted to learn more about the early history of the Lower Forty-eight, and the first dealings between European settlers and Native Americans. Those early settlers, I found, used the notion of “discovery” to make claims on the lands they found, usually paying a small price for the right to control the space, the resources, and the people of new territories in an attempt to make the acquisition seem more “legal.” I concluded, however, that the Europeans usually took whatever they could and slaughtered most indigenous people who had the temerity not to surrender. The result was that after a mere two hundred years of U.S. history, Native Americans outside Alaska had effectively lost an entire continent, and now occupied a total of just 50 million acres in the form of reservations. They had lost all the rest of the land--nearly 2 billion acres.

I turned to the history of Alaska in particular, and the key event of the 1867’s Treaty of Cession, which governed the sale of Alaska by Russia to the United States for \$7.2 million. I concluded that, after being handed off from the Russians to the Americans, the Alaskan Natives found themselves in an even more confusing situation. The laws they were required to obey were vague at best, and there were no standards for how they might go about achieving citizenship, or whether this was even an option. More upsetting were the stories I read about non-Natives exploiting these ambiguities to take possession of land the Natives--communal in outlook and new to the foreign notion of private property--had used and inhabited for generations (2009, 111–12).

Though history made prospects for Native land ownership look bleak, Hensley’s interest turned to legal grounds. The 1959 Act of Congress that admitted Alaska to the union stated “As a compact with the United States, said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts . . . or is held by the United States in trust for said Natives” (2009, 112). Was this sufficient legal standing for Alaska Native ownership of land?

The United States had never won any land from Alaskan Natives in battle. It had never signed any treaties with the Alaskan Natives. Legal precedent was clear: if it had not been taken in battle or seized by an act of Congress, the federal courts had consistently found that Native Americans retained “aboriginal title” to it. That had to mean that we still owned most of Alaska!

I knew instinctively that if we permitted the state to begin to “select” its 104 million acres from the federal government, we would never be able to retrieve that land. Somehow we had to stop their selections. Otherwise all we could look forward to would be a lifetime of litigation, ending in settlements of a few cents per acre--similar to those received by Indians in the Lower Forty-eight--and no land. As I finally came to comprehend the

danger my people faced, it almost made me ill. If we did nothing, we were going to lose our land, just as all the Indians to the south had, a century before (2009, 112–13).

Hensley's narrative illuminates the tension between Indigenous land ownership and settler colonial legal standing in Alaska. However, while place-specific, his realization is not unique to Alaska, but rather encapsulates tensions across the North American Arctic. Treaties, battles, and land seizures played a key role in initial procurement of land in Alaska and the Northwest Territories by their respective settler colonial states. The policies that followed were rooted in this initial taking of land and/or responses to it. Hensley concisely summarizes the stakes this gives rise to:

Without control over our lands, our livelihoods, our culture, and our future were doomed, I argued passionately in my paper, maintaining that aboriginal rights to the land could be trumped neither by the nascent state nor by private interests. I finished it in the spring of 1966, and Judge Rabinowitz gave me an A (2009, 113).

INTRODUCTION

Territory and the resources within it give rise to systems that seek to govern. As governing systems arise or are forcefully implemented – as in the case of settler colonial states – land and resources become subject to the values, policies, and everyday beliefs of those in charge of these systems. In this way, land is central to governance.

In this chapter, I discuss the different ways in which land has been allocated and corresponding jurisdiction has been determined in Alaska and the Northwest Territories during the 20th and 21st centuries. Overall, I argue that extractivism has been a key driver of the current governing structures within Alaska and the Northwest Territories, underpinned by the settler colonial state's need to produce revenue streams in order to fund its existence. This work is grounded in rural theory placed adjacent to the reality of settler colonial institutions, acting dually as a means of anticipating the way in which rural communities experience extractivism and demonstrating where rural theory and settler colonialism overlap. As evidence, I describe four different themes within the evolving governing arrangements in Alaska and the Northwest Territories: the delegation of governing power, the discovery of oil, the allocation of land, and the development of multi-level, multi-actor governed states. I pay particular attention to where these arrangements and re-arrangements overlap or inform each other between Alaska and the Northwest Territories in order to emphasize the shared experience between these two regions.

Though attributing cause to these shared experiences is outside the scope of this research, I am curious about how understanding these four common themes and their impacts on governance, policy making, and agility of actors to create change within their own environments helps to build a broader understanding of a more universal Northern experience, rather than one separated by settler colonial borders and according administrative differences. Through this understanding, I highlight that the dominant narrative characterizing the rural North – resource development vs. environmental protection – fails to account for local realities. Instead, it reflects a broader mandate to extract – or at least to set the terms of extraction from the outside – brought on by both rurality and settler colonialism.

RURALITY, THE NORTH, AND INTERSECTIONS WITH RESOURCES

Defining Rural

Rural research nearly always begins with a definition of what constitutes the rural: where it is, who it involves, and what it implicates. Conversely, research that is urban or done through a city-centric lens rarely begins with defining the ‘urban,’ nor does it recognize the specificity of the urban as a lens through which a researcher may conduct their research. Though beginning with a definition of the rural necessarily assumes that the rural is specific (versus the generalizable urban), it is still critical context. Defining the rural sets the sociopolitical tone through which it should be viewed throughout this thesis.

Rural spaces are often defined by a sparse population, their distance from (or to) urban centers, and/or relative size. Indeed, Statistics Canada has entire reports dedicated to defining the rural (Du Plessis, Beshiri, and Bollman 2002). However, these definitions are often quantitatively focused and based on the understanding that clear parameters for the rural are necessary in funding allocation, rural policy development, and other bureaucratic undertakings. While these definitions are important, the rural occupies more than space: it exists in specific places and the lived experiences of these places. Thus, the definition of rural that is most relevant to this research is more relationally focused and socially defined, recognizing that sociocultural experiences of the rural actually lend a hand in defining the rural more so than distance, population density, or size. Rural geographer Paul Cloke argues that instead of understanding the “material, imaginative and practised ruralities as somehow separate,” it is instead possible to

“see them as intrinsically and dynamically intertwined and embodied with ‘flesh and blood’ culture and with real life relationships” (Cloke 2006, 24). This framing which recognizes the importance of connecting geographies with experience of the rural guides my research.

Throughout this paper, I rely on Cloke’s theory of uniting the material with the practiced, as well as geographer Keith Halfacree’s three-fold model of space as it applies to the rural. This model asserts that the rural involves ‘spatial practices’ that “‘secrete’ a particular society’s space,” ‘representations of space’ that are “conceived and abstract” (the Statistics Canada definitions of rural could be categorized simply as such), and ‘spaces of representation’ which conceive of space as “directly lived” (Halfacree 2006, 50–51). Notably, the term place instead space is more relevant to this research, as it relies largely on the importance of the lived rural experience implied in the former instead of the connotations of openness and unboundedness implied in the latter. Cloke and Halfacree’s definitions and deconstructions of the rural frame and underpin the theories, histories, and analysis provided hereafter in this paper.

In defining the rural, the urban often comes to mind as the point of reference from which the rural deviates. Though the ‘city’ and the ‘country’ are interdependent and always in dialogue with each other (Williams 1973), the rural is tied up in much more than simply the opposite of the urban. Articulating a rural that is distinct from a straightforward binary is a more appropriate perspective. Rural and urban exist on a spectrum – complicated by resident mobility, development sprawl, overlapping economies, and other factors – with overlapping spheres of influence that have evolved over the course of decades (Iaquinta and Drescher 2000; Stewart 1958). Within this conceptualization, there is ample room for the rural to consist of dynamic places that exist independent of their conceived status as urban antonyms.

Pragmatically, defining the rural in the context of Alaska and the Northwest Territories requires a clear understanding of two key particularities. First, much of these two regions is not accessible by road. This means that much of the Northwest Territories – and to a slightly lesser extent, Alaska – is not just rural but remote, a “matter of distance” that is both “relative... and dynamic” (Epp 2016, n.p.). Pragmatically, this means that there are added challenges around providing services and resources to these communities; for many, it is also a home that lends itself to cultural preservation, lifestyle choices, and or a keen sense of place (Epp 2016; Waldholz 2018). Second, Indigenous peoples have long called Alaska and the Northwest Territories home, long before these lands were owned, named, or occupied by their respective

settler colonial governments, both federal and state/territorial. As such, rural is a very recent distinguisher for the land that historically (and currently, to a differing extent) depended on the space for the harvest of traditional foods, and the continuation of centuries-old practices of ways of life. These two factors shape rurality in Alaska and the Northwest Territories in significant ways by compounding challenges of access while also adding layers of complexity to experience.

Rural Resources as Drivers of Governance

Both historically and in current times, the rural North has been a site of extraction (Woods 2011, 50). Whether it is mining in the Yukon, salmon fisheries in Alaska, or whaling and furs before that, extraction has provided jobs and cash economies to rural areas that may not have a strong history of capitalist economies dependent on the push and pull of the market. The introduction or amplification of capitalist economies based on extraction in the rural North breeds an economy dependent on natural resources and the funding of their extraction (Dryzek and Young 1985). Extraction-based economies tend to be volatile, risky, dependent on global markets, and characterized by boom-and-bust cycles with very real ramifications for the communities that depend on them. Typically, they are also capital intensive, and are almost always dependent on outside investment in order to finance their growth. The economic vulnerability that these realities produce is exacerbated by a lack of economic diversification, often due to the way in which rural geography prohibits the entry or growth of other sectors. Certainly, rural economies do benefit from the boom cycles of natural resource extraction; in Alaska and the Northwest Territories they have allowed for the construction of schools, development of roads, and growth of infrastructure and services more broadly. However, in single sector economies the busts that follow the often “sudden and disrupting” (Kennedy and Mehra 1985, 102) booms hit especially hard, often leading to dropping employment rates, cuts to education, and even out-migration that further diminishes the tax base. Simply put, the tendency of rural areas subject to capitalist economies to depend on the extraction of materials situates them as both vulnerable to and dependent on global economic needs and pressures.

Understanding the rural as a site of production and extraction goes beyond simply understanding the dynamics of resource economies. It also extends to the overarching nature of the relationship between the rural and the urban, or the “interface” between the two (Shucksmith

and Brown 2016, 9). This interface is not a straightforward, equally beneficial relationship. Geographer Michael Woods contends that this relationship was initially defined by the growth of capitalism, and that ultimately “capitalist modes of production have dominated the exploitation of rural resources in the modern era” (Woods 2011, 51). He argues that as the need for primary resources – oil and gas, as well as minerals, timber, food, and other non-fabricated resources – has grown in order to continue sustaining the spatial and economic expansion of urban centers, exploitation of resources in rural areas has increased as well. This analysis is especially key to understanding the rural North and further amplified by its remoteness, especially as resources continue to be what the rural North is known for. Necessarily, urban expansion that depends on a capitalist mode of growth depends on the exploitation of rural resources. Especially in the North, underpinning this resource exploitation are the ways in which settler colonialism has worked to erase Indigenous communities in favor of the ‘frozen wilderness’ imagery of the North (Cole 1991; Kantor 2007), as well as the opportunities for enormous wealth made possible by mineral, oil, and gas extraction. With this context in mind, it is possible to understand the rural not only as a site of capitalist exploitation, but also as ground zero for capitalist exploitation made possible by settler colonialism and exacerbated by remoteness, economic dependence, and even urban centrality.

Being a site of extraction is not a static role. Instead, it has far-reaching ramifications that affect the perceptions and histories of rural regions, in addition to a key force in shaping the governing institutions in these very same areas. If extraction does indeed have the power to shift governing institutions, it becomes clear that extraction of resources is not simply an economic question, but rather a political one. In this way, the rural areas that are too often seen as simply the space between cities – the ‘real’ hubs of political activity – instead become spaces of great interest to the study of politics. Along these lines, Woods contends that, “indeed, it is the complex and contested nature of the rural that has positioned rural space as central to many key issues facing contemporary Society” (Woods 2011, 2). In line with this argument is the opening sentence of *Writing Off the Rural West* which asks readers to “Forget Seattle. Forget street demonstrations in Davos, Quebec City, or wherever trade negotiators, protesters, and TV cameras now periodically converge. Some of globalization’s most intense and most revealing conflicts can be found much closer to home, in rural districts” (Epp and Whitson 2001, XIII). Clearly, centering rural places and peoples in understanding how political action, social

movements, and economic inequities play out on a fully embodied, larger scale – if one of a smaller population – is a critical undertaking.

In centering extraction and rurality in an analysis of political power, we must also examine how the act of taking land – especially rural land – also doubles as a taking of political power. In Canada, geographers Peyton and Keeling argue that “the discovery of valuable mineral resources prompted hasty treaty-making by the settler colonial state, a process designed to sever Indigenous people from their lands and territories, in order to gain access to the subsurface” (Peyton and Keeling 2017, 118). They further argue that the associated narrative arc of “northern development dreams” derived from these actions serve to “illustrate how the discourse of extractivism performed dispossession on behalf of the settler colonial state in the Canadian north” by producing “extractive subjects” (Peyton and Keeling 2017, 118). Their analysis shows that these “extractive subjects” are “a settler colonial formation that internalized the idea that the hinterland space of the north was empty and ready for use, a kind of extractive terra nullius” (Peyton and Keeling 2017, 118). Paired with the settler colonial mandate of the Canadian government, this simultaneous emptying-out of the North while also painting it as replete with resources allows for governance to be structured in such a way that these narratives are rewarded. This is not an occurrence that is unique to Canada; in the United States, this occurred through designating of Indigenous lands as wastelands open to industrial exploitation (Brynne Voyles 2015). While Traci Brynne Voyles places wastelanding as specific to the American Southwest, its application to Alaska is not a stretch of the imagination given scenarios of exploitation of Indigenous lands by the United States and Alaska governments.⁶

Because of their rurality, Alaska and the Northwest Territories acutely highlight the ability that resources have to shape, determine, or delegate governance. Big events relating to oil are key pieces of the modern history of both of these regions and led to the governing institutions that each region currently experiences. In Alaska, the potential of oil shaped statehood, and the commercial discovery of oil at Prudhoe Bay shaped some of the most key pieces of legislation in the state’s history. Further east, oil was central to determining the relationship between Indigenous peoples and the governance of the territory, as well as shaping present-day governing

⁶ One example is the nuclear testing site proposed for Point Hope, Alaska. See *Firecracker Boys: H-Bombs, Inupiat Eskimos, and the Roots* for more detail.

agreements.⁷ While differing in key policy pieces, the way that oil impacted Alaska and the Northwest Territories falls into four key themes: designating governing power, discovering oil, dividing land, and developing a multi-level, multi-actor governed state. These four themes provide evidence that extracting oil in the 21st century is not simply a yes/no or environment versus development dichotomy. Instead, these decisions flow from nearly a century of history with oil that changes the relationship between land, people, resources, and governance.

DESIGNATING GOVERNING POWER

Canada and the United States are federal countries. Within federalism, power can be distributed differently among different orders of government while still constituting a federalist system. Though the specific distribution of power varies depending on the type of mandate, law, or policy that is being discussed (Field 1992), the general rule remains the same: states, provinces and especially territories are ultimately beholden to the federal government, locked in a relationship where both jockey for jurisdiction but ultimately combine forces to act as a unified body. Especially in a comparative context, Canada and the United States vary in the way in which federalism is carried out, but ultimately follow systems that are structured in ways that uphold similar values about the distribution of power among governing institutions. In the United States, power is concentrated within the federal government; in Canada, the provinces have a broader range of control than the federal government⁸ (Field 1992, 107–8). Despite this variation, federalism is the dominant way that these countries are understood to be governed across their respective vast differences.

Federalism is not the only structure that the United States and Canada share in shaping their respective histories. Another thread undercuts the story we tell about federalism in North America: settler colonialism. Settler colonialism is an ongoing structure that both “strives for the dissolution of native societies” and “erects a new colonial society on the expropriated land base”

⁷ The exploitation of resources as a defining trait of the settler colonial state’s relationship with Indigenous peoples is not delegated solely to the North, but rather can be recognized as a commonality that drove the desire for and corresponding theft of land from Indigenous peoples across North America.

⁸ Noting that the territories – Yukon, Nunavut, and the Northwest Territories – are granted a lower level of power and self-determination capacity than the provinces. They are established by Act of Parliament.

(Wolfe 2006, 388). Characterized by a system in which “an exogenous collective aims to locally and permanently replace indigenous ones” (Veracini 2016, 4), settler colonialism produced – and continues to produce – the current system of governance in the United States and Canada. Fundamentally, this system is concerned with land; Wolfe argues that “[w]hatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory.” (2006, 388). More specifically: “Territoriality is settler colonialism’s specific, irreducible element.” (Wolfe 2006, 388). The United States and Canada are clear examples of settler colonial systems, built through concerted efforts at the removal and erasure of Indigenous peoples through governmental policy and practices that forced elimination and assimilation – including the Dawes Act (in the U.S.), homesteading policies, residential schools, adoption policies, and modern policing (King 2013; Macdonald 2019). Despite these systems, implemented in 1776 and 1867 (respectively) but ongoing, Indigenous peoples live both on and off their traditional lands across what is now considered the United States and Canada, and their nations, governing systems, and communities continue.

Where federalism characterizes the governing systems that were implemented in 1776 and 1867 across North America, settler colonialism characterizes the framework which justifies the basis for the implementation of this system. To be sure, telling any story or retelling any history about North America must be told in this light, drawing the curtain away so as to ensure that the full story of land, people, boundaries, and governance is told within a perspective that honors the specificity of governance – and what it is built on – in North America. To ignore settler colonialism in the overall context of understanding governance across North America paints a picture in which one of the most fundamental factors that shaped our history is ignored. Scholar Kēhaulani Kauanui states this as: “understanding settler colonialism as a structure exposes the fact that colonialism cannot be relegated to the past, even though the past-present should be historicized” (J. Kēhaulani Kauanui 2016). Settler colonialism both as an experience and a modern-day system are a critical part of the story of land and governance in present-day United States and Canada.

Despite being a part of the United States and Canada, Alaska and the Northwest Territories experienced their own versions of settler colonialism, upon which the respective federal governments built their federalist systems. The Northwest Territories became a territory

integrated into the Canadian federalist system in 1870; the United States purchased Alaska and made it a territory in 1867, and it became the United States' 49th state in 1959. Then as well as now, governance systems of the United States and Canada reflect this more complex history – and corresponding values – that show they built federalist systems on the back of settler colonialism and settler colonial ideals.

Present day Alaska and the Northwest Territories are both the product of two eras: what is often known as pre-contact, and the settler colonialism regime. These time periods are both building blocks for what we currently experience to be Alaska and the Northwest Territories and contain histories that influence the present day in both of these regions. I point to these eras not because they are a significant point of this research, but simply because understanding present-day governance in both regions requires an understanding of the core tenets of the structures that preceded them. In the same way that understanding settler colonialism is critical to understanding the role extractivism plays in rural Northern regions, understanding the history of land in present-day Alaska and the Northwest Territories requires an overview of the land regimes that preceded it.

Statehood for Alaska

In 1959, 92 years after the federal government of the United States purchased Alaska from Russia, Alaska became the 49th state of the United States. Territorial status from 1867 to 1959 provided limited citizenship privileges, including “no legal basis for owning or protecting property” and “no civil government and no effective civil law” (Coates 1985). As a territory, Alaska was also subject to the Indian Reorganization Act from 1936-1959 which set up tribal councils to govern Alaska Natives in a similar way to the rest of the United States (Hensley 2009, 108). Even before statehood, delegations who attempted to clarify laws and policies within the federal government often found their requests “opposed by the vested interests already present in Alaska” including fur traders and the fishing industry who “opposed more government because it would bring regulation of and restrictions on the use of resource” (Fischer 1975, 4). As such, statehood represented a new era for Alaska and those that lived there, opening up the ability to build a constitution, laws, and policies to govern the state of Alaska. While settler colonial governing structures, these very same structures promised to give voice to Alaska and Alaskans at the federal level, a scale at which it had been ignored for decades.

Though statehood was approved at the federal level in 1958 and implemented in 1959, it grew from more than a decade of persistence from (typically) non-Indigenous people that lived in and governed Alaska. Alaska Constitutional Convention member Vic Fischer argues that “[r]eferenda were repeatedly used to demonstrate public desires and indignation with the status quo” (Fischer 1975) of being a territory. To push the issue of statehood at the federal level, Alaskans used referendums both on the specific issue of statehood – a referendum that passed 9,634 to 6,822 in 1946 – and to demand localized jurisdiction over use, distribution, and access to resources. Largely driven by politicians within urban⁹ Alaska, these initiatives and the rhetoric that accompanied them trickled down to the grassroots. Through radio and the press, politicians developed their own narratives about why Alaska deserved statehood and how the federal government owed more to Alaska. Notable among these popular narratives is Ernest Gruening’s, articulated both during his time as territorial governor and published in his book *The State of Alaska*. This book frames Alaska as being held “in tutelage for the economic benefit of a few absentee corporations,” which had, more broadly, “thwarted the territory’s economic development” and “denied Alaskans their rightful control over their own destiny” (Described in Haycox 2016, 21). This narrative – alongside other occurrences like ongoing exploitation of resources, limited civil rights, and the growth of federal military funding – spurred the statehood movement of the 1950s which would eventually lead to federal passage of the Statehood Act.

Embedded in the narratives about Alaska’s right to become a state was rhetoric that identified Alaska as a colony, insisted on a right to land, and articulated an anti-state position towards the federal government, rhetoric that would become central to Alaska’s identity as a state and passed down to residents as a key part of their own identity (Haycox 2016). This rhetoric resembles what Sabin describes as the discursive component of contested colonialism in the case of the Yukon (2014). Specifically, he argues the settler political class may use “the language of colonialism to describe their own political situation,” despite the use of this rhetoric being deeply hypocritical, given “settler co-operation in the marginalization and dispossession”

⁹ This term is used loosely, considering that as of 1950 the U.S. Census only counted Alaska’s population at 128,643 people (U.S. Census Bureau n.d.). I use the term ‘urban’ to refer to the railbelt region of Alaska which includes cities connected by the road system. I also include Juneau (the capital city of Alaska, 1906 to present) and Sitka (the territorial capital of Alaska from 1867 to 1906) in this definition, given their significance to governing Alaska and the relative ease with which elected officials moved between these cities and the railbelt region.

of Northern Indigenous peoples and the corresponding privilege in the “Northern political order” that it granted (Ibid, 384). In the case of Alaska, claims to Alaska’s role as a colony mirrored the complexity of the contested colonialism Sabin articulates, ignoring the dynamics of settler colonialism in favor of framing Alaska as a resource colony aspiring to a state entitled to its own land and resources. Political scientist Haycox notes that Gruening specifically accused the United States of treating Alaska as a colony, or “an entity that benefitted the holders and their economic clients with great and unconscionable disadvantage” to those that had “sacrificed many of the conveniences of modern life to force a new civilization in the Alaskan wilderness” (Haycox 2016). Critically, the us-versus-them framing of a pioneer Alaska pitted against the federal government overlooked the most critical part of the state’s history: that the rugged Alaskan pioneers Gruening idolized were in fact settlers on Native land, themselves acting as colonizers in a primarily Indigenous region. The Alaskans that established Gruening’s new civilization were in fact exactly how colonization manifested itself on a local scale in Alaska: settlers moved into a land already occupied by Indigenous peoples and claimed (or were given) rights to said land via policies that preferred the erasure of Indigenous peoples in favor of westward expansion and national growth.¹⁰ This is precisely the dynamic that Sabin’s (2014) theory of contested colonialism describes as taking place within the Yukon, demonstrating the parallels of Northern regions that experience both settler colonialism as well as the Northern settler-designated title of resource colony. The resulting vision of a comprehensive non-Indigenous or settler right to land within Alaska is at the root of many present-day tensions between state and federal control of resources, while also continuing to marginalize the Indigenous people that occupied the land prior to colonization and continue to occupy it to this day.

Despite Gruening’s inaccurate depiction of Alaska’s colonial history and the values that followed from it, statehood gained popularity – both locally and nationally (Fischer 1975). Alaskans lobbied Congress, drafting a constitution, and in 1958 was approved to become a state. As one eager resident told the Fairbanks Daily News-Miner upon admission, “it’s like arriving at

¹⁰ In certain instances, colonial expansion in Alaska depended on Indigenous peoples to support economic activities like the fur trade and salmon canneries. However, that Indigenous peoples were often a fundamental part of these economic activities does not change the way in which colonization prioritized land claims for settlers over the traditional inhabitants of the land.

21 years of age: You're able to vote and take care of yourself. As for finances, it's like raising children. You're afraid you can't afford it but you always find ways of financing it (Quoted in Bloedel 1974). However, statehood meant more than the right to vote; it meant that a portion of lands, waters, and resources would be moved from the jurisdiction of the federal government to that of the new state government. For Alaska Natives, it also meant that governance on the more local level "changed dramatically" (Hensley 2009, 109), moving power from tribal councils to city councils which eventually led to the further splintering of local lands out of tribal control and into private property (Hensley 2009, 109).

When considering the role that oil would play in Alaska, statehood is notable not just for how it meant resources would be apportioned, but also how Alaska's Constitution mandates specific use of resources. At the Constitutional Convention, delegates fiercely defended the need for a constitutionally mandated resource policy, noting that Alaska should be protected from a "robber baron philosophy and boom-and-bust tradition" (Fischer 1975, 130) that had characterized Alaska's previous relationship with the federal government. E.L. Bartlett, the keynote speaker of Alaska's constitutional convention, noted:

The taking of Alaska's mineral resource without leaving some reasonable return for the support of Alaska governmental services and the use of all the people in Alaska will mean a betrayal in the administration of the people's wealth. The second danger is that outside interests, determined to stifle any development in Alaska which might compete with their activities elsewhere, will attempt to acquire great areas of Alaska's public lands in order NOT to develop them until such time as... they see fit. (November 8, Alaska Constitutional Convention).

Bartlett's words reflect a deep tension within the state of Alaska: the desire to maintain land and waters for the maximum benefit of Alaskans, but also a desire for localized political – and as such, typically non-Indigenous – control over resources. His lack of mention of Indigenous peoples as a crucial part of the conversation around land and resources also evidences the lack of consideration they were given during the Constitutional Convention. These tensions and lack of interest in Indigenous rights and land were translated into policy and codified into statute in the Alaska Constitution with the goal of protecting resources, lands, and waters. As such, Section 1, 2, 3, and 4 of Article VIII of the Alaska Constitution reads:

Section 1: It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2: The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters for the maximum benefit of its people.

Section 3: Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4: Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses (The Constitution of the State of Alaska 1959).

These sections of the Alaska Constitution are the backbone of many court cases in Alaska that work directly with land, water, and resource allocation from statehood until present day, often between Indigenous and non-Indigenous actors (see McDowell v. State, 1989; State v. Kenaitze Indian Tribe, 1995). These constitutional articles are also unique; Alaska is the only state in the United States that has a constitutionally mandated policy on ensuring public trust and sustainable management of resources and public lands (Fischer 1975). By enshrining public rights to fish, wildlife, and waters in the constitution, the state not only acted differently than many other areas in the United States, but it also recognized the importance of land, water, and resources to the future of the state and its inhabitants.

Though statehood for Alaska had dramatic results for the region in terms of land ownership and resource management, it was just the first of many shifts in the 20th century political history of the state that would come to influence the way oil was extracted. Even more notably, statehood in Alaska did not offer the same opportunities to all those living in Alaska; historian Donald Craig Mitchell notes that where “statehood began an era of new political possibility for non-Native Alaskans” (Mitchell 2001, 11) Alaskan Natives did not enjoy the same opportunities at the same time, rather finding power in the civil rights revolution later in the 60s (detailed later in the discussion of ANCSA).

‘State’ Formation in the Northwest Territories

There is no parallel story of transition from territory to provincehood in the Northwest Territories. However, the past half-century (1970-2020) has seen stronger pushes for territorial self-government, local administration, and devolution of jurisdiction over resources. With these pushes have come the evolution of governance and governing structures, not just in the past half-century but since the 19th century adoption of the Northwest Territories into Canada. These

changes do not signify a period during which the region coalesced around the singular goal of becoming a province, as Alaska did with becoming a state; instead, they are the result of a variety of periods in which governance and corresponding control have evolved.

However, Alaska and the Northwest Territories share a history of acting as a resource colony. Where Alaska's constitution afforded more significant local control over resources and the profits that flowed from their extraction starting in 1959, the Northwest Territories' status as a territory denied it any sort of control over local resources for a number of years through Natural Resource Acts or similar legislation. Treated as "Canada's leftovers" (Coates 1985, 131), the Northwest Territories was administered from afar and hamstrung by its "still-born constitutional development" (Coates 1985, 132), as well as the lack of political representation that followed. With resources playing the protagonist in the determination of governance rather than the territory itself, there was little support for regional autonomy throughout the 19th and 20th centuries and the Northwest Territories remained a territory.

Territorial status within Canada means different rights and powers than it does within the United States. Canadians living in territories hold significantly more rights than people living in territories in the United States. For example, the rights of Puerto Ricans in the United States are limited in such a way that it is "increasingly difficult to claim that Puerto Ricans born in Puerto Rico can be said to be U.S. citizens in the full constitutional and legal sense" (Torruella 2017). In contrast, rights afforded to those from and in the Northwest Territories are those of full citizens; instead, it is the ability of the Government of the Northwest Territories to make decisions regarding use of land and resources in the territory that is called into question. Although territories in Canada were historically governed by the federal government, their governance has evolved to reflect a more localized control (this topic that will be covered in further detail in the section on Devolution below) (Government of Canada Intergovernmental Affairs 2017). The difference in the ability to self-govern between provinces and territories in Canada – as well as the differing solutions from the federal governments of the United States and Canada in responding to calls for more self-governance – is a primary difference between the role that these status designations play in present land governance, resource management, and policy growth.

DISCOVERING OIL

In both Alaska and the Northwest Territories, oil set in motion a whirlwind of action. While the relative isolation of the oil fields tempered immediate ability to extract, the changes in these regions began occurring well before initial extraction. But changes did not just come on a local level – instead, they set in motion a series of events that restructured current governance systems in both Alaska and the Northwest Territories. In doing so, governance evolved to meet the needs of oil extraction, both during the initial booms of oil as well as the various iterations of extraction that followed. By meeting these needs, governments did not just allow for oil extraction, but rather catered specifically to the requisites for oil extraction in order to ensure oil could get to market. As such, hitting oil was not just history in the making; it fundamentally changed the way in which Alaska and the Northwest Territories, made decisions about how land could (and should) change hands.

The Liquid Gold Rush in Alaska

Well before oil was struck at Prudhoe Bay, Alaska was in the market for oil. In 1902, Alaska's first commercial oil discovery¹¹ occurred near present-day Cordova – now known as the site of significant impacts from the 1989 Exxon Valdez oil spill. By 1929, sixteen wells were pumping oil to a local refinery (Mitchell 2001, 3). Following its closure in 1933, the next strike occurred in 1957 on the Kenai Peninsula, in southcentral Alaska near present-day Anchorage. Celebrated with a bonfire in Anchorage (Roderick 1997, 52) the energy of this oil extraction drove home to many Alaskans the importance of statehood and the economic opportunities that it could offer, while also promising that Alaska could sustain itself financially were it to be granted state status (McBeath et al. 2008, 27).

In 1968, the Atlantic Richfield Company (ARCO) announced that they had struck oil at Prudhoe Bay in northern Alaska. At the time, the oil field was estimated to be the largest in the Western Hemisphere and the twelfth largest in the world (McBeath et al. 2008, 33). According to scholars, three consequences flowed immediately from this discovery: first, the value of North Slope oil leases skyrocketed, netting the State over \$900 million in bonus lease sales in 1969;

¹¹ I say first *commercial* oil discovery here, not first discovery, because accounts indicate that Alaska's Indigenous peoples used oil for fuel well before it was exploited commercially (J. McBeath et al. 2008, 24).

second, the Governor of the time directed a road to be built to Prudhoe Bay, an eventual “ecological disaster” that spurred national environmental interest in the state; and third, a pipeline was devised to get Prudhoe Bay’s oil to market, necessitating the settlement of land claims to Alaska Natives by the federal government (J. McBeath et al. 2008, 33–34; Mitchell 2001, 8–9). Despite the tumult that would ensue in the coming years in getting the oil from the initial well into the market, producers were confident enough in Alaska’s future plans for oil that pipe to build the pipeline across Alaska was shipped the very same week as the September 1969 lease sale (Weissler 2019, 6). In tandem with previous evidence around the reactions to striking oil, this willingness to do anything necessary in order to get oil to market evidences the state’s oil inclinations even in the early days of the initial boom.

The Northwest Territories: Striking Oil

In 1920, oil was struck in the vicinity of the community now known as Norman Wells (Mason, Dana, and Anderson 2012, 251).¹² What followed was a frenzy of interest in resource extraction across the Northwest Territories, resulting in not only the establishment of Norman Wells (Bone and Mahnic 1984, 53) but also a population influx, expanded community planning, changing demographics, further oil exploration, and little concern for the Indigenous population (Dana, Meis-Mason, and Anderson 2008, 154; Fumoleau 2004, 200). Though oil extraction in the new community of Norman Wells largely depended on finding a market that was willing to purchase the product (Bone 2016, 180), increased mining activity, World War II, and cross-continental industrialization eventually drove growth of Norman Wells as well as surrounding communities (Bone and Mahnic 1984, 54). Inuvik, a government-constructed community in the Mackenzie River delta, near the Arctic Ocean, was one such result of this growth – growing to a population of 4,200 people in 1990 (Dana, Meis-Mason, and Anderson 2008, 159). Though growth of this magnitude has tapered within the territory, the population influx due to oil extraction and exploration continued until 2016, followed by a bust in growth, mirroring the economic boom and bust periods experienced across the region.

¹² Though the Sahtu Dene say one of their members, Francis Nineeye discovered oil first, giving a sample to the Hudson’s Bay Company and later guiding geologists exploring the region for oil (Mason et al., 2012, pg. 251).

Unlike the prominence of Alaska's first oil boom at Prudhoe Bay, other significant development around oil and gas extraction in the Northwest Territories continued beyond the changes prompted by the initial boom at Norman Wells. Oriented around the infrastructure offered by the oil hub town of Inuvik, other oil and gas exploration continued: in 1969, onshore oil was discovered in the Mackenzie River Delta and in 1970 a major gas field along Parsons Lake was also discovered. Prompted even further by the rising oil prices and National Energy Program (discussed in detail in Chapter 3), the boom in the region resulted in "significant changes to employment and income patterns" (Dana, Meis-Mason, and Anderson 2008, 155). The government and industry deemed a pipeline to transport the oil necessary in 1974, followed by a highway to the town of Inuvik in 1979 (Dana, Meis-Mason, and Anderson 2008). Throughout the development that exploded across the Northwest Territories, Indigenous peoples were often not consulted about their perspectives, and their ability to contest changes through the territorial government was often complicated by unsettled land claims.

The 1970s saw an increased interest in exploring a new form of oil and gas in the Northwest Territories: offshore resources. Overall higher oil prices, increasing demand, and the OPEC oil crisis renewed interest in Northern oil fields that previously had been too expensive to consider developing (Coates 1985, 206). The sheer scale of the 1968 discovery of oil at Prudhoe Bay in Alaska further spurred interest in the potential of offshore resources in Northern Canada (Coates 1985). The next decade saw a flurry of development in the Northwest Territories. Oil was discovered near Tuktoyaktuk in 1970, the government created PetroCanada, which was granted "preferential drilling rights" offshore in the North to drive Canada's new desire for Canadian petroleum self-sufficiency, and the newly passed Canadian Oil and Gas Act gave the federal government 25% ownership of northern offshore wells (Coates 1985, 208). Despite this rapid development, falling oil prices and the government's "heavy-handed treatment of the oil industry" saw a tapering of activity in the 1980s, ending with a government bailout of Dome Petroleum, one of the biggest players (Coates 1985, 208).

Where the discovery of oil at Norman Wells made oil extraction a possibility in the imagination of federal policy makers, the boom in offshore drilling and exploration activity in the 1970s made the future of oil wealth a very real option. Federal policy of the era reflects this, framing the North merely as a resource frontier and path to self-sufficiency with little regard for "regional interests" (Coates 1985, 207). Not surprisingly, this regional subjection to federal

policies was felt across the North. As residents of the Northwest Territories continued to see limited revenue from development – amounting to an estimated 3% of the amount received by the federal government for certain projects (Bone and Mahnic 1984, 57) – the region continued to act essentially as a resource colony for the rest of Canada, by Coates’ analysis. Accordingly, people across the territory began to organize. Territorial subjection and migration that brought “groups of newcomers” with “purposes of their own” to the Northwest Territories led people to “consider the ways in which they could regain some of their historic capacity for self-sufficiency and self-determination” (Abele 2009, 31). The treatment of the North simply as a site of extraction had begun to wear, and the events of the coming decades illuminate the ways in which rural Northern residents pushed to subvert this expectation.

As is the case across much of the Arctic, the discovery of oil set in motion future territorial change, expansion, and even a shift in culture. Oil in the region drove land claims agreements and infrastructure development during World War II, while also fueling industrialization and globalization across both the Northwest Territories and Alaska. Though influenced by fluctuating oil prices, infrastructure, and unsettled land claims, oil and gas expansion and extraction that began in the twentieth century in Alaska and the Northwest Territories set the tone for development and extraction that still occurs today. In this way, these rural regions do not simply symbolize an area with a resource disconnected from Canadian, American, or international processes; instead, they are at the heart of the respective states’ engagement with global energy markets and broader trends of industrialization.

CHANGING HANDS: DIVIDING THE LAND

Where initial governing agreements between the federal and the state/territorial governments are core to the current systems of governance in Alaska and the Northwest Territories, governance has evolved significantly since these initial structures. Most notable in their structural evolution is the way in which land has changed hands. In the case of rural regions that rely significantly on resources for sources of income, land ownership and jurisdiction have significant ramifications in terms of the ensuing reallocation of income. It is in this relationship between Indigenous peoples (and later, Indigenous corporations) and the state/territory that we see the way in which the settler colonial state focused on land specifically as a container for extractable resources. The way in which land changed hands during the settlement of land claims

codified the state and territory's mandate to extract, while also simultaneously creating institutions through which Indigenous peoples gained traction within the settler colonial state. Specifically, the creation of Indigenous corporations plays a role in building a mandate to extract – while simultaneously building economic (and thus political) power for Indigenous communities in both regions.

The Alaska Native Claims Settlement Act (ANCSA)

In 1971, President Richard Nixon signed the Alaska Native Claims Settlement Act, or ANCSA, into law. ANCSA granted 44 million acres of land in Alaska and \$962.5 million in compensation to twelve newly established regional Native corporations, a solution that was “unprecedented in its scope and provisions” (Haycox 2016, 33), as well as unrivaled in its methods of settling land claims. Accordingly, all Alaska Natives living during the passage of ANCSA became shareholders in one of the twelve corporations, 211 Alaska Native villages became entitled to form their own village corporations underneath the corresponding regional corporation, and the regional corporations were granted all subsurface rights for their regions (Haycox 2016, 34).

If the settlement of ANCSA in 1971 was the direct result of the state government's desire to build a pipeline across Alaska to transport oil, the negotiation of ANCSA arose from substantial organizing work by Alaska Native people themselves and non-Native allied partners. What originated as grassroots opposition to the federal government's proposed testing of hydrogen bombs near Point Hope in 1958 resulted in an “era of new political possibility” on October 18, 1966 when over three hundred Alaska Native people assembled in Anchorage to “discuss common problems” including land claims (Mitchell 2001, 12, citing the Anchorage Daily News). This convention, intentionally placed before the November elections, was the precursor to the Alaska Federation of Natives or AFN. Presently, AFN holds their Convention every October, swapping back and forth between hosts in Anchorage and Fairbanks. More broadly, the organization is:

...the largest statewide Native organization in Alaska. Its membership includes 175 federally recognized tribes, 155 village corporations, 11 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs. AFN is governed by a 38-member board, which is elected by its membership at the annual convention held each October. (Alaska Federation of Natives n.d.)

Especially as the Alaska Constitution did not take up any granting of lands to Alaska Native peoples, the AFN in its initial years “worked primarily to achieve passage of a just and fair land settlement” (Alaska Federation of Natives n.d.). In 1959, the State of Alaska began filing claims to the 104 million acres to which statehood had supposedly granted them access (Haycox 2002; Mitchell 2001). Unsurprisingly, the delegation of land to the State of Alaska before the settlement of land claims to Alaska Natives prompted conflict. AFN arose in order to advance Alaska Native claims to their own land “based on the principle of aboriginal title, as well as actual use and occupation” (Haycox 2016, 91). Initially, the Bureau of Land Management ignored all of these claims. In reaction, the AFN engaged other political actors. The result was what Haycox describes as a paper trail of “chaos” (2016, 92), to which Interior Secretary Udall responded by creating a land freeze in 1966 until “Native claims [could] be settled” – a decision that was upsetting to the non-native population, journalists, and public officials alike (Haycox 2016, 92–93).

Still under Senator Udall’s mandated land freeze, the 1967 and 1968 discovery of oil on the North Slope of Alaska did what the Alaska Constitution and the federal government of the United States would not: create the incentive necessary to settle Indigenous land claims in Alaska. In order to transport the vast amounts of oil discovered on the North Slope, a pipeline would have to be built. This pipeline would necessarily cross lands that were currently under unsettled claim. Unsurprisingly, this prompted quick action by the federal government. As Haycox records, “In January 1968, Governor Hickel convened a task force of Native leaders to draft a settlement bill acceptable to the Natives” (Haycox 2016, 94). In 1971, ANCSA was settled: Alaska Natives were granted title to 40 million acres of land, a large sum of money due to mineral royalties and Congressional appropriation, and 12 (plus one in Seattle without land) regional development corporations were created. While the settlement of ANCSA granted only a portion of the originally proposed property acreage to Indigenous populations, the land that was granted still represents the largest settlement in the United States. The state’s focus on building the pipeline (and profiting accordingly) gave Alaska Natives bargaining power and leverage (G. McBeath and Morehouse 1994; Haycox 2002). Even up against significant backlash from the rest of the state, Alaskan Natives could capitalize on the general non-Native desire for the promise of economic development that came with oil.

However, the fact that Alaska Natives had significant bargaining power during this era reflects that bargaining power was necessary in order for their requests to be taken. Though the amount of land owned by Alaska Native corporations is notable in comparison to other Native Americans, it reflects the settler colonial state's focus on extraction oil rather than an uptake of a rights and sovereignty agenda. While Indigenous people in Alaska may have briefly held an amount of power unprecedented in the history of the United States, that brief period speaks deeply to the amount of discrimination, injustices, occupation, and marginalization that Alaska Natives have had to endure throughout the development of Alaska as both a territory and a state.

ANCSA still governs present day land agreements within the state of Alaska. While innovative for their time, ANCSA faces its fair share of present-day controversy. To quote historian Donald Craig Mitchell,

Today, many (particularly young) Alaska Natives have little good to say about state-chartered Native village and regional corporations because Native involvement with the government of the state of Alaska is politically incorrect in the new age of Native tribalism. It is so incorrect that even Willie Hensley, the chairman of the land claims task force, today tries to disparage his and the other members' involvement in the decision to use state-chartered corporations to implement the Native land claims settlement by characterizing the decision as "almost a detail as far as a lot of us were concerned." And when asked whether there were any debates during task force and drafting committee meetings regarding the idea of using state-chartered corporations, Hensley responded there were "none that I can recall" (Mitchell 2001, 160).

Cliff Groh, who attended the same meetings Willie Hensley did, has a different recollection.

According to Groh:

The United States experience had indicated that the Bureau of Indian Affairs' management of Indian resources did not necessarily benefit the Indians. So the idea was to get away from that kind of control. And the only method we could devise to get away from that control was to create for-profit corporations. The Native leadership today sort of denies that they participated in that process. Well that's bullshit (Mitchell 2001, 160).

While complex and multifaceted, one portion of the controversy with ANCSA is that corporations have a mandate to profit. In this sense, the ANCSA regional corporations were granted land as their resource and a requisite to create profit from their resource in order to survive. Given the overall remoteness of Alaska, there are very few opportunities under which profit can be made; especially beginning in the 1970s, resource extraction was the most realistic option, with oil being the largest opportunity for revenue generation. It should come as no surprise that the ANCSA regional corporations typically pursue resource extraction, even if it is

seemingly at odds with the environmental conditions required to maintain subsistence lifestyles that are key to Alaska Native and rural Alaska living. With the exercise of political power resting critically on “money and people politically conscious enough to know how to spend it” (Mitchell 2001, 11 citing Saul Alinsky), the mandate to profit is not simply economic: it is a precursor to political participation and power.

Alaska National Interest Lands Conservation Act (ANILCA)

In 1980, ANILCA followed on the heels of ANCSA in Alaska, and established much of what Americans now know as the national park lands and conservation units across the state (Alaska Department of Natural Resources 2020). With the establishment of nearly 106 million acres of federal land in Alaska under varying degrees of use limitations, ANILCA is largely responsible for the 60.9% federal land ownership rate in Alaska – the highest percentage of any state. Significantly, ANILCA is responsible for the expansion and redesignation to refuge status of the area now known as the Alaska National Wildlife Refuge, key to discussions of oil extraction in Northern Alaska (discussed at length in Chapter 4) (U.S. Fish and Wildlife Service 2013). It has also been heralded as “one of the three most significant pieces of conservation legislation ever enacted” (Haycox 2016, 126). ANILCA offers a clear example of the strong hold the federal government has placed on a significant amount of land and waters across the state of Alaska. Notably as well, that the lands are federally owned means that access to these lands is supposedly the right of every American citizen, ultimately meaning that 60.9% of Alaska’s land is outside the control of the state, and even those whose traditional lands they are. As Haycox puts it, “the environmental ‘crown jewels’ in Alaska were not Alaska’s; they were the nation’s” (Haycox 2016, 120). Through this model of dispersed ownership from afar model, ANILCA enables the environment vs. development narrative, ultimately making the preservation of over half of Alaska’s lands the responsibility of a nation, rather than those that live nearby, subsistence harvest in, or have traditional ties to the land.

Treaty Lands in the Northwest Territories

The Northwest Territories has experienced a number of different iterations of land ownership and control, all of which share drivers, characteristics, or outcomes similar to those of ANCSA in Alaska. The first agreement governing land between the federal government and Indigenous peoples in the northern region of the Northwest Territories north of Great Slave Lake

was the signing of Treaty 11, in 1921-1923. Where there was no statehood/provincehood movement to codify the relationship between the federal government and the territory, Treaty 11 served as the initial agreement between the Indigenous peoples living within the Northwest Territories and the federal government. Similar to the ANCSA, the discovery of oil in the Northwest Territories drove the negotiation of Treaty 11 (Dickerson 1992, 19). Oil was of obvious import to the federal government and the federal government operated under a philosophy similar to that of the state of Alaska: settling land claims is necessary to accessing oil. Within both regions, the ability to extract oil was key; of less concern were the Indigenous peoples that lived there.

During the initial oil boom in the 1920s, elder James Wah-Shee summarized the signing of Treaty 11 as: “The Treaty was signed when it was discovered that our land was more valuable than our friendship” (Fumoleau 2004, 200). Here, Wah-Shee aptly summarizes the process of the federal government obtaining rights to oil extraction by taking steps to “secur[ing] ownership” (Fumoleau 2004, 201) to the land of the Northwest Territories. Described by the federal government as a “vast domain of country, rich in natural resources and favorable for development” (Government of Canada 1921, 852 cited in Fumoleau, 2004), this treaty was not a break with the previous treatment of the Northwest Territories as a resource colony governed by a settler colonial institution. That the Northwest Territories was formerly administered by the Department of Mines and governed “almost exclusively from Ottawa” prior to the 1950s is further proof of the federal government’s resource-specific interest in the Northwest Territories (Sabin 2017, 10).

Treaty 11 “outlined the exchange of land ownership rights for monetary value, various amenities, and hunting rights” between First Nations bands in the Northwest Territories and the Crown (Dehcho First Nations n.d.). Officials in Ottawa “decreed the time, terms, and conditions of Treaty 11” (Fumoleau 2004, 209) and it was signed by communities from 1921 through 1923 without Indigenous communities so much as receiving a copy of the document (Fumoleau 2004, 220). The lack of clarity about land use, ownership, and access to natural resources throughout the treaty process is well-documented (Fumoleau 2004, 241), and so much is clear: the federal government undertook the signing of Treaty 11 as a formality such that it made extracting oil a possibility.

Though the signing of Treaty 11 had expected land use outcomes for the federal government, on a more local level it is considered both controversial and dated. The fraught history of unclear communication and contradictory actions on the part of the federal government combined with the lack of clarity over what precisely was being signed over (Asch 2013) created significant tension throughout the territory that persists today. For the Inuvialuit and Gwich'in, modern land claims agreements (discussed in further detail in a later section) have replaced Treaty 11; however, for other Indigenous peoples in the Northwest Territories without settled land claims, the legacy of Treaty 11 continues.

The Paulette Caveat and the Berger Inquiry

Where Treaty 11 served as the opportunity for the federal government to extract resources from the Northwest Territories without limitations or consultation, the 1970s saw immense pushback from Indigenous peoples in the region as they saw their rights to land being questioned and the Mackenzie Valley Pipeline being proposed. A 1969 white paper from the federal government proposed “ending the special legal relationship between Aboriginal peoples and the Canadian state and dismantling the Indian Act,” acts which would force assimilation and dissolve the treaties (Indigenous Foundations n.d.; Last 2018). In response, sixteen chiefs “came together to form the Indian Brotherhood of the Northwest Territories” (Dene Nation n.d.) as Indigenous-led advocacy to maintain rights to lands and their relationship with the federal government exploded across Canada. While this advocacy led to the federal government pulling the 1969 white paper, it left questions about the intent of the treaties and the land they encompassed unanswered. In 1970 when the Mackenzie Valley Pipeline was proposed, there was “immediate opposition” to the project on the grounds that Treaties 8 and 11 had different meanings to the government than they did to the Dene people (Last 2018). This resulted in the 1973 filing of a Caveat – known as the Paulette Caveat, for one of the chiefs who filed – that recognized Crown land in the Mackenzie Valley as falling under legal title to the Dene (Pearson 1974). After collecting extensive testimony from those living in the treaty region, the Supreme Court of the Northwest Territories ruled that the Dene had never surrendered their rights to the area, however, the ruling was overturned after being appealed to the Supreme Court of Canada (Last 2018). Not dissuaded, this Indigenous-led advocacy around land rights in the Northwest Territories in the early 1970s was just the beginning of an era of recognition for land and the

importance of land claims to resource extraction around the region. Much of the intent of this work is described in the 1975 Dene Declaration:

30. Externally, we must again become a people making our own history. We must become actors, not just be acted upon by companies and government. The highway, proposed pipeline and dams, indeed, even the layout of our communities — all are other people's plans to which we have been allowed at best only to react. We must become actors, planners, in control of development within our communities and our land. We must develop our own plans for development that will benefit our communities and all our people.

31. To be able to make our own history is to be able to mould our own future, to build the new Indian society of the North that preserves the best of our past and our traditions while enabling us to grow and develop as a whole people. We want to build a society in which there is equality of all Dene people, and a society free of exploitative relationships between people. We are not opposed to change, but it must be on our terms under our control. To assert that right is to assume a great task, one at which we cannot afford to fail (General Assembly, Indian Brotherhood of NWT (Dene Nation) 1975).

The push for rights and sovereignty articulated in this document is the culmination of years of Indigenous organizing, showing the ongoing tension between Northern Indigenous peoples and the federal government's utilization of the North exclusively as a resource frontier.

A year after the Paulette Caveat decision, the federal government began the Mackenzie Valley Pipeline Inquiry, commonly known as the Berger Inquiry. Building on the clear articulation of rights from the Paulette Caveat, the Berger Inquiry was a second opportunity for Indigenous peoples in the Northwest Territories to be heard at a national scale regarding their lands – only this time, through a federal government-sanctioned process. Though not a land claim settlement or agreement, the Berger Inquiry put Indigenous people and their concerns about their lands at the forefront in an oil and gas assessment process in a way that built off of the grassroots organizing and leadership work done by the chiefs who filed the Paulette Caveat.

The Berger Inquiry originated as a federal government attempt to “assess the impact” of the proposed Mackenzie Valley Pipeline (Dickerson 1992, 107). Throughout 1975 and 1976, the commission held community hearings throughout the Northwest Territories and the Yukon in order to hear perspectives on the construction of the pipeline. Based on what was heard across the North during these hearings, the commission's report published in 1977 recommended a 10-year moratorium on the Mackenzie Valley Pipeline project to give time to “strengthen native society and the native economy through the settlement of land claims” (Berger 1977). The first time Indigenous people of the Northwest Territories were meaningfully included in feasibility

studies for an oil extraction project, the Inquiry “set the standard for future inquiries” in addition to moving impact assessment hearings “from the boardroom to Aboriginal communities” (Bone 2016, 197).

During the hearings, over 1,000 Indigenous people testified in front of the commission (Clarkson 1976). Throughout the hearings, Dickerson argues that the content of these hearings can be separated into two main arguments: first, that “the pipeline should not be built because it would possibly destroy the land” and that “settlement of land claims was mandatory before resource exploitation” and second, that “some degree of ‘autonomy’ or self-government should also be an integral part of any deal” (Dickerson 1992, 107). As a result, the Mackenzie Valley Pipeline project was placed on a ten-year moratorium before development could proceed. Where the United States settled land claims in order to have access to oil resources on Alaska’s North Slope as soon as possible, Canada instead recommended a pause in the process in order to give time and space to the settlement of land claims.

That the concerns of Indigenous peoples in the Northwest Territories and the Yukon were heard on a national scale and resulted in a pipeline development moratorium is not only groundbreaking, but reflective of changing power dynamics between the federal government, territorial government, and Indigenous people during this era of relations in Canada. Throughout this process, power was reconfigured in such a way that it seemed possible that developers, for one of the first times in Canada’s Northern history, might have to listen to Indigenous peoples. This reconfiguration of political power set the precedent for future oil extraction consultation with Indigenous people. However, though critical in understanding the trajectory of oil extraction in the Northwest Territories, it is worth noting that the Berger Inquiry still limited decision-making power to that of the federal government – even if it did anticipate greater Indigenous participation in governance later along the way. Often celebrated as a landmark for Indigenous inclusion in decision-making processes, the Berger Inquiry, limited by its terms of reference, continues to model a hierarchical relationship between the federal government and Indigenous peoples in which the federal government has ultimate power over the Northwest Territories and oil development that happens within its boundaries, instead of a nation-to-nation relationship that respects sovereignty.

As foreshadowed by the Berger Inquiry, land claims are a critical part of a growing inclusion of Indigenous people in resource decisions made in the Northwest Territories. Though not settled until later in the twentieth century, these claims now often dictate oil development, royalty flow, beneficiaries, and the consent required to develop oil and gas in the Northwest Territories (discussed in greater detail in Chapter 3). Of particular note to this research are the Inuvialuit Final Agreement and Gwich'in Comprehensive Land Claims Agreement – both involving the Mackenzie River delta and coastal regions – as well as the organizations, institutions, and dynamics that evolved from the settlement of both.

Inuvialuit Final Agreement (IFA)

In 1984, the Inuvialuit and the Government of Canada signed the Inuvialuit Final Agreement (IFA), resulting in the transfer of 91,000 km of land, \$170 million CAD, hunting rights, the ability to participate in resource management, subsurface rights, and the rights to future self-government (Nuttall 2008; G. N. Wilson and Alcantara 2012, 792). Scholars have noted that the intent of the agreement was to resolve “potential legal conflicts over the aboriginal rights in order to facilitate northern development,” inclusive of oil and gas extraction that had been occurring in the region without Inuvialuit consent for 64 years. This settlement was a landmark for the Northwest Territories, and originated in the Berger Inquiry’s recommendations, as well as pressures to develop offshore oil in the Beaufort Sea (Coates 1985, 222).

The settlement of the IFA created the Inuvialuit Regional Corporation. In broad terms, this corporation “represents the collective Inuvialuit interests in dealings with governments and the world at large” (Inuvialuit Regional Corporation 2020) but scholars recognize the role of the Inuvialuit Regional Corporation as mostly economic (G. N. Wilson and Alcantara 2012, 793; Bone 2016, 223). This corporation plays a role not unlike that of the ANCSA regional corporations in Alaska. To this end, the corporation formed four main subsidiaries which “provide most of the corporation’s operational funding” (Inuvialuit Regional Corporation 2020). These subsidiaries are key in understanding the Inuvialuit’s formal engagement with oil extraction. In 1985, the subsidiary Inuvialuit Development Corporation invested heavily in oil and gas, and, in 2000, created the Aboriginal Pipeline Group with other Indigenous groups from the Northwest Territories, a group which became a full participant in the Mackenzie Valley Pipeline project that was re-proposed in 2003 (Dana, Meis-Mason, and Anderson 2008, 159).

Though clearly representative of a certain subset of Inuvialuit and the Northwest Territories – one only needs to review transcripts from the Berger Inquiry to see that there was also clear opposition to the pipeline project – the relationship between the IFA which gave rise to the Inuvialuit Regional Corporation and the later stake in the Aboriginal Pipeline Group is critical to understanding how one key Indigenous organization not only gained decision-making power, but also acquired an economic stake in oil development of the Northwest Territories.

Gwich'in Comprehensive Land Claims Agreement (GCLCA)

In 1992, eight years after the signing of the Inuvialuit Final Agreement, the Gwich'in Tribal Council and the Government of the Northwest Territories settled the Gwich'in Comprehensive Land Claims Agreement (GCLCA) (Gwich'in Tribal Council 2020). This agreement established Gwich'in rights to 22,422 square km of land in the Northwest Territories, 6,158 square km of mineral rights in the Northwest Territories, \$75 million CAD (paid over a 15 year period), co-management practices on said land, a share of resource royalties in the Mackenzie Valley, and a right to consultation for oil and gas development (Gwich'in Tribal Council 2020; Olynyk and Bergner 2002, 10–11). Similar to Alaska Natives during the settlement of ANCSA and the Inuvialuit during the IFA land claims process, the Gwich'in Tribal Council created both the Gwich'in Settlement Corporation in order to receive their settlement payment as well as the Gwich'in Development Corporation to pursue a greater stake in economic development in their region (Gwich'in Tribal Council, 2019; Mason et al., 2012, pg. 255). The goals of the Gwich'in Development Corporation are similar to those of the Inuvialuit Regional Corporation: by “forming partnerships with experienced companies who have an interest in resources and opportunities existing within the Gwich'in Settlement Area” the Gwich'in Development Corporation seeks to “be successful in the competitive economy by combining outside expertise and technology with traditional knowledge and experience of geography and culture” (Gwich'in Development Corporation 2020). Put more simply, its goals are “to pursue commercial opportunities that would earn an acceptable rate of return on its investment” (Mason, Dana, and Anderson 2012, 255). Among the profitable business ventures in which the Gwich'in Development Corporation has been involved are pipeline work, construction, logistics, and transport (Mason, Dana, and Anderson 2012, 255).

In noting the economic investment of the Gwich'in Development Corporation in oil and gas in the Northwest Territories, it is critical to recognize that these investments are not representative of the region – similar to the Inuvialuit, one merely has to look at the transcripts from the Berger Inquiry to see that perspectives run across the spectrum – and instead reflect a desire for a stake in economic development and ultimate say over decisions impacting their people. Much like the ANCSA regional corporations and the Inuvialuit Regional Corporation, the Gwich'in Development Corporation allowed the Gwich'in to engage in the market economy to further their interests in their traditional lands.

Though the Inuvialuit and Gwich'in land claim settlements are the focus of this research, other settled and unsettled land claims also exist in the territory. Having settled and unsettled land claims adds a layer of complexity to understanding government-to-Indigenous and inter-Indigenous relationships, especially within the context of oil extraction. The difference in land claims creates not only a variance in mandated contact and consultation but also royalties and revenue that result from resource extraction. It begs the question: does changing oil royalty and revenue flows (through land claim settlements) further incentivize resource extraction? And further, should Indigenous-led resource extraction be evaluated from the perspective of the 'resource frontier' in the same way as non-Indigenous-led resource extraction? These two questions are complicated – even deserving of a full thesis of their own – but illuminate the additional layers of complexity that land claims add to the resource frontier paradigm. Land claim settlements (including ongoing settlement conversations) challenge the resource frontier perception as well as make visible a different type of leadership in the North.

RESITUATING GOVERNANCE INTO A MULTI-LEVEL, MULTI-ACTOR STATE

In the cases of both Alaska and the Northwest Territories, the various agreements that govern land have resulted in regions that are governed in a multi-level way. Multilevel governance is “a process of political decision making in which governments engage with a broad range of actors embedded in different territorial scales to pursue collaborative solutions to complex problems” (Alcantara and Nelles 2014, 185). As Alcantara and Nelles note, multilevel governance differs from intergovernmental relations in that it responds to configurations of power that fall outside governance that centers on exclusively governing actors. Alaska and the Northwest Territories typify this arrangement to differing extents, but multilevel governance

characterizes the relationship between Indigenous peoples and their corresponding institutions, varying levels of government, and the other actors that are key within these two regions.

Interlocking and Overlapping Governance in Alaska

Alaska is characterized by a complex set of actors, institutions, organizations, and corporations that play governing and pseudo-governing roles across the state. Often with overlapping jurisdictions, the complexity of the state is in part explained by a product of statehood and land claims settlements. However, understanding the formalities of legislation across the state fails to account for the ways in which power over and access to land – and the resources beneath it – affords political bargaining power, and as such, a seat at the governing table.

At the core of governance in Alaska is the question of land. In the United States (as well as Canada, discussed later in this section) “Indigenous peoples assert their right to self-determination in order to regain control over their lands” despite the “notoriously change-averse” structure of the federal systems under which they seek recognition (Papillon 2012, 292). It is this tension between the inertia of current governance arrangements and the way they dictate land use that pushes against the recognition of Indigenous peoples in the United States as sovereign bodies that creates space for reconstituted governance arrangements (Papillon 2012, 291). Where tribes are sovereign, Papillon argues that their authority has been eroded by the “cumulative effect of federal policies, state activism, and court decisions” (Papillon 2012, 295). Within this jockeying for power and sovereignty, however, Papillon asserts that “through the layering of new multilevel governance (MLG) regimes that coexist with the existing division of powers and intergovernmental relation systems of the two countries” federalism is being reconstituted and re-organized in a way that recognizes other governing actors (Papillon 2012, 291). This added governing capacity that originates outside the settler colonial state is central when analyzing the role of governing actors in the United States.

While scholarly literature asserts that federalism in the United States also experiences multi-level governance systems, there is limited research of the role of multi-level governance in Alaska despite its unique land claims settlements that sets it apart from the rest of the country. While it is not the purpose of this research to argue whether Alaska constitutes a multi-level governed state, initial observations show there is potential for this description to be applied to

Alaska in a meaningful way. Where Alaska's initial mandate to extract resources pushed Alaska Natives out of statewide governance, the settlement of land claims at the federal level and corresponding disbursement of land through ANCSA ensured that Alaska Natives could not be ignored. Further, the scale of the land claims settlement, larger than any other in United States' history showed they had very real leverage. What started with the designation of subsurface rights via ANCSA (discussed in greater detail in Chapter 4) snowballed into Indigenous leadership within resource extraction (discussed in greater detail in Chapter 4), state-tribal education compacting, providing medical services through tribally-led health services, and other compacting agreements that transfer responsibility to tribes from the Bureau of Indian Affairs (Papillon 2012, 296). Typically provided by governments, these services are proof that, despite land claim legislation that established corporations in lieu of governing bodies and refused to establish true co-management systems (discussed in greater detail in Chapter 3), Alaska Native organizations and tribes are in some ways engaged in a multilevel governance system in which they are some of the key actors in governing decisions.

Devolving Power in the Northwest Territories

Interestingly, devolution plays a role that is similar in intent, policy impacts, and popular significance to the statehood movement in Alaska. Where scholars often frame the North American Arctic as filling the role of a resource colony (Haycox 2002), this has become less true – at least administratively – through the implementation of the Devolution Agreement. Because of the territorial (as opposed to provincial) status of the Northwest Territories, for over a century the federal government retained control over the territory's resources in a pattern of "historic paternalism" (Sabin 2017, 11). Though different from the territorial structure in the United States, this administrative structure allowed for ongoing federal intervention in the North and decision-making with regard to resource development on behalf of Northern populations without their consent.

The Northwest Territories Land and Resources Devolution Agreement of 2013 fundamentally changed the way in which the federal government exercises power over the Northwest Territories. Negotiated in sections beginning in 2002, the final agreement is a "significant departure from older patterns of constitutional development in northwest Canada" in that it offers more localized territorial control over land and resources (Sabin 2017, 4). At its

root, the agreement empowers the Northwest Territories to make decisions regarding its own lands, surface and subsurface rights, and according royalties in lieu of federal government control and decision-making power (Sabin 2017; Slowey 2015). Notably though, devolution within the Northwest Territories did not include the offshore area; the Canadian federal government maintains control of offshore resources though the territory has jurisdiction over onshore resources (Feehan 2009, 365).

Despite its best intent to return power to a more local level, devolution still risks consolidation of power and perpetuation of pre-existing mandates for resource extraction. Though devolution has “brought decision-making power closer to the local population,” (Sabin 2017, 13), power is still centralized within a structurally colonial capital whose population and elected officials are not representative of the population makeup of the Northwest Territories, which is about 50 per cent Indigenous. This dynamic is not unlike the one proposed by Veracini in describing the challenges of internal colonialism (Veracini 2019). Additionally, while Yellowknife has increased power over the territory, federal withholding of devolution agreements was justified by “federal concern that the territorial governments lacked the policy and administrative capacity to oversee successfully the development of large-scale resource projects” (Sabin 2017, 11). Arguments of this type show that federal interest in devolution only existed insofar as devolution would be compatible with continued resource extraction. Of the tension between devolution and resource extraction in the Northwest Territories, Sabin argues

The reluctance of federal actors to devolve these [resource] powers reflected their historic paternalism towards western Canadian governments and their desire to retain the economic benefits of resource development in the region. These attitudes were exemplified in the Carrothers Commission of 1966, which noted in its final report, “it is not conceivable that the central government would convey title to the minerals and petroleum reserves of one-third of the land mass of Canada to a government of less than 0.2% of the total Canadian population, three fifths of whom are Indigenous peoples, who, however great their potential, are at the present time politically unsophisticated and economically depressed” [Canada 1966, 148] (Sabin 2017, 11).

With this context in mind, devolution became a project of ensuring the ability of the territory to manage the administration of resource extraction. In this way, though the reconsolidation of power to Yellowknife is very real, it is also symbolic in that it does not necessarily reconstitute a shifting of priorities or values.

The Multilevel (Northwest) Territory

Much like the United States, Canada is a multi-level system of governance in which a number of actors play a critical role in government-level decision making across the country. Papillon argues that multi-level governance in Canada followed much of the trajectory of the United States, including initial settler colonial policies, exclusion of Indigenous peoples from the federation process, and the implementation of treaties to address land rights (Papillon 2012, 299). However, in Canada the federation implemented the formal structure of band councils, institutions that are “unambiguously defined as creatures of the federal government, with powers and authorities delegated from the latter” (Papillon 2012, 299). In the United States, tribal governance systems allow tribes to engage in compacting which utilizes the government-to-government relationship between tribes and state or federal governments to authorize tribes to operate certain programming like health or education (“Alaska Tribal Health Compact” n.d.). However, Canada established the right to self-government – a structure which Papillon differentiates by noting its origins in self-governing agreements instead of as a recognition of “existing jurisdictional authority” as tribal compacting identifies (Papillon 2012, 301). Ultimately, though we also see multi-level governance structures in Canada, the federation favored the creation of new structures rather than a revitalization of or investment in pre-existing governance structures.

As a territory with definitionally limited power in comparison to provinces, the Northwest Territories experiences multi-level governance in a unique, if no less efficacious way. Devolution, land claims settlements, and according self-governing and co-management agreements currently play a key role in governance of the Northwest Territories, even within the federalist structure of the country (Rodon and Therrien 2015). Wilson, Alcantara, and Rodon argue that though territorial and federal governments continue to be key governing actors in the Northwest Territories, self-governance – specifically through the IFA – has ultimately been empowering (G. Wilson, Alcantara, and Rodon 2015). Where Alaska has tribal compacting, self-government for the Inuvialuit opened up doors for increased civic participation and programming, as well as the ability to participate in resource regulation (G. Wilson, Alcantara, and Rodon 2015) Though the Northwest Territories has remained a territory by federal and constitutional standards, the leverage, power, and roles afforded to actors other than the federal government through a variety of arrangements results in a multi-level governed state. These

multi-level governance structures are not an accident, but rather grew organically from the work surrounding land claims settlements in the Northwest Territories. In this way, land is about governance – the leverage that one gets by having land ultimately affords access to political power.

CONCLUSION

In this chapter, I chronicle the way in which land has changed hands over the past century in order to assess the way in which land ‘ownership’ plays a key role in building political power and governance. In particular, I ask: how do land arrangements impact governing structures, and what influence does a change in land management have on a change in governance? As a starting point for this thesis, I establish that land is critical for governance, and that land changing hands is indicative of growing political power. I also demonstrate the initial relevance of rural theory as a predictor of context faced by rural communities, especially when placed against a backdrop of settler colonialism.

I begin this chapter by placing Alaska and the Northwest Territories within the context of rural political theory and a broader history of Northern extraction. This sets the tone for the rest of the thesis to follow; in order to understand the North, we must necessarily understand the way in which (both Canadian and American) federal governments have treated it as a resource frontier. Alongside an understanding of settler colonialism, this theory helps contextualize how values of extractivism – stemming from settler colonialism and a key focus of rural theory – underpin an ongoing focus on oil in the North. This undercurrent of extractivism is a recurring theme throughout this research, and should be noted in reading Chapters 3, 4, and 5.

I then move to developing a targeted chronology of oil and gas extraction and the corresponding political development that occurred in Alaska and the Northwest Territories. Here, I argue that four specific themes characterize the last century of political growth: a designation of governing power, the commercial discovery of oil, the way in which land changed hands, and an eventual re-situation of governance into the current structures that we see in both regions. With regard to these four specific themes, I articulate specifically how we can understand governance through the way in which land is managed, owned, or sovereign. Where resources and authority are important, both these are ultimately derived from land, which I demonstrate in this chapter.

Underpinning this chapter is also an articulation of trajectories and how, where, and in what ways they diverge. In Chapter 1, I set up the ways in which Alaska and the Northwest Territories are similar – geographically, politically, and economically. This chapter emphasizes these similarities and sets the tone for why these two regions merit comparison. Political growth and restructuring spurred by commercial oil interest, be it a commercial-scale discovery on the North Slope or the desire to build a pipeline from the Mackenzie Valley, feature prominently in this chapter, underscoring the similar hands that were dealt in both regions. However, a discussion of the land also shows ways in which these regions began to set themselves on diverging paths. This divergence and how it impacts policy, and ultimately, relationships, will be a recurring theme throughout this research.

In the following chapter I build on the groundwork that I laid during this chapter. I use Chapter 2 to show how governance arising from land is responsible for setting policy, and how these policies create specific incentives to extract oil and gas. I also note the influence of federal perspectives and priorities in determining the values and systems that are put in place in Alaska and the Northwest Territories.

Chapter 3: Policy

In 2014, Nellie Cournoyea gave a plenary keynote address for the Inuit Studies Conference at the National Museum of Natural History in Washington, D.C. Focusing on “cultural resiliency,” Cournoyea (2014) sought to discuss the ways in which her people – the Inuvialuit – have adapted and continue to “preserve [their] cultural identity and values within a changing Northern society.” Though this was the focus of Cournoyea’s keynote lecture, something else also emerged through this story: her biography. Nellie Cournoyea is known for being the second woman to be elected to the top leadership position of a Canadian province or territory. Born in Aklavik, Northwest Territories, Nellie’s career spanned from broadcast work with CBC, to a member of Committee for Original Peoples’ Entitlement (COPE), to being the CEO of the Inuvialuit Regional Corporation. A recipient of the Order of Canada Award, she is “a dynamic force for Inuvialuit and Inuit empowerment” that has “diversified and consolidated her region's economic base, mainly through the resolution of land claims and effective resource management” (Governor General of Canada 2008). Uniquely, Cournoyea’s story is one that is inextricably linked to the story of her territory and the policies it has implemented in the process of becoming the place that it is today. To tell her story is to also tell the story of how policy has impacted her homeland. Cournoyea begins this keynote address by saying:

Without knowing it, in 1870 the Inuvialuit homeland became part of the new Dominion of Canada. Although a Council of the Northwest Territories was established in Ottawa, it paid little attention to the far northwestern part of the country. The government was content to let the police and missionaries deal with the Inuvialuit.

It was only when other nations sought to stake claims in the Arctic, and when oil was discovered at Norman Wells, that the government became aware of the potential riches in the Northern region. In 1921, the Department of the Interior sent a government representative, Oswald Finnie, to meet with Inuvialuit leaders. These leaders included Nuligak and Mangilaluk. Oswald Finnie attempted to encourage them to join a Treaty that had been imposed a few years earlier on Dene living to the south of us...

By the 1960s, it became clear and evident that we could no longer leave our fate entirely in the hands of government. One of the things that triggered action was the interest that oil and gas companies were beginning to show in our lands, and the lack of involvement we had in government decisions about allocating lands for exploration and development. Inuvialuit of all ages and backgrounds — Elders, harvesters, civil servants, broadcasters, and politicians — came together for the Committee for Original Peoples Entitlement in 1970, which we call COPE. Originally we intended to provide a united voice for all Aboriginal people of the NWT, but by 1976 COPE was given a mandate to negotiate a land claim specifically for the Inuvialuit (Cournoyea 2014).

Cournoyea played a key role in COPE, acting as a founding member and administrator of the committee (Cournoyea 2014). Her work in this role – and how her facilitation of storytelling led to policy action – is a testament to the growing political power of Indigenous peoples in the Northwest Territories following the settlement of land claims. With land claims settled, policy to mandate a relationship between resources, the state, and Indigenous peoples became more possible. However, policy negotiation was not a space of equality, but rather reflected power dynamics that ultimately gave the settler colonial government of the Northwest Territories ultimate control. Cournoyea’s career trajectory tells this story:

While working for COPE, it was clear that we were not getting any support for our land claim from the territorial government. It was felt that by working inside the system, we would be able to remove some of the misunderstandings that were creating barriers. As a result, it was decided that one of us should try to get into territorial politics.

In 1979 I was elected as the Member of the Legislative Assembly for Nunakput, which included the communities of Sachs Harbour, Tuktoyaktuk, Holman (now called Ulukhaktok) and Paulatuk. It was not a full time position, and it allowed me to continue to devote a good part of my time to the advancement of the Inuvialuit claim. My job was to try to build an understanding and trust of the claim within government.

The Inuvialuit Final Agreement was officially signed in 1984. Hopefully the intervention from within had helped. In 1991, I was chosen to be Premier of the Northwest Territories by my fellow MLAs, becoming the first woman elected to serve as a premier in Canada. I remained in that position until 1995 (Cournoyea 2014).

The question of whether fixing institutions from the inside or working for change from the outside is a common refrain within politics. While I cannot judge whether Ms. Cournoyea’s intervention from the inside was effective or not, her voice did not fade in importance after her time in office. When the Northwest Territories’ devolution agreement-in-principle was signed, Ms. Cournoyea was the second person to be quoted by the Government of the Northwest Territories, preceded only by the Minister of Indian Affairs and Northern Development (Government of the Northwest Territories 2011). This signifies that long after she held office, she continued to be a valued voice with notable leverage in the territory.

INTRODUCTION

Policymakers treat oil as a unique resource. Often “singled out for special legislative treatment,” (Thompson 1967, 284) the way in which oil is governed does not mimic that of any

other resource. Indeed, in both Canada and the United States, certain types of oil extraction are exempt from some policies applying to other resource extraction. This can be seen in the way Canada's 2019 Impact Assessment Act does not apply to the oil sands ("New Federal Assessment Rules Exempt Cement Plants, Fracking, In-Situ Tar Sands/Oil Sands" 2019), as well as the so-called Halliburton loophole in the Safe Drinking Water Act of the United States (Soraghan 2015). It is also subject to laws made specifically to govern it, as with the case of the Canada Petroleum Resources Act. The trajectory of commercial oil extraction in the Arctic has been dictated by these unique policies and regulations implemented at the local (borough, community, municipality), state/territorial, and national (federal and sovereign region) levels. These measures have impacts at all phases of the oil extraction process – pre-construction, during, and after – and act as both incentives to extract and continue extracting, as well as limiting factors for determining what extraction may look like or entail. Notably, these incentives and limits do not simply impact the oil companies interested in extracting oil. Rather, incentives to extract as well as how extraction occurs will invariably impact all parties within the geographic vicinity and boundaries under which the oil extraction is taking place, whether they are interested in being involved or not.

This chapter investigates the role that policies governing oil play in incentivizing further oil extraction. While policies and regulations that affect oil extraction are derived from multiple levels of governance, I focus specifically on state/territorial or regionalized policies, only diverting into federal or municipal/borough policies insofar as they provide necessary context. Rather than addressing all moments throughout the oil exploration, extraction, transportation, marketing, and sale process during which policy plays a role in incentivizing or limiting oil, I am interested in the role of subsidies, taxes, royalties, and credits. Put more simply, I ask: how do oil incentives function in Alaska and the Northwest Territories? What do these incentives demonstrate about the way in which the state, territory, or region says – or is pressured to say – 'yes' to oil extraction?

This chapter begins with a description of the magnitude of energy and oil subsidies across the United States and Canada. It then delves deeply into oil incentive structures at the state level in Alaska, and federal and territorial (following devolution) oil incentive structures in the Northwest Territories, focusing specifically on taxes, royalties, and credits. These sections take particular note of moments during which these incentive structures changed significantly and the

impetus for these changes, i.e., the conditions that made these changes possible. Notably, I also detail other policies that interact with these incentive structures including revenue sharing and co-management policies. Ultimately, I argue that changes in incentive structures are responsive to global and national economic pressures, rather than significant shifts in state/territorial-level perspectives on extraction.

SUBSIDIZING OIL: FEDERAL PERSPECTIVES

Policy is built around values that can be identified by the incentives and limits it places on certain activities. Often, policymakers write incentives and limitations into policies in an intertwined way. Where an activity may be encouraged, parameters may be placed around a corresponding process, impact, or outcome. Penalties may be tied to unwanted processes or outcomes, where incentives may be put in place to push activities in a certain direction. Sometimes, incentives exist as the absence of penalties; other times, policy that does not include penalties for undesired outcomes may hint at an underlying hierarchy of values, or policy suggestions rather than mandates. Either way, policy is rarely at odds with the governing framework that it originates from and is often limited by the values of the governing bodies capable of implementing it.

The extraction of fossil fuels is not just a priority, but a value. Worldwide, in 2015 and 2017, global energy subsidies¹³ were \$4.7 and \$5.2 trillion (respectively), with petroleum “accounting for 41% of the global subsidy” due significantly to “the failure of excises on petroleum products to fully reflect environmental costs” (Coady et al. 2019, 20). According to the International Monetary Fund:

If fuel prices had been set at fully efficient levels in 2015, estimated global CO₂ emissions would have been 28 percent lower, fossil fuel air pollution deaths 46 percent lower, tax revenues higher by 3.8 percent of global GDP, and net economic benefits (environmental benefits less economic costs) would have amounted to 1.7 percent of global GDP (quoted in Coady et al. 2019, 5–6).

¹³ In the cited report, this refers only to post-tax subsidies which “reflects differences between actual consumer fuel prices and how much consumers would pay if prices fully reflected supply costs plus the taxes needed to reflect environmental costs and revenue requirements” (Coady et al. 2019, 7–8).

The same report ranked the United States as the second-highest subsidizer worldwide, with \$649 billion for overall post-tax energy subsidies in 2015 (Coady et al. 2019). Other reports place pre-tax subsidies at \$20.5 billion annually, with most subsidies arising from a large variety of tax exemptions, including for specific production activities and investments (Bast et al. 2015, 81). In Canada, total pre-tax fossil fuel subsidies annually were \$2.7 billion in 2013 and 2014, with benefits concentrated in “oil and natural gas, production upstream, providing tax breaks to exploration activities, field development and extraction” (Bast et al. 2015, 72). Public finance is also a key component of funding for fossil fuel production in Canada, averaging “at least \$2.5 billion per year in 2013 and 2014, and may be significantly higher” (Bast et al. 2015, 72).

These incentives are upheld by public policy and federal governance that have worked intently to frame petroleum energy as intertwined with independence, political power, and even security (Nyman 2018; Neubauer 2018). These narratives continue to emphasize the value of oil, constantly reinscribing it in novel ways in order to build a case for its extraction that expands beyond Peyton and Keeling’s ‘northern development dreams’ (Peyton and Keeling 2017) or Brynne Voyles’s ‘wastelanding’ (2015) narratives. While these narratives continue to build power and support for oil in the United States and Canada, it is also true that “as the United States continues to subsidize oil at growing rates, value continues to be assigned to oil that places it as central to the United States’ economy” (Schober 2020, 4). This cycle constantly reinvigorates the extractive oil economy, building on the settler colonial government’s mandate to extract by providing policies and political preferences that continue to make extraction appealing, supported, and financially viable.

Typically occurring to support a service, product, or outcome, a subsidy “arises any time a government programme benefits private actors” (World Trade Organization 2006, 47). However, subsidies may struggle to impact the desired audience instead of an intermediary or a final consumer. The World Trade Organization identifies many subsidy programs in which this is the case (World Trade Organization 2006, 48). Despite the complexities, subsidies can generally be identified in three ways:

1. ‘The government may transfer funds to producers or consumers, resulting in direct or potential budgetary expenditure, or use its power to instruct private entities to make a transfer....’

2. ‘The government may provide goods or services at no cost or below market price, such as university education, public transport or food stamps. Such transfers also involve expenses for the government, with the difference being that beneficiaries receive in-kind contributions as opposed to funds they can freely dispose of.’

3. ‘Regulatory policies may be seen as subsidies, if they create transfers from one group to another... This category of transfers caused but not paid for by the government may also comprise implicit subsidies arising from the failure by governments to internalize externalities, such as air pollution by industry, or rents associated with untaxed exploitation by private parties of publicly-owned or managed resources’ (Schober 2020, 2–3; World Trade Organization 2006, 48–49).

In the same way that policy is a codification of governmental – and ideally, societal – values, subsidies exist as a way to codify support for values into governing systems. Simply put, the “major purpose of government subsidies is to achieve specific policy objectives” (Wu and Cheng 2011, 209). Within this framework, fossil fuel subsidies specifically are “designed to provide a stimulus to either consumption or production of fossil fuels” (Erickson et al. 2017, 1). The impact of fossil fuel subsidies to consumers is not within the scope of this research; here, fossil fuel subsidies to producers are the point of interest. Structured in order to “support infrastructure investment or resource extraction, often through tax deductions or by shifting financial or environmental risks of fossil fuel development projects from investors to the government” (Erickson et al. 2017, 1; OECD 2013; World Trade Organization 2006), oil companies often speak of these subsidies as directly tied to their ability to produce. However, research shows that, in many cases, subsidies do not increase production (Erickson et al. 2017; Allaire and Brown 2012; Statement of Alan B. Krueger Assistant Secretary for Economic Policy and Chief Economist 2009; Greenstone and The Hamilton Project 2013). As Erickson summarizes, “in such cases subsidy value goes directly to profits, with very little impact on production” (Erickson et al. 2017, 1).

If oil subsidies do not prompt production, what purpose do they serve? Erickson argues that the impact of oil subsidies varies with oil price (Erickson et al. 2017). At oil prices around \$30 a barrel, new fields will likely not be developed even with the support of subsidies; whereas, “By contrast, at US\$100 per barrel, revenues are sufficient that almost all projects would go ahead anyway, with no need for subsidies; in such a case, nearly all of the subsidy value would go to extra profits” (Erickson et al. 2017, 4). More specifically, Erickson et al. find:

At the price of US\$50 per barrel... a bit more than half (53%) of subsidy value (in net present value terms) goes to projects that would have proceeded anyway. That

fraction rises to nearly all (98%) of subsidy value at US\$100 per barrel. As others have found, regardless of the oil price, the majority of taxpayer resources provided to the industry end up as company profits. (2017, 5)

While the thresholds that these authors cite help put profit margins into perspective, it is not their specifics that are relevant to this research. Rather, their conclusion that subsidies promote profitability rather than encouraging new extraction (to varying degrees, depending on per-barrel price) is what is relevant here. In this sense, oil subsidies functionally serve to increase profits directly to oil companies.

The impact of fossil fuel subsidies combined with incentives and federal buy-in at such high levels makes it clear that the extraction of fossil fuels is something that is not taken lightly. In the Canadian and American North, fossil fuel extraction stands as the most recent resource of focus in a centuries-long history of boom-and-bust economic cycles (described in detail in Chapter 2). However, to simply link fossil fuels to boom and bust cycles is not enough; to stop at that level of analysis preemptively detaches present-day fossil fuel subsidies from their origin in settler colonial ideals of extractivism while also severing them from the human-driven nature of boom-and-bust cycles. Instead, fossil fuel subsidies are a manifestation of the way in which the American, Canadian, and even Alaskan, and Northwest Territories governments continue to prioritize an extractivism that is ultimately rooted in settler colonialism and produces profit for oil companies.

OIL AND GAS BY THE NUMBERS: ALASKA AND THE NWT

Oil and gas have played different roles in Alaska and the Northwest territories in terms of scale of income. Understanding the way in which these different levels of production and income have been distributed between federal and state/territorial governments helps to clarify the importance of the resource economically. However, economics are not the only story here; political

importance also plays a key role, as the founding and expansion of extractive industries is often used to justify or explain settler colonial expansion into the North.

In Alaska, the exploration, extraction, expansion, and sale of oil has been economically critical to the state. The commercial discovery of oil on the North Slope kicked off production at a scale that had not before been seen in the state (see Figure 1). While production has waned (see Figure 1), oil has secured itself as economically critical to the state. In 1965, prior to the commercial discovery of oil on the North Slope, oil and gas contributed just 3% to Alaska's GSP¹⁴ (see Figure 2 for oil and gas revenues) (Goldsmith and Hill 1997, 4). However, by 1993 it contributed 40% of the GSP, ultimately becoming a key part of the state's budget and constitutional reserves (Goldsmith and Hill 1997, 4). Since then, oil income continued to grow until a drop in 2015 (See Figure 2). While it varies year-to-year, oil royalties, property taxes, production taxes, and state corporate income taxes have composed 80-90% of the state's budget for years (see Figure 3) and continue to play a significant

Figure 1: Alaska's Oil Production by Year, 1960-2020

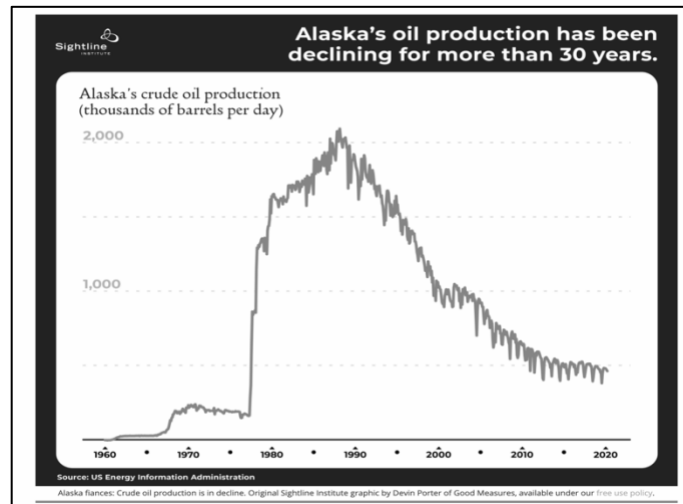


Figure 2: Alaska's State Government Revenue from Oil by Year, 1970-2018

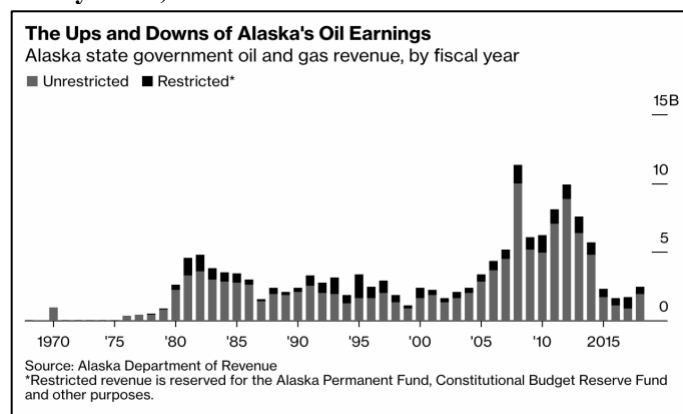
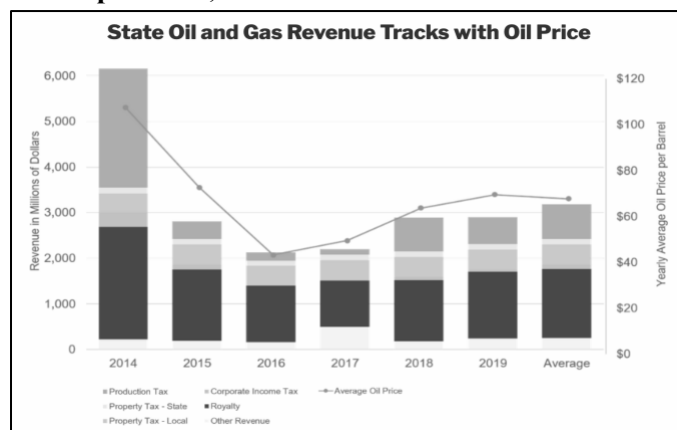


Figure 3: Alaska's Oil and Gas Revenue and Oil Prices Year, 2014-2019

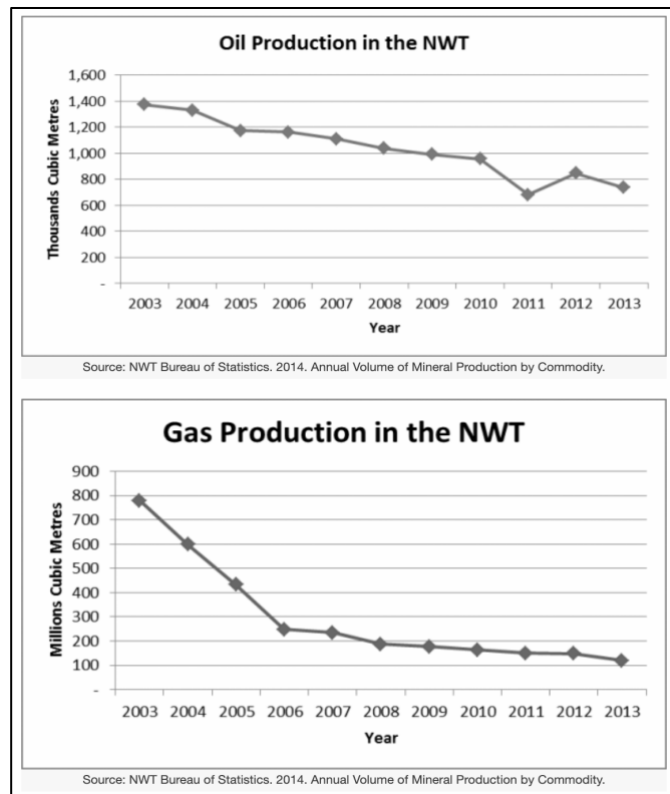


¹⁴ GSP is gross state product, what GDP is to the United States

role in funding the State of Alaska’s budget (Alaska Department of Revenue - Commissioner’s Office 2012, 19; Haycox 2016, 26).

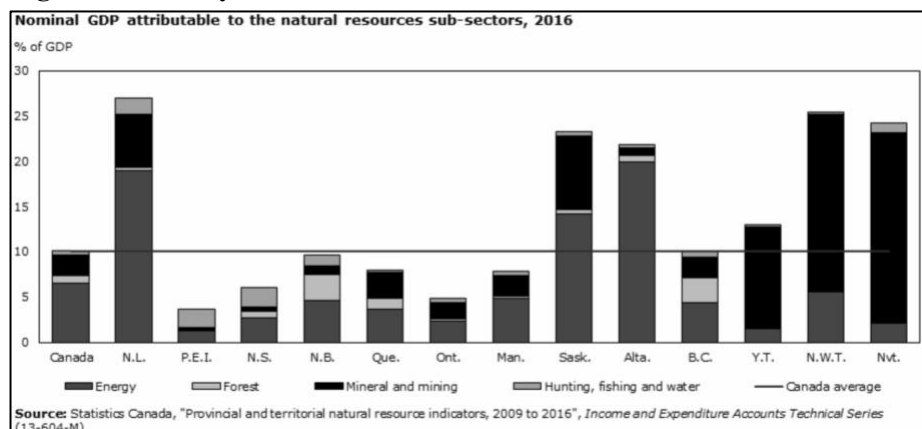
In the Northwest Territories, oil and gas has played a different role. Critically, while Alaska has been a leader in oil extraction in the United States, the Northwest Territories currently “accounts for less than 0.1% of total Canadian crude oil production” (Government of Canada, Canada Energy Regulator 2021). As well, of shale oil and shale gas exploration in the Northwest Territories, the federal government states: “there has been no activity since 2015. In addition, no wells are currently planned or operating in other parts of NWT, including the Beaufort Sea” (Government of Canada, Canada Energy Regulator 2021). This is in addition to the federal moratorium on offshore drilling that the federal government imposed in 2019. This activity mirrors the general level of oil and gas production in the territory, which has been

Figure 5: Oil and Gas Production in the Northwest Territories by Year, 2003-2013



on a generally downward trend for the past two decades (see Figure 4). However, despite these limitations, natural resources represented over 25% of the economy of the Northwest Territories in 2016 with energy accounting for 5.6% (see Figure 5)

Figure 4: GDP by Sector in Canada’s Provinces and Territories, 2016



(Government of Canada, Statistics Canada 2018). Federal income from the Northwest Territories’ crude oil peaked at

\$291 million in 2010 and “has had a downward trend since then reaching its lowest point in 2016 at \$140 million” (Government of Canada, Statistics Canada 2018). However, while oil and gas production has tapered, the potential for oil and gas continues to drive investment and interest in the region, evidenced by the building of a highway to the Arctic Ocean – rebranded for tourism, but originally intended to transport oil and gas (Schober 2019).

ALASKA’S OIL, ALASKA’S POLICIES: OIL INCENTIVES AT THE STATE LEVEL

Though extraction of oil in Alaska predates the setting of State of Alaska regulations and incentives to govern it, oil extraction is currently dictated by a large swath of measures at a variety of different levels. These overlapping frameworks create opportunities for oil extraction, a pattern that has been repeated across Alaska and the rest of the North in the century since. In general, Alaska’s fiscal regime around oil has been characterized by “generous incentives” (Alaska Department of Revenue - Commissioner’s Office 2012, 33). But while the oil industry has come to expect these incentives, the State of Alaska and those that live there have, in turn, come to depend on the revenue, jobs, and economy that the oil industry provides. In this section, I delineate the complicated and multi-jurisdictional regime of policies, legislation, laws, statutes, and other measures that has been responsible for creating these incentives and openings (or, in theory, limiting openings, but these examples do not rise to the surface across the literature) that have allowed the oil industry to thrive as a staple of Alaska’s economy.

Pre-Statehood Oil Taxes and Royalties, and Policies

Oil exploration and oil extraction in Alaska pre-dated statehood. In the early years of oil exploration and lease sales, federal legislation was “most responsible for the flood of investors” that sought to exploit oil in Alaska (McBeath et al. 2008, 26). With initial commercial exploration beginning in 1892 and later development in the Cook Inlet and Kenai Peninsula, oil exploration and governance has a long history in Alaska that is often dwarfed by the discovery at Prudhoe Bay. It is not surprising that statehood and independence sentiment grew as the federal government sought after oil in an increasingly drilled and leased territory.

Four years before statehood and 20 years before a prolific exploratory drilling exercise on the North Slope set off a string of events that would lead to Alaska’s future focus on oil, Alaska (as a territory) developed its first oil production tax. Passed in 1955, this oil production tax

paired a 1% tax on the gross value of oil produced in the territory with a \$0.08-per-barrel conservation tax that paid for the newly minted Alaska Oil and Gas Conservation Commission (McBeath et al. 2008, 27). This policy was the first policy of its kind that targeted the oil industry in Alaska. Despite the oil industry having grown across the United States for the past century (Nikiforuk 2015, 32), this simple tax was hotly contested and staunchly opposed by the media (Weissler 2019, 3). Even in these early years of the oil industry's presence in Alaska, this unwavering opposition set the tone for future interactions between the oil industry and policy creation.

1970-1989: The Disaster Tax, TAPS, and ELF

It was 17 years later when the State of Alaska upped the original simple oil production tax. Raised to 2% following the approval of a 1% “disaster oil tax” targeted at building a disaster relief account for the state (Weissler 2019, 4), the new tax was not significantly different from its predecessor. The following year, this was upped to a 3% base oil tax rate and a 1% disaster tax in 1968 despite further opposition from the oil industry, which insisted, in the words of Alaska Legislature staffer Lisa Weissler, that “Alaska must be competitive with other oil and gas regimes” (2019, 5). With such low tax rates on profits, it is clear that the incentive to extract oil in Alaska was significant in these early years of oil.

By the 1972 convening of the Legislature, Prudhoe Bay had secured its status as a “world class giant oil field” (Weissler 2019, 6). Alaska had received over \$900 million from the initial lease sale in Prudhoe Bay (McBeath et al. 2008, 33), and planning was underway for building what would become the Trans-Alaska Pipeline System, or TAPS. In an attempt to secure Alaska's interests – that is, money – in the anticipated aftermath of pipeline construction, the Legislature passed a new revenue structure: a stair-stepped alternative cents-per-barrel oil production tax and right of way leasing. Met with “stiff oil industry opposition” (McBeath et al. 2008, 38) and a pending lawsuit from 10 oil companies (Weissler 2019, 6), the 1973 legislative session involved “negotiation with the oil companies” that led to compromise and an out of court settlement. In 1973, the new oil taxation regime was agreed upon, which included: a \$0.25-per-barrel minimum tax, a \$20 million property tax on pipeline facilities, a switch from the controversial right-of-way leasing provisions into “more conventional” right-of-way leasing provisions, and a ¼ cent per barrel conservation tax (McBeath et al. 2008, 39; Weissler 2019, 8–

9). This new regime was the start of increasingly complicated regimes that focused not simply on a flat percentage rate, but also including provisions that sought an increase in the amount of oil income that the state received. Occurring in the midst of OPEC-induced increases in oil prices, the potential for profit was a significant reason for the government to incentivize oil extraction.

In 1977, the same year that the first oil reached the Valdez Marine Terminal through TAPS, the Alaska Legislature passed what many refer to as a major overhaul of Alaska's production tax, moving it from a highly regressive system to one that was nimbler. Incorporating the economic limit factor (ELF), or the point at which extracting from a well was more costly than it was profitable, the new regime would change the effective tax rate up to 12.5% based on well-specific activity; if the well produced less than 300 barrels per day, the tax rate was zero (Weissler 2019). Sometimes misunderstood as a tax break, the ELF allowed the State of Alaska to tax highly productive wells at a higher rate while still keeping lower producing wells running. As noted by McBeath, this allowed for North Slope operations to be taxed at a high rate while still allowing the older and less productive wells in Cook Inlet¹⁵ to continue operating (McBeath et al. 2008, 90). But this was not all; in 1978, the State implemented a separate accounting income tax in which "oil and gas companies were taxed on their income earned in Alaska, separate from income earned elsewhere" (Weissler 2019, 10). This was intended to "make the state's take more progressive, raising the take at a time of historically high oil prices" (McBeath et al. 2008, 92). However, that was not the only intention. Former Senator Chancy Croft notes in particular that separate accounting gave the state information about oil company income, thus giving "the state some basis to form an intelligent policy towards the oil industry" (Croft quoted in Weissler 2019, 12). Likely due to exactly these concerns, three oil companies sued the state over the separate accounting policy, and the governor withdrew the provision before the lawsuit was settled, worried about what a suit might imply for repaying the taxed dollars. The apportionment formula that replaced separate accounting meant the loss of \$1 billion over 5 years, raising the maximum severance tax to 15%, and modified ELF provisions that essentially ensured the taxation of Prudhoe Bay at 15% (McBeath et al. 2008, 93). Here, we see evidence that even when the State of Alaska worked to be aggressive towards the amount of profit it gleaned from the oil industry, the threat of the oil industry's departure from the state loomed

¹⁵ A region in Southcentral Alaska near the populous Anchorage, these wells were some of the first to produce oil within the state of Alaska, prior to the oil boom on the North Slope.

large. Incentives to extract were kept high, while the industry worked to maintain its profit without watching too much of its profit be returned to the state via taxes.

The last major modification of the ELF came in 1989. With oil production peaking and the expiration of the ELF clause approaching and threatening a significant loss of income for the state (and according increases in industry profit), the Exxon-Valdez oil spill gave the state of Alaska the opportunity to be harsh on the industry. This moment constitutes what I call a moment of reconfiguration in which the State was able to be more aggressive towards the oil industry without clear repercussions. Because of the damage of the oil spill, the oil industry was put in a vulnerable position that allowed for a redistribution of power. This was a rare upper hand for the State in the state-industry relationship, which allowed for the State to pressure the industry into a new fiscal arrangement. As such, the Alaska Legislature changed the ELF formula to ensure continued profit and added a \$0.05-per-barrel tax for an oil spill recovery fund, the first of its kind in Alaska (McBeath et al. 2008, 93). With oil running through the pipeline and the State of Alaska receiving income in the way it had envisioned during statehood, the oil tax regime was left untouched for over a decade.

Reacting to the Market: PPT and ACES

By 2006, world events were impacting Alaska's take of its oil tax and Alaska's "increasingly regressive" fiscal regime (McBeath et al. 2008, 94) reduced state take of oil taxes by \$1.7 billion (Weissler 2019, 15). The administration at the time, in conjunction with industry, agreed to a fundamental shift in the tax structure; together, they agreed to move from a gross value tax to a net profits tax in which costs of oil extraction could be deducted before the amount of profit was assessed, known as the profit-based production tax, or PPT. This significantly more progressive taxation system established:

[A] base tax rate of 22.5%; a 20% tax credit for qualified capital expenditures and carried-forward annual losses; a 0.25% progressivity factor triggered when a taxpayer's net profits exceeded \$40 per barrel; a minimum tax of not less than 4% of the gross value at the point of production; a small producer credit up to \$12 million; a \$6 million credit applicable to regions outside Cook Inlet and the North Slope; a transitional investment credit for costs incurred in the five years before the new production took effect; and companies producing less than 50,000 barrels per day could qualify for a cash refund of qualified capital expenditures and annual loss credits if they met certain conditions (Weissler 2019, 18–19).

Though this tax structure acted more progressively than the previous patchwork of severance taxes and ELF formula, it is also significant in that it was the result of “reduced administrative distance” and private consultations between industry and government (McBeath et al. 2008, 94). Put more bluntly: despite being a more progressive tax structure, the passage of the PPT was the result of corruption. In the following five years, six legislators were convicted of bribery and conspiracy “related to oil-tax legislation pending before the Alaska Legislature” (Haycox 2016, 189) This scandal not only created an opening for Sarah Palin to be elected Governor on an “anti-corruption/anti-corporate platform” (Weissler 2019, 21), but it created space for Governor Palin to lead Alaska’s fourth major oil tax overhaul. Influenced strongly by reports from the Department of Revenue, the Alaskans’ Clear and Equitable Share Act (ACES) consisted of a tax on gross wellhead value – much like early oil taxes in Alaska – that moved to a profit-based production tax at higher oil prices, with a base tax rate of 25% (McBeath et al. 2008, 99; Weissler 2019, 21). Purportedly, the oil industry disliked ACES, complaining that “the progressivity factor took too large a bite out of company profits at high oil prices” (Weissler 2019, 22). Notably, under ACES, the “government take measured as a fraction of gross value rose substantially” (McBeath et al. 2008, 99) despite oil prices staying lower than expectations. As Alaska capitalized on the oil underneath its soil, profits for the state rose, essentially lowering incentives for oil extraction. Though ACES was one of the more aggressive fiscal regimes Alaska had seen with regard to oil taxation – resulting from a moment of flipped power relations in which corruption charges made the oil industry vulnerable – the state’s increased share of the profit exacerbated their dependency on oil, and as such, their need to continue to offer incentives.

The next major overhaul of Alaska’s oil tax regime occurred in 2013, amidst falling oil extraction in the state, the fracking boom in the contiguous United States, and tax credits paid by the state totaling over \$6 billion with no increased production (Weissler 2019, 23). Passed by a Republican administration amidst Democratic opposition, Senate Bill 21 (SB 21) “eliminated the ACES progressivity provision and the North Slope qualified capital expenditure credits” while also providing a value reduction in which “20-30% of new oil on the North Slope would be tax-free indefinitely” alongside a “\$5 per barrel credit for new oil in combination with a higher tax rate of 35%” (Weissler 2019, 24). For existing fields that were exempt from the incentives provided for new development, a sliding-scale per barrel credit was instituted that would reduce the overall value of the oil on which each company was taxed. In this sense, though there was

technically a 35% oil tax, this would only apply as oil prices surpassed \$160 per barrel (Weissler 2019, 24) – a per barrel threshold that has not been surpassed for the North Slope since the 2013 implementation of SB 21 (U.S. Energy Information Administration 2020). Dubbed the oil “giveaway” (Vote Yes on 1 - Repeal the Giveaway 2014), dissatisfied Alaskans attempted to overturn the new oil tax regime through a citizens ballot measure process in 2014 that was ultimately unsuccessful but the most highly-funded ballot measure in Alaska’s history.¹⁶ The highest contributors against the repeal of SB 21 were BP, ExxonMobil, and ConocoPhillips who contributed over \$10 million (Weissler 2019, 24).

In 2015, a significant state budget deficit pushed back against the generous oil tax credits that worked alongside the oil tax regime. With a steady 6% decline in oil extraction, Alaska’s legislators had continued to pile more incentives on top of the tax structure in an attempt to stimulate exploration and extraction (Weissler 2019, 23, 25). However, the continued fulfillment of these credit obligations became impossible as oil prices plummeted, raising the state’s price tag of tax credits to \$700 million in 2015 (Weissler 2019, 26). The oil credits during this time period were significant enough that they are described as a “net loss to treasuries” and that the taxes of this era “will lose more money than it takes in over the course of fiscal years 2015 and 2016” (Bast et al. 2015, 81). Accordingly, the Governor at the time, Bill Walker, vetoed appropriations to fulfill these credits and passed House Bill 247 (HB 247) in 2016 which phased out tax credits in Cook Inlet; halved credits for regions outside of Cook Inlet and the North Slope, both stalwarts of oil extraction in Alaska; capped purchasable tax credits; and limited the time frame under which new extraction qualified for a value reduction (Weissler 2019, 27).

Oil tax credit reforms in 2015 were a part of a broader trend that worked to balance the state’s dependence on oil with the realities of low oil prices, a patchwork of oil tax and credit policies that lacked a comprehensive vision, and the state’s increasingly tight budget. Part two of the Walker administration’s changes continued to reform the credit program via a compromise bill, House Bill 111 (HB 111). As described by Lisa Weissler, staffer of one of the legislators who spearheaded the compromise, HB 111:

¹⁶ In 2020, parallel to the writing of this thesis, another ballot measure working to increase taxes on certain oil fields ran on Alaska’s ballot. Receiving just 42% of the vote, this ballot measure did not pass. Similar to the ballot measure in 2014, ExxonMobil, ConocoPhillips, BP Exploration Alaska, and Hilcorp funded 94% of the opposition campaign (Ballotpedia 2020).

The final legislation repealed the annual loss credits statewide; limited state payments for purchasable tax credits to credits issued for work performed before July 1, 2017; and allowed taxpayers with outstanding purchasable tax credits to use the credits to satisfy other tax obligations. In place of the annual loss credits, HB 111 allowed companies operating outside Cook Inlet to carry forward 100 percent of their annual losses to when the company has production – the value of the annual loss would decrease in value by 10 percent, starting after the tenth year on non-producing leases and the seventh year on producing leases. HB 111 left intact the sliding-scale per barrel credit that mainly benefitted the major producers and the gross value reduction and \$5 per barrel credit for qualified new oil (2019, 28).

In essence, the reforms of 2015-2017 sought to compensate for the weakness of the ACES regime while oil prices were low, as well as the changes that were made to it that hamstrung the state's ability to collect rents and instead obligated them to pay the oil industry. Though the ACES regime was a progressive tax structure, it was optimistically developed while looking backward at high oil prices instead of forward toward the potential of falling oil prices. As long as oil prices remained low, “major oil producers can claim the maximum tax reduction of \$8 per barrel produced under the sliding-scale credit for the large legacy fields” including those on the North Slope, which results in them paying an “effective tax rate at or near the minimum 4% gross value tax” (Weissler 2019, 29). Oil's share of the profit prospered during this period with low tax rates effectively acting as an incentive to develop.

Overall, in recent years Alaska has received a reputation for having intensive – or at least sufficient – taxes for oil companies. Spurred partly by the on-paper 35% tax rate of SB 21¹⁷ and narratives pushed by oil-friendly business associations that further taxes threaten the oil industry, this narrative “had become inaccurate by the 1990s” according to scholar McBeath (2008, 96). Where effective tax rates for other states in the United States remained stable from 1993 to 2008, by 2005 Alaska's “had dropped by nearly 50%” (McBeath et al. 2008, 96). Even combining federal taxes with state taxes and lease terms, McBeath finds that in 2005, Alaska's “attractiveness to industry” ranked 7th in world regions, behind only the US Gulf of Mexico, the United Kingdom, Alberta's oil sands, Nigeria, Angola, and Azerbaijan (McBeath et al. 2008, 98). Though oil taxation regimes have evolved significantly since 2005, the taxation regimes that Alaska implemented recently – compared to just 15 years ago – should not be lost on readers. Alaska continues to offer an extraction-friendly environment to the oil industry, gleaning profit

¹⁷ Note that oil companies have never been taxed at a rate this high due to the lower costs of oil since the implementation of SB 21 and the per-barrel sliding scale credit system

off of extraction that funds a significant amount of the state budget but still makes Alaska an attractive investment destination for oil companies looking to maximize profit.

“USE IT OR LOSE IT”¹⁸: OIL INCENTIVES IN THE NORTHWEST TERRITORIES

In the Northwest Territories, both the role that oil and gas plays as well as the incentive structures that govern it differ from those in Alaska significantly. Foremost, there is no current oil extraction occurring in the Northwest Territories – though notably, the Government of the Northwest Territories (2018, 11) describes extraction as being “paused” rather than concluded. Secondly, territorial status means that the federal government historically held jurisdiction over Crown or public lands in the Northwest Territories, making it distinct not just from Alaska but from other provinces in Canada as well. Where in Alaska the vast majority of incentive structures could be identified at the state level beginning with statehood, this is not the case for the Northwest Territories. Significantly, this also means that oil and gas has never played a role like it did in Alaska, in which it became the financial engine of the territory. The majority of the Northwest Territory’s history with oil and gas has been dictated in a top-down way by the federal government. While jurisdiction shifted following devolution in 2014, the financial benefits of an oil and gas economy did not shift to the territory, nor did it become a pillar of the economy. This section deconstructs the history of oil extraction subsidies as they apply to the Northwest Territories despite shifting jurisdiction.

Early Northern Oil: Norman Wells and the COGLR

When the present-day Northwest Territories came under the authority of the federal government of Canada in the nineteenth century, authority over its natural resources went with it. The regulatory regime of the Canadian federal government was the initial regime that governed where benefits from natural resources in the Northwest Territories were concentrated. Federal regulations governed the way in which oil and gas activities were undertaken as well as the distribution of the economic rent received from these activities. Given the Northwest Territories’

¹⁸ “As I’ve said before, ‘use it or lose it’ is the first principle of sovereignty in the Arctic” Canada’s Prime Minister Stephen Harper is quoted as saying in a 2008 press release from the Government of Canada announcing increased resource mapping to encourage economic development (Government of Canada 2008).

territorial status, additional financial regimes around oil and gas were not established locally which left royalties and taxes flowing directly to the Crown (DiFrancesco 1996).

Initial commercial oil and gas exploration began in the Northwest Territories in the 1900s, with the first oil being struck in 1920 at Norman Wells (Bone and Mahnic 1984). Similar to other initial oil wells in Alaska, significant commercial-scale extraction required infrastructure that did not exist in the region (Bone 2016). Increased mining activity and cross-continental industrialization paired with American concerns about a Japanese attack on Alaska during World War II eventually drove infrastructure expansion necessary to increase Norman Wells output to significant commercial levels (Bone and Mahnic 1984; DiFrancesco 1996). Extraction in this area was dictated from the federal level and incentive structures followed suit, working in a pattern typical of a resource colony in order to benefit the federal government instead of the territory or Indigenous groups.

In 1961, the comprehensive Canada Oil and Gas Land Regulations (COGLR) became legislation in Ottawa. Covering all moments of the oil and gas extraction process, these regulations established royalty rates and significant tax incentives, in addition to permitting and leasing limits and requirements. Under these terms, those undertaking oil and gas exploration and/or extraction were required to pay a royalty rate between 5 and 10%, depending on the duration under which the operation had been occurring (Government of Canada 1961, (85)). Similar to Alaska's early wellhead taxes, this tax sought simply to tax the production from any given well to varying degrees. Coates describes oil incentives of this era as "an attractive package of subsidies and tax incentives" (Coates 1985, 207), where DiFrancesco furthers this by noting that the COGLR has "been criticized as being too generous to industry and insensitive to Aboriginal concerns" (DiFrancesco 1996, 239). Though higher than Alaska's initial wellhead taxes, these initial tax rates were neither concerned with Indigenous participation in the process, nor with land boundaries outside of those written into legislation at the federal level.

Nationalized Energy: PetroCanada and the NEP

Following global oil crashes in the earlier 1970s, the Canadian government gave domestic investment in oil and gas a boost by establishing PetroCanada in 1975. Created under the Petro-Canada Act in 1975 as a Crown corporation, the federal government of Canada developed the corporation in order to "minimize its vulnerability" to the complexities of relying

on foreign resources, as well as to imported oil and foreign-owned oil companies (General Accounting Office 1981, 3). According to a report from the United States government, the Canadian government “felt that it was essential to move beyond its traditional role of setting broad policy on the pace of development and the level of imports” and instead “decided the time had come for direct participation in developing Canada's energy resources” (General Accounting Office 1981, 4). This government-owned corporation represents a clear shift in energy and extraction policy in Canada.

The government-sponsored development of a Crown corporation for oil and gas was a significant departure from the trajectory of the United States (more broadly) and Alaska (more specifically). While PetroCanada and its acquisitions did offer the opportunity for more opportunity to control domestic resources, DiFrancesco notes that it gave the federal government a real conflict of interest, given “that it had become both the regulator and developer of Arctic oil and gas” (DiFrancesco 1996, 239). Though not as formal as royalty or taxation rates, the lack of separation between regulator and developer as well as general lack of separation overall acts as a significant incentive, in that financial success of the Crown corporation translates into financial success of the Crown. While financial success is not the only measure of success, for corporations that have a mandate to generate profit, financial success is a very real incentive.

Introduced in 1980 following the creation of PetroCanada, the National Energy Program (NEP) was a key shift in energy policy across Canada. Following the energy crises of the 1970s, the federal government used this shift to take a more active role in increasing oil and gas investment. This federal government shifted their resource governance and investment policies with three goals in mind:

- security of supply and ultimate independence from the world oil market;
- opportunity for all Canadians to participate in the energy industry; particularly oil and gas, and to share in the benefits of its expansion; and
- fairness, with a pricing and revenue-sharing regime which recognizes the needs and rights of all Canadians (MacEachen 1980).

Put more simply by legal scholar Getman, the goals of the NEP were to “to cause a substantial shift in the ownership of the energy industry in Canada by increasing the Canadian share; to secure self-sufficiency in energy by 1990; and to provide an equitable share in the profits from energy for all Canadians” (Getman 1981, 165). In order to shift the makeup of oil investors in

Canadian oil, the NEP recomposed their incentive structures in order to prioritize more oil development by Canadian companies, as opposed to foreign investment. Indeed, this is how the NEP manifested in the Northwest Territories. There, the NEP sought to increase Northern oil extraction by extending preferential drilling rights to PetroCanada over international companies in order to “ensure an active federal presence in the northern oil patch” (Coates 1985, 207). This national policy with specific stipulations for the North impacted the Northwest Territories by spiking interest in Northern oil following the global OPEC energy crisis.

For the Northwest Territories, one of the key changes of the NEP was the revision of the COGLR into the Canada Oil and Gas Act (COGA) which included the Petroleum Incentives Program (PIP). Under the NEP, the federal government phased-out tax write-offs that lowered taxable income by approximately one-third and replaced it with the PIP (Getman 1981). Pulling from original NEP documents, Getman describes further incentives as:

Under this Program, oil and gas exploration, whether in the provinces or on Canada Lands, undertaken by companies that are at least 50% Canadian owned will qualify those companies to an incentive payment of 10% of approved costs for 1982 and 1983. The percentage will rise to 15% thereafter. For companies at least 75% Canadian owned the payment is a full 35% of approved costs. Oil and gas development, anywhere in Canada, and capital expenditures for the upgrading of heavy oil refineries will return a 10% incentive payment to companies with a minimum 50% Canadian ownership. The payment is 20% to companies with a 75% Canadian ownership. In addition to these incentives, the federal government will give an incentive payment of 25% of approved costs to all oil and gas companies, both foreign and domestically owned. However, companies at least 50% Canadian owned will get a further increment of 10%... On Canada Lands, the 75% Canadian company has after tax and after incentive costs of \$0.07 for every one dollar expended. The foreign company with less than 50% Canadian ownership has after tax and after incentive costs of \$0.28 for every dollar expended (Getman 1981, 165–66).

The design of PIP was such that incentives offset a significant amount of exploration and extraction costs in the Northwest Territories. DiFrancesco describes the PIP as being “designed to accelerate exploration” on Frontier lands including the Northwest Territories by “subsidizing, on a sliding scale (i.e., a function of the percentage of a company that was Canadian owned), the cost of frontier exploration” (DiFrancesco 1996, 236). He builds on Savoie’s research, which shows that the PIP increased the Northwest Territories GDP by \$500 million a year between 1981 and 1986 in addition to accounting for “96% of total capital assistance payments made to the NWT” between 1982 and 1986 amounting to, on average, “47% of total government

expenditure in the NWT” (DiFrancesco (236) summarizing Savoie 1990). These incentives not only increased the financial capacity of the Government of the Northwest Territories but increased the amount of project development that occurred in the Northwest Territories during the NEP era from 1980 to 1985.

The implementation of the NEP and associated programs created intense conflict with some provinces – most notably Alberta (James and Michelin 2009) – given the way in which it re-distributed energy-related royalties and taxes from the provinces to the federal government (Getman 1981). While a significant portion of literature surrounding the NEP and its impacts focuses on the bilateral conflict between provinces and the federal government, it should be noted that the federal oversight of the NEP was not any different from the role that the federal government had historically been playing in the Northwest Territories. Though royalties still flowed to the federal government under the NEP, the budget of the Northwest Territories benefited from the NEP in ways that it had not previously – earning \$500 million a year between 1981 and 1986 (Savoie 1990). However, Coates notes that the territorial government opposed the new federal legislation (Coates 1985, 208). He argues that the relationship between the federal government and the territorial government – unlike the federal-provincial relationship – is the only place in which paternalism of the extent implied by the NEP could go unchallenged (Coates 1985, 209). Regardless of the impact of this new federal legislation, he makes a noteworthy point: the Northwest Territories’ lack of constitutional status prohibited the territory from contesting any oil policy or according impacts, including the destructive boom-and-bust cycles of promised development followed by abandonment of projects as seen during the period following the NEP. Regardless of the incentives being offered at the federal level for increased extraction, the local government’s hands were tied in their ability to change the legislation.

Regulatory Regimes: The CPRA and the COGOA

Implemented in 1987, the Canada Petroleum Resources Act (CPRA) backtracked from the NEP, replacing it with a fresh governing regime for oil. The CPRA joined forces with the Canada Oil and Gas Operations Act (COGOA) – in place since the late 1960s – to create a new regulatory environment that clarified the rapidly changing policies from the early 1980s.

Broadly speaking, these two acts worked to make substantial changes to the COGA which had responded to the oil and gas crises of the 1970s with a restructuring of energy

priorities and reallocation of resource revenues across Canada (Quesnel 2002, 84). The COGOA regulates oil and dictates responsibility during exploration, extraction, transportation, and marketing processes, where the CPRA focuses more explicitly on reinscribing responsibility to the federal government, or “the Crown’s role as resource owner” (Government of Canada, Indigenous and Northern Affairs 2016, 7). The federal government designed the CPRA in order to be responsive to the changing political and economic environment. Specifically, it made four significant changes to the COGA:

- (1) it abolished retrospectively as well as prospectively the Crown share, as well as any special back-in rights held by Petro-Canada as a Crown corporation
- (2) it shifted the royalty regime out of the Act and put it in the regulations and, when once introduced, the regulations provided a fiscal regime that was considerably less onerous than that established by COGA,
- (3) it restored the freedom of interest holders to transfer their interests without seeking the consent of the Minister and it relaxed and ultimately removed serious restrictions on the ownership of production rights by non-Canadians, and,
- (4) it considerably circumscribed the discretion retained by the Minister in his or her administration of the Act (Bankes 2000, 8–9).

It is the second change that is of most relevance to this research. The new royalty regime enacted by the CPRA is complex and depends entirely upon length of extraction projects, rather than corresponding to production (Quesnel 2002, 93). For months 1-18 of production, royalty rates are 1% and they increase in 1% increments for every 18 months of production, up to 5% (Federal Government of Canada 1987, 3(1)(a)). After payout, royalties increase to “thirty per cent of the net revenues of the interest holder from that petroleum” or “five per cent of the gross revenues of the interest holder from that petroleum,” whichever is greater (Federal Government of Canada 1987, 3(1)(b)(i-ii)). Under this system, the royalty regime fails to capture significant royalties if substantial extraction occurs during the first years of the project, a system that some posit may not be an effective way to capture rent but also may drive initial development (Quesnel 2002, 93). It also may incentivize short projects that sprint towards a finish line in a short period of time, further contributing to short-lived project completion. Simply put, this new royalty regime shifted the mechanisms and the types of projects that it incentivized, but it still placed extractivism at the nexus of Canada’s interests in an unavoidable way.

Devolution and Resources

Though I analyzed the impact of devolution on land management in Chapter 2, devolution also had ramifications for the oil and gas incentive regime. Devolution changed the way in which oil and gas extraction is taxed and incentivized in the Northwest Territories. Overall, devolution allowed increasing amounts of autonomy over the oil and gas sector for both Indigenous governments as well as the Government of the Northwest Territories in a way that was not experienced prior to the passage of the agreement.

On April 1, 2014, devolution came into effect, fundamentally changing the way in which oil and gas could be treated by policy in the Northwest Territories. Under devolution, the Northwest Territories exists in a multilateral agreement in which the territory honors agreements from both the Crown and land settlements (Sabin 2017, 12). Though the sub-constitutional status of the Northwest Territories means that the territory must “negotiate from a weaker position” (Sabin 2017, 5) than provinces, the “constitutional status of Indigenous governments participating in devolution negotiations was essential” to reaching a devolution process that allowed the Northwest Territories increased control over their resources. In a territory with a long history of federal revenue deriving from local extractive projects, these decision-making powers – as well as the money that flow with it – are “hard fought for and jealously guarded,” especially given the role they play in determining “the type – and pace – of development that will take place” (Irlbacher-Fox 2015, 1). At the heart of resource policy and revenue streams post-2014 in the Northwest Territories as well as a reconfigured relationship between the federal government, territorial government, and Indigenous governments, the Devolution Act is regarded by some as a missed opportunity “to fight together for both a greater share of resources” against the Canadian federal government (Irlbacher-Fox 2015, 1). Ultimately, the Devolution Act restructured relationships between land, its resources, and the policy that corresponds to it.

Key pieces of the Northwest Territories Devolution Act that impact oil and gas policy include designating the legislative power to “direct taxation and licensing in order to raise revenue for territorial, municipal or local purposes” (Northwest Territories Devolution Act 2014, 18(f)) and “those public lands that are under the administration and control of the Commissioner, including their disposition under subsection 51(1)” (Northwest Territories Devolution Act 2014,

18(q)). In specific relation to the laws surrounding resources, the Northwest Territories Devolution Act determined:

19. (1) The Legislature may make laws in relation to the following subjects in respect of the onshore:
- (a) exploration for non-renewable natural resources;
 - (b) the development, conservation and management of non-renewable natural resources and forestry resources, including the rate of primary production from those resources;
 - (c) oil and gas pipelines that are situated entirely in the onshore;
 - (d) the development, conservation and management of sites and facilities for the production of electrical energy; and
 - (e) the export, from the onshore to another part of Canada, of the primary production from non-renewable natural resources and forestry resources and of the electrical energy that is produced in the onshore (Northwest Territories Devolution Act 2014).

More specifically, the Devolution Act granted the Government of the Northwest Territories the ability to tax resource extraction, explore for resources, develop resources, build onshore pipelines, create energy, and export resources. The Oil and Gas Operations Act further specifies these actions, giving explicit permission to the Commissioner in Executive Council for “the production, processing and transportation of, oil or gas in any area to which this Act applies and works and activities related to that exploration, drilling, production, processing and transportation” (Oil and Gas Operations Act 2014, 34). Notably, the Devolution Act did not grant jurisdiction or rights to the Government of the Northwest Territories to manage offshore resources, including offshore oil and gas resources. This means that where the Government of the Northwest Territories had increasing control over onshore oil resources following devolution, control of offshore resources and royalty schemes remained the same as it had been prior to devolution.

Notably absent from the process of negotiating the Devolution Act is the substantial contributions of Indigenous governments that had initially been involved in the process of creating policy in a tri-lateral relationship with the federal and territorial governments. Concerns about devolution’s impact on land claims and self-governing agreements strained the previously united front of Indigenous governments, and despite this, devolution negotiations continued forward in a way where Indigenous representatives “did not literally sit at the table” and instead

were provided “chairs placed around the perimeter of the room” (Irlbacher-Fox 2015, 3). Says Irlbacher-Fox, an “intermittent participant in devolution negotiations on behalf of Indigenous governments between 2001 and 2011,” the final devolution protocol document was “largely gutted of the hard-won compromises among Indigenous governments” contained in earlier drafts, and the signing of the agreement continued “over the objections of Indigenous governments except for the Inuvialuit Regional Corporation and the Northwest Territory Métis Nation” (2015, 4). While policy shifted with the signing of the Devolution Act, the potential policy shifts that the process could have allowed for were not fully realized with regard to Indigenous governmental input and approval.

Conclusion

Even though types and structures of policies differ significantly between Alaska and the Northwest Territories, the through line is clear: both regions have witnessed a significant investment of time and energy into extractive practices. Certainly, the origin of the ensuing incentives varies; in Alaska, the state itself is largely responsible for the incentives it passed, whereas in the Northwest Territories, many incentive structures were initially imposed by the federal government due to territorial status. In both the United States and Canada though, extraction is a value. At the more regional level of Alaska and the Northwest Territories, extraction means jobs, infrastructure, funding, and local investment. Incentives for extraction at the local level are a manifestation of federal values that prioritize extraction and profit, ultimately stemming from the settler colonial roots of the state. Understanding policy mechanisms that work to incentivize extraction help clarify the precise extent to which profit is concentrated into the hands of the oil industry and the respective state/territory.

OTHER POLICY INCENTIVES: REVENUE SHARING

There are other mechanisms that stand out as opportunities for incentivizing extraction that do not fall within the typical mechanisms of credits, taxes, or royalty regimes. While a detailed examination of these policies and their corresponding literature is outside the scope of this research, a brief overview of revenue sharing will help to build a clear picture of the number of different processes through which policy works to incentive extraction. This shifts the focus away from specific legislation and towards a broader understanding of how policy in the

Northwest Territories and Alaska works together collectively to reinforce the mandate to extract. Specific examples discussed in this section include revenue sharing through ANCSA and the Northwest Territories' revenue sharing agreement.

ANCSA Resource Revenue Sharing Sections 7(i) and 7(j)

Revenue sharing is a unique piece of the resource extraction environment in Alaska. Mandated as a part of the Alaska Native Claims Settlement Act, Sections 7(i) and 7(j) of the act function as a resource revenue equalization mechanism. Somewhat similar to equalization policies in Canada, Sections 7(i) and 7(j) “help equalize ANC revenues from activities such as oil and gas development, mineral development, and timber sales” (McDowell Group 2018, 1). As such, 70% of the revenue from subsurface extraction is equally divided among the different Alaska Native Corporations with 30% kept by the Alaska Native Corporation whose subsurface resources were the source of extraction (“ANCSA 7(i) Revenue Sharing Provisions Explained” 2020). Oil has been responsible for over half of the revenue sources of Alaska Native Corporations, totaling \$1.4 billion between 1982 and 2015, or \$1.7 billion when adjusted for inflation (McDowell Group 2018). The McDowell Group predicts that “In the short term, the outlook for 7(i) and 7(j) revenues will be dependent on commodity prices (such as gold, zinc, oil, and gas)” whereas in the longer term, “revenues will be dependent on the interest and ability of regional ANCs to develop their timber, mineral, or oil and gas resources” (McDowell Group 2018, 4). Notably, revenue in this context is largely dependent on resource extraction processes.

While the equalization intentions of Sections 7(i) and 7(j) work to manage the differing levels of resources in different regions of Alaska, they also increase the pressure to extract resources that are lucrative. The benefits of resource extraction impact the entire state rather than simply one corporation. However, with every Alaska Native Corporation depending on another for income, success for one corporation means success for them all.

Northwest Territories' Resource Revenue Sharing Agreement

The Northwest Territories Intergovernmental Resource Revenue Sharing Agreement was passed in tandem with devolution in 2014. The agreement allows the territory to keep up to 50% of resource revenues up to a specific quantity and share 25% of the revenue with Indigenous governments in the region (Northwest Territories Intergovernmental Resource Revenue Sharing Agreement 2014) – at least those that are signatories to the agreement. Sabin argues that this

revenue sharing agreement “signals an important departure from earlier eras of colonial control” and “ensures that the economic health of the NWT becomes the responsibility of all governments within the territory” (2017, 19). However, others have more critical perspectives on the equality of the revenue sharing agreement (Eglington and Voytilla 2011; Irlbacher-Fox 2015). While the fairness of the agreement can be argued, the agreement does move resource revenue closer to the territory and Indigenous governments than previous territorial agreements between Canada, the Northwest Territories, and Indigenous governments in the region had done.

Though surrounded by and originating from the different contexts of territorial and state agreements and regulations, this revenue sharing arrangement agreement is not entirely divorced from concepts underlying ANCSA’s revenue sharing agreement. The incentive functions in a similar way. Though the agreement moves some of the federal government’s profit to the territory and local Indigenous governing bodies, the more local benefits from resource extraction ensure continued buy in. If profits and benefits are seen locally, it will be more difficult for local bodies to eschew resource extraction. In this way, though revenue sharing may be a departure from previous dynamics, it does not remove the underlying incentive that revenue sharing creates.

Conclusion

Though revenue sharing may act as an equalizer, it also fundamentally incentivizes further extraction. Codifying revenue sharing into policy ensures that financial benefits from extraction are felt more locally, while sharing revenue across a larger number of bodies ensures that there is a broader section of buy-in across actors, impacted groups, and/or stakeholders. Especially in tandem with more specific policies that create financial incentive for oil and gas extraction, revenue sharing is yet another tool that builds pressure for ongoing extractive processes. That these policies complement more oil-specific policies demonstrates the way in which incentive structures do not exist simply in one category of legislation. Rather, a multitude of policies work together to build a governing environment that makes extraction difficult to resist – both for adjacent communities as well as investors.

CO-MANAGEMENT: THE ANTI-INCENTIVE?

Thus far, this chapter has pointed to oil taxation, royalty, and rent policies as a means of incentivizing resource extraction. It has also gestured to revenue sharing as a mechanism that increases pressure on extractive processes. However, in light of this overwhelming evidence pointing towards oil extraction as a highly incentivized process, some may point to co-management as a way of mitigating these practices. This section of the chapter addresses co-management and the way it interacts with these other processes. It gives credit to co-management processes for being a valid manifestation of sovereignty, but also demonstrates how they may still not entirely disrupt the force of the underlying value of extraction. Ultimately, I demonstrate that co-management provides opportunities for negotiating benefits in the Northwest Territories, where the granting of subsurface rights in lieu of co-management in Alaska provides further incentive to extract. Regardless of the structures in place, I contend that the settler colonial state's values of extraction and need for revenue are not absent from the picture when making decisions surrounding extraction.

Fundamentally, co-management is exactly what it sounds like: the shared management of a certain resource. The World Bank further nuances this definition of co-management, articulating it as “the sharing of responsibilities, rights and duties between the primary stakeholders, in particular, local communities and the nation state; a decentralized approach to decisionmaking that involves the local users in the decisionmaking process as equals with the nation-state” (The World Bank, 1999: 11). The scholarly literature is ripe with discussions of co-management, variations on what different power sharing agreements look like, and what the theoretical impacts of these arrangements imply. In the case of policy incentives, I am less interested in these subtleties and more interested in the way in which co-management might provide additional validity to extractive processes.

Co-management arrangements necessitate a resource that has been deemed worth managing and two bodies (at minimum) to share management of said resource. While the use of ‘natural resource’ is a common way to articulate the subject that is being co-managed, it is important to note that there are two types of resources: those that are above ground and those below it. Typically, above-ground resources that are co-managed are living things like wildlife (Parlee and Caine 2018), fish (Pomeroy et al. 2007), or flora of some sort (Klooster 2000). Co-

management arrangements for flora and fauna are not uncommon, are typically managed for a sustainable yield,¹⁹ and examples can be found worldwide. Less common – but more interesting to this research – co-management arrangements are those that give shared management rights to subsurface resources including minerals, oil, and gas. Since the question of the latter type of natural resource is, at its simplest, one of dirt, this subset of co-management gets blurry.

Managing resources below ground requires accessing them, which quickly turns the question of shared jurisdiction into a question of land rights. Who owns what, and who has access to it? This complexity around subsurface rights and, correspondingly, ownership, is precisely what makes co-management an interesting case for understanding the relationship between communities and the state.

Co-management in the Northwest Territories occurs regionally and both above and below ground. Passed in the Canadian Parliament in 1998, the Mackenzie Valley Resource Management Act “creates an integrated co-management structure for public and private lands and waters throughout the valley” (NWT Board Forum and Resource Management Information 2020). For impact review processes that take place prior to industrial activity, it is required to “to ensure that the concerns of aboriginal people and the general public are taken into account in that process” (Mackenzie Valley Resource Management Act 1992). Academics recognize the Mackenzie Valley Resource Management Act not only as “the direct result of settled land claims in the Mackenzie Valley” but “as the culmination of a series of political changes that have brought greater decision-making capacity to the local level” and that allow for improved integration of Indigenous Knowledge and perspectives (Christensen and Grant 2007, 120). In the same way that land claims reconfigured power dynamics around land, they also reconfigured the way in which input about land and its corresponding resources was received. Ultimately, the Mackenzie Valley Resource Management Act resulted in an amplified platform from which Indigenous perspectives and knowledge could be heard and incorporated into resource management activities across the valley, known as the Mackenzie Valley Land and Water Board. The roles of the Board include: “Reviewing and making decisions on transboundary projects; Ensuring consistent application of the MVRMA up and down the Mackenzie Valley; and, Reviewing and making decisions on applications filed in the regions where land claims have not

¹⁹ A key part of co-management is who defines sustained yield, and whose knowledge is used as valid justification for defining sustained yield.

been settled” (Mackenzie Valley Land and Water Board 2020). Clearly, this example of co-management demonstrates a codified relationship between the state and communities in which they are required to work together in order to support a management regime. Notably, the Board also allows for meaningful Indigenous input on resource extraction projects, ultimately creating a space in which adjacent communities are able to redirect incoming services and/or benefits. In this way, the relationship between the territory and the communities as expressed in the Mackenzie Valley Land and Water Board allows for meaningful local agency over proposed projects on settlement lands.

In Alaska, co-management does not exist in the same way it does in the Northwest Territories. Lands of Alaska Native Corporations resulting from ANCSA are considered by the State to be private lands (ANCSA Regional Association 2020). Much in the way that private citizens are not able to make resource or fishery management decisions on their own property, Native Corporations are not able to make formal management decisions about aboveground resources like caribou, salmon, or timber²⁰ on their own lands. This reflects the ongoing paternalistic relationship between state/federal governments and Indigenous peoples in Alaska, as well as hints to the underlying tension of having Indigenous lands in Alaska be owned by corporations.²¹ However, while there are no formal co-management agreements in place for flora and fauna, ANCSA delegated subsurface rights to each Alaska Native Corporation when it was settled (“Alaska Native Claims Settlement Act” 1971). As such, though Alaska Native communities, tribes, and corporations do not have rights to formal co-management agreements for flora and fauna,²² they do effectively have full management rights over subsurface resources.

²⁰ This is not just an implied legal framework; the State of Alaska has outright denied a request to co-manage wildlife resources with Ahtna, Inc., a Native corporation in eastern Alaska.

²¹ Note that there is currently some basis for a movement in which land is put into trusts in order to transfer ownership to tribal authority, thus giving tribes a land base as opposed to exclusively organizational standing (US Department of the Interior: Indian Affairs, 2019). Currently, tribal lands do exist but are often small and thus, it may not be “practical to use that land as the basis for governance,” according to Native rights attorneys Lloyd Miller and Matt Newman (quoted in Demer, 2016).

²² While this is true to the signing of ANCSA, there are a few budding regional co-management projects that include the Kuskokwim River Salmon Management Working Group formed in 1988, the recently signed King Salmon Co-Management Memorandum of Understanding, and the incorporation of Traditional Knowledge into the official Fishery Ecosystem Plan for the Bering Sea region announced in 2019.

That being said, proposed projects to access subsurface resources still must go through state and federal permitting processes, giving ultimate oversight of whether corporations can build extractive projects to settler colonial governing bodies.

Co-management (or lack thereof) is a critical piece of the policy landscape in Alaska and the Northwest Territories. Much in the way that the multi-level, multi-actor governed state arose from the growing political power of Indigenous institutions (discussed in Chapter 2), power over land and its resources grew out of these same moments (Carpenter, Olynyk, and Low 2001). Specifically, co-management demonstrates ways in which the settler colonial government in the Northwest Territories has grown into a multi-jurisdictional governance structure, with Indigenous land settlement acting as both the moment of power reconfiguration as well as resulting in institutions with increased power over determination. In Alaska, this is also true in a limited way; where Alaska Native Corporations do not have power over resource management laws and structures, their ownership of subsurface rights gives them discretion over where to say ‘yes’ to extraction, but with limited power over the mechanisms that allow them to say ‘no.’ However, on face, these relationships do not necessarily challenge the policy incentives offered for oil and gas extraction. What co-management does succeed at is one of the paramount concerns expressed by Indigenous peoples across the North during the Berger Inquiry (discussed in Chapter 2 and Chapter 4): securing rights and sovereignty.

Conversely, where revenue sharing (above), co-management agreements, and subsurface ownership all provide opportunities for increasingly sovereign relationships, all three mechanisms still functionally incentivize resource extraction. With resource extraction often acting as a sole income source in many rural areas, dependence on the funding that flows to communities in order to extract said resources is not uncommon (Dryzek and Young 1985), as I discuss in Chapter 2. As long as the State of Alaska and the Government of the Northwest Territories fail to provide services, resources, and access – including education, healthcare, infrastructure, and even water, sewer, and internet – in a meaningful way, resource extraction will continue to be one of the few opportunities for increased services. As such, while the mechanisms for shared input and output discussed in this section do meaningfully increase sovereignty over nearby resources, these increased rights do not change the need for local job opportunities, education, access to healthcare, and much more. The examples discussed in this section demonstrate the resilience of the settler colonial state/territory in pushing rural Arctic

communities and their respective corporations or institutions towards resource extraction instead of providing meaningful care.

CONCLUSION

In this chapter, I examined specific policies that have worked to incentivize oil extraction across the 20th and 21st centuries in Alaska and the Northwest Territories. Specifically, I ask: how do oil incentives function in Alaska and the Northwest Territories? What do these incentives demonstrate about the way in which the state, territory, or region says – or is pressured to say – ‘yes’ to oil extraction? I answer these questions through an analysis of policy as well as other mechanisms that work in conjunction to build an environment in which oil and gas extraction is encouraged, and the pressure to say yes for communities, the state/territory, and even investors mounts.

I begin by charting the way in which approaches to taxation and royalty structures have changed over the last century in Alaska and the Northwest Territories. This is a useful metric for identifying the way in which the relationship between the oil industry and the state/territory has evolved over time, as moments of reconfiguration allow for a push and pull of power between the industry and the state. In the case of Alaska and the Northwest Territories, in examining these policies this makes it clear that extraction cannot be avoided. The combined pressure of federal subsidies, oil-friendly incentive structures at the state/territorial level, revenue sharing agreements, and the undercurrent of extractivism makes the pressure to say yes nearly insurmountable. Even power sharing agreements like co-management do not manage to mount a full challenge on the incentives for extraction that come from nearly every level. Ultimately, this analysis shows that the governing structures discussed in Chapter 2 – and dictated and described by settler colonialism and rural theory – very clearly set up a mandate to extract, that is honored through policies implemented in Alaska and the Northwest Territories.

In the next chapter, I contextualize these policies within the broader relationship between the oil industry and communities, and later, Indigenous corporations, of the Northwest Territories and Alaska. Specifically, I show that the ongoing incentivization of oil extraction in Alaska and the Northwest Territories pushes rural communities toward a relationship with the oil industry in which Indigenous corporations will typically seek benefits from the industry rather

than the state. I use the theoretical framework of clientelism to explore this relationship in detail, and to determine what this characterization says about extraction of oil and gas. Where Chapter 3 provides a nuanced understanding of specific policies in order to better understand the extent of policy-based incentive structures in Alaska and the Northwest Territories, Chapter 4 shows the impact of these policies on the opportunities for rural communities to transcend these incentive structures, contextualized by clientelism. Ultimately, Chapter 4 questions whether the dynamics exhibited between the community-industry relationship – specifically after the rise of Indigenous corporations – can be characterized as a clientelist relationship.

Chapter 4: Relationships

In 1968, commercially viable oil was discovered in Prudhoe Bay. On April 14, 2009, Richard Glenn gave testimony to Secretary of the Interior Salazar about whether offshore oil and gas areas should be available for oil leases. Then Vice-President of Lands and Natural Resources for the Arctic Slope Regional Corporation, Glenn self describes as having “served as a member of the United States Arctic Research Commission and the Ilisaġvik College Board of Trustees,” and is “president of the Barrow Arctic Science Consortium, a former board member of the Arctic Research Consortium of the United States, and member of the Native American Science Commission” (Glenn, Itta, and Napageak Jr. 2011, 606). Also a key part of his identity is having been “raised with an awareness of his Inupiaq culture, and since his teenage years he has made a goal of learning about the natural world from both an Inupiaq and more “western” perspective” even though he was born far from his mother’s hometown of Barrow (now known as Utqiagvik) (Glenn, Itta, and Napageak Jr. 2011, 606). It is with this perspective – as well as that of being “a community leader in Barrow” (Glenn, Itta, and Napageak Jr. 2011, 606) – that Glenn approaches the question of oil. In considering the future of oil innovation, Glenn reflects on the past:

When onshore development of oil and gas began decades ago, many were concerned about the effect it would have on our subsistence lifestyle. Would development interfere with subsistence hunting? Could spills or other damage leave lasting effects? Would development interfere with our access to the land?

Today we know more of the answers to these questions. Modern technology, vigilant local oversight, and good neighbor relationships with the operators have meant development has occurred responsibly. As one of our local elders likes to recount, our fish have not died and our caribou have not decreased in number. Some things could have been done better, but overall the results have been positive. In some places we have been displaced from traditionally used lands. That has happened with industry, and it has happened in and around our communities as well. We have tolerated displacement in some areas because our land base is so large. Without the presence of industry infrastructure, pipelines, pads, and processing facilities, we would have almost no North Slope economy, and we might not have the opportunity to enjoy the mixed lifestyle that today’s subsistence efforts demand (2011, 606–7).

In a balanced way, Glenn recalls the initial concerns with oil extraction on the North Slope. He weighs the intact subsistence resources with displacement of his people, finding solace in the size of their land base and their ability to move. However, it is not this weighing of pros and cons that strikes me about his account, but rather the description of neighborliness between communities and the oil industry. He goes on to describe a relationship characterized by more

than just proximity but negotiated benefits.

At times, discussions of onshore development have been difficult. There have been times we argued and lost, others we argued and won, and others still we have agreed. In general, the North Slope has benefited positively. Our quality of life has improved, on occasion at great expense, thanks to the positive impacts of onshore development. We have developed partnerships with industry. One thinks first of jobs and contracting opportunities, and we have certainly participated with the onshore operators in contracting opportunities. Both sides, however, recognize that we have fallen short of where we should be in training and workforce development.

Our relationship with the industry has gone beyond contracting to include long-term participation in the financial benefits of development, including royalty ownership in certain fields and the opportunity to invest in exploration, development, pipelines, and facilities. In some cases this has happened on our own Alaska Native Claims Settlement Act-conveyed lands, and in other places we have made independent investments. In addition, the explorers and operators have supported many community programs and initiatives. Finally, of course, property taxation of onshore activity by our North Slope Borough has generated revenues to fund schools, fire halls, public safety, and public works, which have improved our quality of life. Over the years, ASRC [Arctic Slope Regional Corporation] has found itself in the role of advocating for responsible development. The overriding reasons for this advocacy had more to do with the employment of local residents and a sustainable tax base for the North Slope Borough than for any individual contract or other corporate opportunity (2011, 607).

Glenn's perspective, however, is not the only one that is representative of those that live in the North, adjacent to present or potential oil drilling sites. Sarah James, an elder from Arctic Village, spokesperson for the Arctic Village Council, the Venetie Village Council and the Native Village of Venetie Tribal Government on the issue of the Arctic Refuge, and a "true, Neetsa'ii Gwich'in woman" (Harball 2019b) is one such leader of this differing opinion, especially when it comes to drilling for oil in the Arctic National Wildlife Refuge. She says:

As a Neets'aai Gwich'in tribe, our biggest concern is our way of life and who we are. From the time beginning, we've depended on caribou for our way of life — the food resources that we get from them, the skin for clothing and crafts and art. We have a special connection in that we are a part of the caribou and the caribou are a part of us. It is our language, our songs, our dance. And it's our medicine. Many times we've survived because of the medicine that we get from caribou. We take care of the caribou, and in return, they take care of us, and that's really important to my people here.

We used to live with the Porcupine caribou, migrate with the caribou, so our footsteps are everywhere with the caribou, even today because they still migrate that whole Arctic Refuge. They're healthy. They're wild. They're not mixed in with reindeer, and they're natural to the area. And this — the coastal plain — is the last place, this is only piece of the Arctic line that's going to protect it. The rest is in development or will be. The coastal plain is the heart of the Arctic National Wildlife Refuge, not only for caribou, but for

many other animals who are born there and raise their young there because it's a safe place away from predators. It's a place we call Izhik Gwats'an Gwandaii Goodlit. That means the "sacred place where life begins." And it should be kept that way because there's no other place they can go to. It is the core of the caribou existence and Gwich'in existence.

All of that is threatened. And it has been threatened for many, many years (James 2020).

James' narrative shows that there is not one united voice around saying yes/no to oil extraction in the North. Indeed, the considerations are much more complex, and depend intimately on not just present-day considerations but historical context. And, despite the overwhelming pressure to say yes to oil, there are still those that work to say no.

When we made the decision to protect the Arctic National Wildlife Refuge — the coastal plain, the Izhik Gwats'an Gwandaii Goodlit — that happened here in Arctic Village in June 1988. It was like a rebirth of the whole [Gwich'in] nation. International borders and being colonized into villages had separated us, but we came back together to protect our refuge because it was threatened. So we're fighting as a Neets'aiti Gwich'in tribe, but we've done it with a nonprofit organization, the Gwich'in Steering Committee. We did well. The elders asked us to go out into the world and educate the world... because that's the only way we can win. Nobody even knew there was a Gwich'in. They didn't even know there was Porcupine caribou, and they didn't know there was Arctic Village. So we had to educate them about why we say no to oil (James 2020).

INTRODUCTION

While the history of the impacts of oil in the North encapsulates land and policy, ultimately, this story cannot be told without speaking of the relationships that tie these factors together. As demonstrated in previous chapters, the existence of oil in the North and decisions that were made around it have come to dictate decisions about future trajectories of entire regions. These relationships with and around oil give it power in Alaska and the Northwest Territories. More importantly, these relationships do not create simple yes/no dichotomies for or against continued oil extraction. Instead, they create a spectrum of opportunities – shaded in the direction, nature, proximity, and strength of these relationships – that ultimately uphold the priority of ongoing extraction. Despite the synchronicity between oil extraction and clientelism, often discussions of oil development stop at the simple binary of 'develop' or 'keep it in the ground.' These discussions are not enough. Especially as the Arctic faces vast changes brought on by climate change, research that challenges narrative binaries and the exercise of corporate hegemony over community-level needs is critical.

Power is implicit in relationships. Informed by the values of the broader society within which the relationship exists, no relationship can be examined in detail without also taking into account the power dynamics at play. Which voices are privileged over others, and for what reasons? Why are certain voices amplified – and, more important, what are the implications of that amplification? As oil animates narratives of the North, its influence as an actor in relation to those organizations, peoples, governments, and other bodies around it must be taken into account if one is to understand the way it operates more broadly.

In discussions of power and relationships, communities are at the center of the push and pull of globalization, market forces, and political power exerted federally and by states/territories. Rural communities – and especially rural communities composed of Indigenous peoples in which capitalism is a more recent experience – feel these pressures acutely as they strive to balance economic, social, and political needs. While market forces and globalization are often out of the reach of control for these small communities, the relationship between communities and industry can be known more intimately. It is with the intent to learn from these relationships that I approach this chapter.

In this chapter, I examine the entangled relationships that exist between the oil industry, communities, and (later) Indigenous corporations. I begin from the theoretical context of clientelism, a theory often used to describe the relationship between the industry, government, and communities in the Global South. I use a lens of rural political theory and the overarching context of settler colonialism to evaluate the applicability of this theory to the North. Using primary and secondary sources, I build a comparative case study of Alaska and the Northwest Territories that assesses and contextualizes current relationships between the oil industry and Indigenous corporations. Using these same sources, I also provide examples of pivotal moments in which these relationships have been reconfigured in a significant way, demonstrating that those relationships are dynamic rather than static and that communities can exercise real leverage within them. I ultimately argue that clientelism, though typically not applied to North American contexts, animates the oil industry-community/Indigenous corporate relationship in Alaska and the Northwest Territories. Finally, I ask: does clientelism in the North work – and if so, how and for whom?

CLIENTELISM: IN THEORY AND PRACTICE

Clientelism

The Oxford Handbook of Political Science defines clientelism as “the proffering of material goods in return for electoral support, where the criterion of distribution that the patron uses is simply: did you (will you) support me?” (Stokes 2011, 649). Stokes further identifies a quid-pro-quo as key to her understanding of clientelism: “it is only available on condition that the client complies by providing political support” (Stokes 2011, 649). Though scholars argue that clientelism is not often given the clarity of definition it necessitates (Hicken 2011; Stokes 2011), this definition is one that encapsulates the broad focus of the theory in the simplest terms. Simply put, clientelism is the exchange of goods for political support. More broadly, it encapsulates a certain set of behaviors that limit political outcomes to the parameters set by the incentive structures that are put in play by external actors.

Throughout the literature, clientelism is most commonly applied to electoral scenarios in which the patron is an elected official, party, or government and the client is a constituent or group of constituents. However, while political support is considered by Hicken to be “the chief criterion for receiving the targeted benefit” (2011, 294) votes are not the only way in which political support is articulated. Political support can also be shown through what values individuals articulate in everyday conversation with their community members and peers, what one posts on social media, where an individual spends their money, what groups individuals are a part of, and more. Though votes are what determines who takes office or stays in office, who one votes for is typically private – in stark contrast to these other means of voicing political opinion or support.

Just as votes are not the only manner of articulating political support, elected officials are not the only people who are political bodies, nor are they the only ones capable of moving the political needle. The 2010 Supreme Court ruling on *Citizens United v. FEC* in the United States is just one example of the way in which corporate spending can be tied directly to political decision making (*Citizens United v. FEC* 2010); the significant influence of the oil and gas industry in Alberta’s electoral campaigns is an even more poignant example (Schwartz 2020). Further, electoral politics are not directly divorced from impacts to the oil and gas industry –

both via the values of elected officials as well as the ballot measure/referenda process.²³ All of these examples evidence the way in which clientelism does not immediately imply an elected official-community relationship. Instead, this relationship can encompass other political actors that are capable of providing goods and services as well as definitions of political support that surpass a simple vote. Because the oil and gas industry is a political actor in a position to distribute and deny resources and communities are capable of articulating political support in a variety of other ways – ultimately providing community buy-in that is typically necessary for ongoing extraction – to ask whether clientelism could be present in Northern industry-community relationships is not a stretch of the term, but rather expands the concept of political support.

Common definitions of clientelism include four components: dyadic relationships, contingency, hierarchy, and iteration (Hicken 2011). That is, clientelism is characterized by: a relationship between the patron and the client, reciprocity within the relationship, differing levels of status and power within the relationship, and multiple or ongoing interactions. Each of these characteristics, I argue, can be found in relationships involving the oil and gas industry, governing actors, and communities in Alaska and the Northwest Territories.

1. Dyadic Relationships: Patrons and Clients

The clientelist relationship is based initially on two actors: the patron and the client. Differing scholars refer to this relationship differently and seek to emphasize different characteristics for each actor. Historically, the well-known scholar James Scott emphasizes the face-to-face nature of the patron-client relationship and refers to it as “a special case of dyadic (two-person) ties involving a largely instrumental friendship” (Scott 1972, 92). Still a second approach is that of Carl Landé which acknowledges how each setting produces “combinations of different shapes and sizes, display different degrees of intensity, durability, affect, exclusiveness, and competitiveness, differ in the steepness of the relationship between dyadic partners, are accompanied by different rituals, and involve different substantive exchanges” which ultimately impact the patron-client relationship (Landé 1983, 440). He opts to focus on the similarities in context and horizontal relationships, noting that “dyadic arrangements are created and maintained as a result of the private decisions of innumerable pairs of individuals whose only

²³ See Ballot Measure 1 in Alaska’s 2020 election for more information.

aim, usually, is to advance their private interests” (Landé 1983, 445). The more recent clientelism scholar Hicken (2011) asserts a shift towards brokers/networks instead of patrons/clients, in which clients are not connected with their patron but rather are connected via a chain of other intermediary relationships. At its root, though, Hicken (2011) asserts that clientelism by nearly all definitions involves personal relationships at some level, even if via an intermediary relationship.

Regardless of differing perspectives on the nature and dynamics of relationships, it is clear that the starting point for clientelism is with a relationship. In the same way that historical context worldwide shapes the way in which certain regions build differing governmental policy, the relationships that give rise to clientelism are molded by the context from which they arise. Is there a history of non-institutionalized relationships? To what extent are the community’s needs being fulfilled through the market or governmental services – and what is lacking? These are factors to be taken under consideration when assessing clientelism in different regions.

2. *Contingency, or Reciprocity*

Reciprocity is the second key component of clientelism. If the patron is willing to support the client in some way, the client must also be willing to provide benefits to the patron. In many ways, this reciprocity within a relationship acts as the engine for clientelism. Even if the output of the relationship changes for the client, the output of some sort of benefit is, in many ways, the premise of the relationship. According to Hicken’s review of the clientelism literature, the goods that are being exchanged can be material goods – as dictated by Stokes’ (2011) definition of clientelism – or can be non-material including jobs, public service, security, or more (Hicken 2011, 291).

However, simply because a relationship entails reciprocity does not mean that what is being received by the patron and the client are to be considered of equal value, or of equal sacrifice for either party. Because this relationship also involves “exploitation and domination” (Kitschelt 2000, 849 cited in Stokes, 2011, p. 652), Stokes asks: “Why does the relationship persist, even though the client might be better off severing the link?” (Stokes 2011, 652). Stokes answers that this relationship glue may be explained in two ways. First, the generalized norms of relationships in which reciprocity is an expected moral undercurrent may permeate the patron-client relationship (Stokes 2011, 653–54). Second, it could instead be that the patron and client

are tied together by reciprocity, through a fear that the benefits of the relationship may be terminated (Stokes 2011, 654). Considering that clientelist relationships thrive in regions with high levels of income inequality (Brusco, Nazareno, and Stokes 2004; Robinson and Verdier 2002), it is the latter theory that seems the most applicable to non-theoretical examinations of clientelism. There is no need to be exclusionary with regard to client motivation in clientelism, though; indeed, a fear of losing goods and services may be complemented by a sense of loyalty towards the patron for what they have previously provided.

3. Hierarchy, or Differing Statuses

Hierarchy, differing statuses, or relationships with asymmetrical power dynamics guide the rules of the relationship between patrons and their clients. Hicken (2011) again points to Scott and Landé's definitions of clientelism to demonstrate this point. He draws out their respective perspectives on clientelism, asserting it is characterized by "an individual of higher socioeconomic status (patron) who uses his own influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering generous support and assistance, including personal service, to the patron" thus creating "an alliance between two persons of unequal status, power or resources each of whom finds it useful to have as an ally someone superior or inferior to himself" (Scott 1972, 92; Landé 1983, xx). These descriptions are reflective of research in which marginalized communities are examined as case studies of political clientelism. In these scenarios, lower status is a precondition of being the client in the patron-client relationship (Auyero 2020; Hertog 2005; Fox 1994). What remains to be seen is whether poverty creates ideal conditions for the functioning of clientelism, or whether clientelism entrenches poverty (Stokes 2011, 663).

4. Iteration/Repetition

By definition, relationships involve a pattern of connections on a longer timescale. According to Hicken, this is no different from clientelism that is "at its core an iterated interaction, with each side anticipating future interactions" (Hicken 2011, 292). Critically though, these interactions are not simply for the sake of connection. Instead, they are used as a proxy for understanding the confidence with which both the patron and client can count on each other for returns (Hicken 2011, 293). Scott argues that a patron-client relationship "will endure best in a stable setting that preserves existing power positions" or rather, "the more of the client's

vital needs a patron can meet... the greater the tendency for the tie to be invoked frequently and to endure over long periods” (Scott 1972, 100). Hicken and Scott’s arguments for the importance of the relationship component – as opposed to one-off or unique interactions – emphasizes the way in which longevity works to the advantage of both parties. Where the client and patron can both ensure a certain static-ness to their relationship, the relationship will be able to thrive in a way that provides long-term benefits (of varying degrees) to both parties. Where the relationship is disrupted – say by a changing regulatory environment, local opposition to the relationship, or the inability of the patron to provide benefits – the flow of goods and/or services can no longer be promised. As such, clientelism breeds maintenance of the status quo, thus also preserving the patron-client relationship, hierarchy, and expected benefits.

Iteration of clientelism also ensures endurance of the relationship. Schneider and Zúniga-Hamlin argue that “[c]lientelist networks endure by allaying or repressing demands for change from below, while agilely adapting to the shifting currents of national politics and resource availability” (2005, 572). According to their research, this endurance is derived from internal consistency, perpetuating the conditions needed for survival, and adaptivity not dependent on specific leadership. Where clientelism creates conditions under which “[e]conomic, cultural and political practices are integrated” they are able to “reproduce the conditions for their own survival,” ultimately leading to a dependency on structure that exists regardless of who stands in the role of patron, broker, and/or client (Schneider and Zúniga-Hamlin 2005, 572). By creating a relational structure that continues to reinforce itself through repetition, clientelism is born, codified, and entrenched all at once.

Clientelism, Rurality, and Settler Colonialism

Across the literature, a broad range of case studies investigate the phenomenon of clientelism in rural areas (Bardhan et al. 2009; Bika 2011; Oi 1985; Schneider and Zúniga-Hamlin 2005). Though these studies are intent on using case studies from rural areas, they fail to incorporate the rural political theory literature into their understanding of clientelism. Instead, they choose to focus on elite/non-elite dichotomies, class/caste, rights and citizenship, and party actions or popularity in a way that ignores the key role that rurality plays as a context, rather than simply a variable. Given the common denominator of rurality among a number of key case studies, it is worthwhile to understand the relationship between clientelism and rural political

theory.

Rural theory deriving from scholars Michael Woods, Keith Halfacree, and Paul Cloke (discussed in Chapter 2) is critical to understanding the way in which clientelism functions in rural areas. Foremost, Cloke's articulation of the rural as intertwined with the "flesh and blood" culture and with real life relationships" (2006, 24), or as a place that is "directly lived" (2006, 50–51) underlines the way in which people and their relationships, lives, and experiences color rural places – rather than simply seeing rural as a variable that indicates 'less.' In this context, it is possible to see clientelism as arising from the fulfillment of needs or desires that are articulated by rural communities that have not been addressed in other ways or by other actors. Where clientelism involves a quid pro quo between a patron and a client, rural political theory tells us that acknowledging the lived experience of those in rural places – and the needs that arise from these lived experiences – and responding accordingly will be more appropriate than responding to the abstraction of the rural or affiliated narratives imposed by external actors.

Even if not actively articulated by researchers, the key relationship between rural political theory and clientelism is present in case studies of rural clientelism. Bardhan et al. (2009) assert that the stability of the leftist government in the rural West Bengal region of India can be attributed at least partially to the ongoing distribution of benefits to the residents of lower socioeconomic status. Correspondingly, they postulate that the decrease in vote share for the left could be associated with policies that increasingly treat new industries as the client and the opposition to be quelled (2009). In this case study, the clientelist relationship is one that arises because of the patron's ability to respond to the lived needs of the rural communities. This reaction to an inability of the federal government to respond to rural needs is one that very well could resonate with Alaska or the Northwest Territories, especially given the way in which top-down governance has dominated the last two centuries.

A second relevant case study of clientelism in rural areas is Oi's research on clientelism in rural China. Interesting for its focus on communist systems rather than the 'developing' nation model typically assessed in clientelism literature, Oi's model diverges from a model that sees clientelism simply as a means for the non-elite to subsist and instead concentrates on it as an "interest-maximizing rather than risk-minimizing" arrangement (Oi 1985, 241). Here, "[t]he premise is that the political behavior of peasants is closely tied to the economic realities of their

daily lives” (Oi 1985, 241). While the research itself focuses on the specificities of rural communist China, the theory that underpins the research is reflective of rural political theory. In the same vein that Bardhan et al. (2009) assert that clientelism creates stability for the rural West Bengal region in India, Oi finds that clientelism in rural China “places in doubt the depth of the social and organizational changes wrought by the communist revolution” and instead emphasizes the ongoing role of personal relationships despite institutional changes (Oi 1985, 262). The consistency with which clientelism is able to deftly create systems of support in the midst of regional or federal upheaval is a draw for rural areas, especially in the face of boom-and-bust cycles that typically characterize rural and Northern economies and livelihoods.

Though rurality is often discussed in the clientelism literature, there is a notable gap in the literature when it comes to assessing how clientelism interacts with Indigenous peoples who live in settler colonial states or how clientelism and settler colonialism interact at the theoretical level. However, this merits analysis given that some of the themes of rural clientelism still apply: rights and citizenship are called into question, economic ‘success’ is in play, and political power dynamics play a role in determining the way in which Indigenous communities receive goods and services. Fundamentally, though, the questions of if and how clientelism functions in rural Indigenous communities asks how and if settler colonial governments provide sufficient services, or whether Indigenous peoples, communities, and governments are required to seek services – and if so inclined, support – elsewhere. More interestingly: if the government does not provide adequate services or if service needs are determined by someone outside the community, is clientelism a comparable alternative for delivering goods and services? If so, what are the limits of clientelism – and under what circumstances is it possible to shift from clientelism to citizenship (Fox 1994)? The case of oil and gas in Alaska and the Northwest Territories may offer useful insight into evaluating these questions, especially when examining specific incentives and pressures that are at play for ensuring ongoing extraction, as well as what the opportunity for rearranging the relationship between governing bodies, the industry, and communities may look like.

THE INDUSTRY-COMMUNITY/AND CORPORATE INDIGENOUS RELATIONSHIP

Inevitably, commercial-scale extraction of a resource results in the sprouting of a relationship between the industry and the community it operates in, adjacent to, or nearby. While

the nature of this relationship is not static, often changing under the pressure of variables like global market changes or federal priorities, a closer look at the industry-community relationship will often unveil dynamics around resource extraction that may have previously gone unnoticed. It is with this logic in mind that I approach my analysis of the industry-community (and corporate Indigenous) relationship. In particular, I approach this work through the framework of clientelism and rural theory in order to assess if this relationship fits the criteria for clientelism.

The relationship between the oil and gas industry and communities in the Northwest Territories and Alaska is different depending on when the relationship is being examined, which community is being asked for their feedback, and which representatives of the community are speaking. This section is not intended to be a holistic summary of the opinions on oil extraction across all communities in these two regions at any given point in time. Instead, this section outlines the variables within Alaska and the Northwest Territories that guide the relationship between the oil industry and various communities and how these variables have unfolded over time. One of the key features of this section is acknowledging the way in which Indigenous community members have evolved into corporate stakeholders. How does the relationship between community members and the oil and gas industry change in this moment of transition from community member to corporate stakeholder? In Chapter 2, I argue that the settlement of land claims and the institutions that grew from this process in both Alaska and the Northwest Territories qualifies as a transition to multi-level, multi-actor governed states. Acknowledging the evolution from community member to stakeholder builds on this argument, showing the ways in which Indigenous corporations that grew out of land claims processes are not just responsible for building power for Indigenous communities within the settler colonial state, but also reconfiguring the relationship(s) between the oil and gas industry and the communities it operates within.

Industry Benefits in the North

How the corporate Indigenous-industry relationship has evolved gives insight into different mechanisms of political power in the North. However, in addressing rural communities in settler colonial states, one further question is: what specifically can political actors offer to rural and colonized regions or communities? Bardhan et al. (2009) shows that regional political stability amongst national upheaval is one benefit that can be correlated with clientelism in rural

areas, where Bika (2011) similarly shows that clientelism can provide stronger access to the state for rural communities, even amidst large political shifts. However, neither of these authors address both the dynamics of rurality and settler colonial states. By ignoring the additional dynamics that settler colonialism adds to the delivery of services to certain regions, the work of these authors is an incomplete picture to generalize to the North. Specifically, they do not address any gaps that may be directly related to racial inequities, as well as the historic role that government, the state, and electoral politics have played in intentionally disenfranchising Indigenous peoples and communities.

As political actors, the oil and gas industry has an opportunity to fill the gaps left by the settler colonial state and compounded by the challenges of rural delivery of services, assuming this opportunity aligns with their corporate mandate to profit. In the case of Alaska and the Northwest Territories, this has translated into oil company investment in education, community, and cultural activities. In Alaska, one company alone, ConocoPhillips, has donated a cumulative \$1 million to Ilisagvik College (ConocoPhillips Alaska n.d.). On their website, they state that “since 2000, we’ve donated nearly \$120 million in support of social services, education, civic, arts, environmental and health and safety initiatives statewide” (ConocoPhillips Alaska n.d.). In the Northwest Territories, engagement is similar: Imperial Oil has worked to ensure local employment in their Norman Wells operations, as well as investments that are “approximately \$100,000 to \$200,000 annually including community programs, sponsorship and education awards and scholarships” (Imperial Oil 2020). Notably, in both of these regions, all activities that the oil and gas companies support also fall under the purview of government. These examples begin to demonstrate what the oil and gas industry have to offer adjacent communities in the North, offers that are made all the more appealing by ongoing gaps in service and support.

If the oil and gas industry can offer these financial incentives – in addition to the more complex relationships described above that may amplify the influence and capacity of Indigenous corporations – what can Indigenous corporations offer to the oil and gas industry? Fundamentally, they can offer political support and a social license to operate (see section below for further description). By testifying in favor of oil and gas during federal hearings, by voicing their support for political candidates that support oil in their regions, and innumerable other activities that show support, Indigenous corporations are able to legitimize the oil and gas industry. This legitimacy creates reciprocity and consistency within the relationship which, in the

words of Schneider and Zúniga-Hamlin (2005, 572), allows the oil and gas industry to “reproduce the conditions for their own survival” through the integration of “economic, cultural, and political practices.”

Industry-Community/Corporate Relationships in the Northwest Territories

For the first three quarters of the twentieth century, Indigenous voices across the Northwest Territories were ignored in favor of extensive and expansive oil exploration. However, the Indigenous organizing followed by the 1969 White Paper, the filing of the 1973 Paulette Caveat, and the 1974 Mackenzie Valley Pipeline Inquiry drastically altered this trend. Discussed at length in Chapter 2, the Paulette Caveat set the stage for Indigenous peoples in the Northwest Territories to assert their land rights and the ensuing Berger Inquiry provided a directive for the oil and gas industry to adhere to feedback from the communities across the Northwest Territories, mediated by the federal government. Based on the testimony of nearly 1000 people from 35 Northern communities, Berger concluded that overwhelmingly, there was concern about the growth of oil and gas extraction and the ways it might inhibit preferred lifestyle choices for the Indigenous inhabitants of the Northwest Territories. He states that colonial perspectives on the Indigenous peoples of the Northwest Territories have created a “moral imperative to bring industrial development to the frontier” (Berger 1977, 113). To this end, he argues:

[O]il and gas companies and the pipeline companies are convinced that their activities will greatly benefit the people of the North. The representatives of the companies regard their presence in the North as benign. They are, therefore, shocked and disbelieving when native people suggest the contrary; they attribute any negative response to their proposals to ignorance or sometimes to the influence of white advisers on the native organizations (Berger 1977, 113).

These industry perspectives are continually at odds with the overwhelming evidence presented by the Paulette Caveat and the later Berger Inquiry that “the paramount cry of the native people of the North is that their claims must be settled before a pipeline is built across their land” (Berger 1977, 163). The interviewees for the Inquiry “insist that a settlement of their [land] claims must precede any large-scale industrial development” (Berger 1977, 192) and as such, Berger recommended – though notably did not have the authority to institute – a 10-year moratorium on the Mackenzie Valley Pipeline. Here, it is important to note that the question of industry is not at odds simply with environmental degradation as is so often part of the narrative;

instead, it is a question of rights and sovereignty. In the years prior to land claims, the hesitancy towards further oil and gas extraction in the Northwest Territories rested on many factors, but most notably the inability of the permanent residents of the lands to have any control over the way in which oil and gas was extracted.²⁴

As discussed in Chapter 2, the Inuvialuit Final Agreement and the Gwich'in Comprehensive Land Claims Agreement were signed in 1984 and 1992, respectively, prior to the expiration of the ten year moratorium period instituted by the federal government. The settlement of these land claims is key to the renegotiation of the relationship between the industry and communities. As I note in Chapter 2, these land claims processes paved the way for an economic relationship between the industry and Indigenous communities – and now, Indigenous corporations. With the creation of corporations, communities were able to participate in oil and gas as beneficiaries, and their stakeholders saw the financial benefit in the form of dividends. One example of this changed relationship is the Inuvialuit Development Corporation's purchase of the Northern Transportation Company Limited and the creation of the Inuvialuit Petroleum Company, eventually sold for a profit of \$29.5 million (Dana, Meis-Mason, and Anderson 2008, 159). An even more significant example is the formation of the Aboriginal Pipeline Group in 2000 by the Inuvialuit, Gwich'in, and Sahtu Dene in partnership with Imperial Oil, ConocoPhillips, Shell Canada and Exxon Mobil. The Aboriginal Pipeline Group arose from a discussion of how Indigenous groups "might be involved in a pipeline project" in stark contrast to the stance taken during the Paulette Caveat and the Berger Inquiry (Nuttall 2008, 626). Anthropologist Mark Nuttall claims this stands as a clear indicator that "Aboriginal attitudes have thus changed significantly since the Berger Inquiry, exemplified by the activities and perspectives of key Aboriginal leaders" during the development of this group (Nuttall 2008, 626). He cites a number of leaders who had formerly opposed oil and gas extraction that were now in favor, given that they were able to have a say and benefit from the extraction. A clear repudiation of the environment vs. development narrative, this example shows us just one of the ways in which the relationship between the oil and gas industry and Indigenous corporations has evolved over time (Laird 2003).

²⁴ This point could constitute an entire thesis in and of itself. I acknowledge that the Berger Inquiry presents innumerable evidence of this point that merits its own deconstruction, but that is unfortunately outside the scope and scale of this research.

Though the relationship has evolved, hearings for the Mackenzie Gas Project in the early 2000s demonstrate that there is not a united front from Indigenous peoples in the Northwest Territories around increased oil and gas extraction. An analysis of the 2006 Joint Review Panel Hearing on the Mackenzie Gas Project shows that, “of the 255 presentations made by northerners, 78 percent expressed concerns about the environment” (Dana, Meis-Mason, and Anderson 2008, 160). Nuttall claims that concerns about the pipeline even external to environmental concerns are “widespread,” citing the opposition of the Arctic Indigenous Youth Alliance as well as testimony from Elaine Alexie of the Tetl’it Gwich’in Nation stating:

I am opposed to the proposed Mackenzie Valley Pipeline. As a Gwich’in youth, I feel that this multi-billion dollar project will not only provide economic means to our communities, which is deemed through the eyes of the industry and of our own leadership as opportunity to our people, but I strongly feel that this development project will destructively affect and worsen the social, cultural spiritual, physical, and environmental well-being of our communities (Nuttall 2008, 627–28).

Clearly, the relationship between the oil and gas industry, Northern communities, and (later) Indigenous corporations is not clear cut. Where some oppose further exploration under certain circumstances, still others find ways to capitalize on extraction where they know they may be able to benefit from it. Importantly though, none of this evidence can be considered outside the broader mandate to extract that is imposed by a settler colonial state rooted in capitalism and extractivism. Where Indigenous peoples have been historically excluded from extraction processes and have still felt the ramifications of said extraction, what can be said against Indigenous corporations working to benefit from extraction that the settler colonial state has been prioritizing for centuries?

Industry-Community/Corporate Relationships in Alaska

Alaska has a similar trajectory – if different mechanisms – for industry-community/Indigenous corporate relationships. If we learn from the example of the Northwest Territories, the most significant variable in configuring and reconfiguring the relationship is the switch from community to corporate voices. Indeed, this is reflective of the case of Alaska as well. However, where the Berger Inquiry collects significant evidence of opposition to pipeline development in the Northwest Territories prior to land claims settlement, there is no such comprehensive document or report cataloguing the pre-land claim settlement perspective on oil and gas development in Alaska. Accordingly, whether ANCSA shifted the relationship between

oil and gas and communities in the same way that the Inuvialuit Final Agreement or the Gwich'in Comprehensive Land Claims Agreement did in the Northwest Territories is not well understood. What we do know, however, is that the settlement of ANCSA created a strong mandate to extract by implementing an Indigenous corporate model.

In Alaska, the shift from a subsistence economic culture to capitalistic corporate structure via the passage of ANCSA was impactful. Where in the Northwest Territories the land claims process emphasized rights and increasing sovereignty, the settlement of ANCSA, discussed in detail in Chapter 2, emphasized a transition to a corporate model. Justice Thomas Berger argues that while it gave Alaska Natives economic rights, it transitioned the value of the land into something only calculated by the “existence... of minerals, oil and gas” (Berger 1977, 129). As corporations have a mandate to make profitable decisions, that Alaska Native Corporation acceptance of oil and gas development was a necessary precursor to economic success of Alaska Native Corporations analysis should not come as a surprise.

A more recent analysis places the ANCSA corporations in a light that is comparable to the role of the development corporations of the Inuvialuit and the Gwich'in in the Northwest Territories. An interview in 2016's *Alaska Politics and Public Policy* with a Yup'ik leader of Calista (one of the Alaska Native Corporations) explains her corporation's approach to developing a mine in Southwest Alaska as a “driver that helps its communities develop broader-based economies” rather than an “end in itself” (Thornton et al. 2016, 306). In this context, the corporation seeks out extraction as a means to support its constituents. The North Slope – home of the Arctic Slope Regional Corporation, one of the Alaska Native Corporations – advocates for similar responsible extraction policies, due to “the employment of local residents and a sustainable tax base for the North Slope” (Glenn, Itta, and Napageak Jr. 2011, 607). In the same way that the Aboriginal Pipeline Group arose as a means to have a say over extraction in the Mackenzie River Delta, Alaska Native corporations seek out extraction in order to maximize its benefits for their people. Perhaps this is done knowing that the settler colonial state and/or the oil and gas industry will likely seek extraction even if consent is not given; perhaps this is done entirely due to the need to maximize economic gain in their region. However, regardless of the reasoning that motivates the ‘yes’ that Alaska Native Corporations often say to extractive oil and gas projects, this ‘yes’ and the corresponding work to maximize benefits engenders a relationship between the oil and gas industry and Alaska Native Corporations acting on behalf of their

communities.

One scenario that helps to articulate the way in which the relationship between industry and community/corporations plays out involves the case of drilling in the Arctic National Wildlife Refuge, or ANWR. Historically and into the present day, the Arctic Slope Regional Corporation on the Northern coast has been supportive of drilling in the Refuge, whereas Gwich'in residents of Arctic Village in northern Interior Alaska have been strongly opposed to drilling in the Refuge. Notably, Arctic Village did not participate in ANCSA, choosing instead to maintain ownership over their traditional lands (Harball 2019a), whereas the most proximate community of Kaktovik is a part of the Arctic Slope Regional Corporation. This not only complicates their relationship, but also clarifies the stakes of oil development in the Refuge. Where the Arctic Slope Regional Corporation stands in closer proximity to the geography of proposed drilling in the Refuge, they also stand to gain financially in a way that Arctic Village will not (see Chapter 2's discussion on ANCSA and Chapter 3's discussion on revenue sharing for further detail). Kaktovik, a village of the Arctic Slope Regional Corporation that is most typically characterized as the pro-extraction community closest to the proposed drilling site, stands to gain in a significant way as well – though notably, still in deference to the Arctic Slope Regional Corporation.

On a broad scale, the case of the Arctic Slope Regional Corporation's support for drilling in the Refuge demonstrates the way in which community members evolved into stakeholder groups, and the corresponding impacts that this had on the relationship between the oil industry and the community. Notably, much like the rise of the Aboriginal Pipeline Group, the Arctic Slope Regional Corporation demonstrates an economic relationship to oil and gas, particularly via its submission of an application to do a seismic survey for drilling, its significant lobbying efforts to open the Refuge to drilling, and its position as one of the country's highest spending oil lobbying groups for at least the past three years (OpenSecrets 2020; Hardin and Rowland 2018). Scholars have posited that the development of strong institutions that are able to benefit financially from the extraction of oil have helped the North Slope avoid the resource curse,²⁵ and should be even seen as a model for oil extraction in other rural Northern regions (Huskey 2018).

²⁵ Resource curse is a theory that explains the tapering of the positive effects of resource extraction in typically rural or remote economies.

The Arctic Slope Regional Corporation has capitalized on and profited from its economic relationship with the oil industry in a significant way; the potential from oil extraction in the Refuge is no different.

The Gwich'in of Arctic Village and surrounding areas present an interesting counterpoint to the case of the Arctic Slope Regional Corporation's vehement support of oil. At the core of this opposition is the Gwich'in Steering Committee, formed in 1988 "in response to proposals to drill for oil in the Sacred Place Where Life Begins, the coastal plain of the Arctic National Wildlife Refuge" (Gwich'in Steering Committee 2020). With the Porcupine caribou herd critical to maintaining the Gwich'in way of life, and drilling in the Refuge proposed for the caribou calving grounds, the Gwich'in see oil extraction as "a direct attack on our Gwich'in culture" (Chief Galen Gilbert 2019). Unlike other communities whose relationship may be complicated by a mandate for profit through an Indigenous corporation, Venetie and Arctic Village did not receive a settlement as a part of ANCSA and, as such, would not benefit financially from extraction in the Refuge in the same way. According to the Gwich'in, they have "have nothing to gain, and everything to lose" (Harball 2019a). A lawyer who represents the tribes says that money is not a complicating factor for the Gwich'in:

Even if the state or the federal government somehow said, 'one percent of oil royalties from the refuge will go to an account for Venetie and Arctic Village,' that money is going to sit untouched until kingdom come... Because for the people in these villages, this isn't about money (Harball 2019a quoting Matt Newman).

This opposition to extraction from a community that would not benefit financially presents an interesting question as to whether meaningful opposition to extraction projects can effectively be lodged if Indigenous communities and their representative bodies have not bought into extraction. More clearly though, it makes transparent the notion that the presence of an Indigenous corporation strengthens the relationship between community and industry, often to the end of furthering extraction.

On a more microscopic level, examining Kaktovik – pro-extraction, an Indigenous community, a beneficiary of ANCSA, expected to profit significantly off of drilling in the Refuge – gives us insight into not just the logic behind a pro-extraction perspective, but the narratives that are more honestly at play. For the community of Kaktovik, oil extraction in the Refuge is not a simple question of environment vs. development. In many ways, the justification

for support resembles the request for sovereignty over the future articulated by the Dene Declaration in the Northwest Territories (see Chapter 2). A 1991 document written by community members of Kaktovik declares “...now we, too, are oil people, and this is now oil country” (Kaktovikmiut and Kaktovik Impact Project 1991, 3). However, this position is more complicated than simply a resignation to the impacts of oil. In the Executive Summary of the manifesto, they state:

Outsiders constantly ask us if we are ‘for’ or ‘against’ oil development. These are outsider positions, commitments by outside interests, to be for or against whatever the industry does. Neither makes any sense to us, and we reject them both. How can anybody be for or against something that remains to be defined? Surely oil development is yet to be defined here; its impact on us yet unclear. Nobody else knows and neither do we. Instead, we choose a third path, our own, one that makes sense to us. This third path, the one we choose, is to be responsible, as we have always been, for the well being of our people and the well being of this country to which we are attached. We expect to control what is done here and how it is done. We also expect to be accountable for our decisions. This is our country, and we cannot allow anyone to come here who would damage it. We shall not permit the country to be harmed nor will we permit our use of it or responsibility for it to be questioned or restricted. Our position is that there will be no damages to our country nor to us but instead that we will control and gain from whatever activity we permit here (Kaktovikmiut and Kaktovik Impact Project 1991, 3).

Articulated in “In This Place” is the same desire for sovereignty and rights that we see Indigenous peoples articulating through the Dene Declaration, the Berger Inquiry process, and land claims settlement processes on either side of the border. This document also makes clear that Kaktovik is not seeking a simple deal with the oil and gas industry, but rather seeks to play an ongoing and iterative role in determining the future of their land. Additionally, this appeal acts as an appeal to Arctic Slope Regional Corporation to hold Kaktovik’s interests in mind, an appeal to ‘outsiders’ attempting to dictate their stance on drilling, and an appeal to state and federal governments to let the decision be theirs alone. This complexifies the narrative. Where we understand Kaktovik as a community that acutely feels the pressure to extract, their words color the way in which the environment vs. development narrative collapses complex demands for justice, sovereignty, and access to resources to support their people into a yes/no response that feeds preconceived notions of wilderness and a right to land.

Case Study: Impact-Benefit Agreements

Impact benefit agreements (IBAs) are agreements that are negotiated between the industry and the community or organizations representing communities (like Indigenous

corporations), typically outside the scope of government. More specifically, they are “privately negotiated, legally enforceable agreements that establish formal relationships between Aboriginal communities and industry proponents” (Kielland 2015, 1). Scholars typically see these agreements as “agreements that establish formal relationships between signatories, mitigate negative development impacts, and enhance positive development outcomes for Aboriginal communities” (Caine and Krogman 2010, 80). More specifically, they typically provide extra-governmental agreements around local employment rates, education opportunities, increased engagement with the local community, and/or financial incentive. In exchange for access to lands, waters, and resources, IBAs allow nearby communities to receive benefits above and beyond those mandated by the local, state/territorial, or even federal governments, thus changing the overall ebb and flow of benefits and increasing the way in which Indigenous corporations and adjacent communities may benefit from oil and gas extraction.

As the North is often a space of extraction and both Canada and Alaska continue to double down on their interest in Northern resource extraction, it is not surprising that IBAs come into play. Increasingly, the North is becoming a leader in negotiating IBAs between industries interested in large-scale extraction and the Indigenous peoples, communities, and organizations that occupy the adjacent land.²⁶ Especially following land claims settlements, IBAs have become not just a more necessary part of the extraction process (Abele 2009; Bone 2016; Rodon and Therrien 2015), but a key part of the relationship between communities, Indigenous entities, and the oil and gas industry.

The popularity of IBAs varies across the North. In the Northwest Territories, negotiating and settling IBAs is “a de facto requirement” for extraction projects, having been a key part of every major extraction project since the 1990s (Cameron and Levitan 2014, 25), in addition to being a requirement to access resources on land under settled land claims (Klein, Donihee, and Stewart, n.d.). These negotiation processes typically run parallel to the process of assessing the impacts of the specific extraction project, demonstrating the key role that they play in the initial

²⁶ See “Mainstreaming Biodiversity in Arctic Mining Challenges and Proposed Solutions” published by the Arctic Council in 2019 for examples of these negotiated agreements across the North.

process of securing community buy-in (Caine and Krogman 2010, 78).²⁷ In general, because of land tenure agreements secured through land claims, there is a significant incentive to ensure IBAs are profitable, given that a profitable IBA will ensure “local communities will receive at least some benefits from a development project, even if they are ridiculously smaller than the project’s total revenues (Dokis 2015, 120). In Alaska, IBAs are the exception rather than the rule and benefits are typically arranged through policy arrangements, as seen in the way Alaska Native Corporations distribute dividends to their shareholders and through revenue sharing agreements originating in ANCSA. In both Canada and Alaska, IBAs are primarily confidential agreements. However, this does not mean that informal benefits are limited. Instead, the oil industry is “committed to strategic investments in education, training, and capacity building in indigenous communities, which happens through direct sponsorship or grants to indigenous and non-indigenous non-profit organizations” in a way that buys social license to operate, rather than represents a formal agreement (Tysiachniouk 2020, 13).

These varying methods of securing benefits from the extractive process are divided into tiers by Tysiachniouk (2020), described as: negotiated benefits, benefit-sharing, or trickle-down benefits. Where IBAs like those common in the Northwest Territories are quasi-legal and negotiated on the principles of certain terms, benefit sharing is described as “when a company responds to community actors’, local authorities’, or private citizens’ requests often without much transparency or public participation” and is billed as a “social expenditure” (Tysiachniouk 2020, 8). Still further down the ladder are trickle-down benefits in which the community receives unspecific gains such as increased employment or a growing economy. According to Tysiachniouk, “trickle-down benefits are typically unspecified in benefit-sharing agreements, are not based on companies’ strategy, and emerge due to the multiplier effect in the economy or increases in cash flow in local consumption” (Tysiachniouk 2020, 8). Though these methods of securing benefits differ in their technicalities and the ability to negotiate, that the industry is acting as a provider of benefits remains the same.

Interestingly, despite the variance in the ways in which these benefits are mandated or exist simply as secondary effects of extraction projects, companies are still able to use them as

²⁷ Typically, this occurs alongside the impact assessment process. A full discussion is outside the scope of this analysis.

incentives for communities to say ‘yes’ to resource exploration or extraction. To this end, while IBAs pose a clear example of the way in which mandated relationships between the industry and community/Indigenous corporations can lead to clear outcomes, to only examine IBAs discounts the ways in which the oil industry seeks to maximize the way in which it gleans credit from the various benefits it brings to the community – either to compensate for negative externalities, or simply to make more complex the personal negotiation between approving or disapproving of extraction projects, ultimately to the end of building a compelling case for ongoing extraction.

Conclusion

The relationship between oil, Indigenous communities, and Indigenous corporations is not one that is linear, nor simple. Broadly speaking, it is impacted by the way in which Indigenous communities have access to or leverage within economic processes that impact their lands. More specifically, the development of Indigenous corporations in both the Northwest Territories and Alaska, the decisions these corporations make with regard to oil extraction, and the agreements that the corporations and/or communities are able to negotiate directly impact the relationship between the industry and the community. However, the relationship between the industry and the community is often not a monolith – Indigenous corporations may act in one way, while community members articulate their opinions to be differing.

In the same way that previous chapters have helped to articulate the ways in which the narrative around oil and gas extraction in the North is neither a yes/no nor a development/environment binary, this section illuminates the complexities of illustrating the narrative as such. Not only do these narratives collapse a diversity of actors, opinions, and power dynamics, but they also remove the core question around oil extraction that is repeatedly demonstrated within this section, which is one of rights and sovereignty. That is: who has ultimate control over land, resources, and the extraction that happens therein, and who can exercise that right meaningfully? In both the Northwest Territories and Alaska, before and after the settlement of land claims, questions of rights and sovereignty abound. While questions about the environment and subsistence practices play a role, they are ultimately tied to the desire to have a say over the resources that have been utilized by Indigenous peoples since time immemorial.

Where this section answers many questions initially posed, it also brings up others of

importance. In what ways do Indigenous corporations build power for their communities, and simultaneously, in what ways do they present an opportunity to buy into extraction? Where Indigenous peoples have been historically excluded from extraction processes and have still felt the ramifications of said extraction, what can be said against Indigenous corporations working to benefit from extraction that the settler colonial state has been prioritizing for centuries?²⁸ Though these questions are outside the scope of this thesis, they merit further attention and scholarly inquiry.

CLIENTELISM IN THE NORTH: YES OR NO?

In the process of negotiating oil extraction, opportunities for engagement between the community, Indigenous corporations, oil industry, and the state abound. However, just because these relationships are present, does not mean they demonstrate clientelist tendencies. Using the criteria described earlier in this chapter and given the context detailed throughout, is clientelism an appropriate concept for understanding the broad dynamics at play between Indigenous corporations and the oil and gas industry in the Northwest Territories and Alaska? In this section, I argue that the industry-Indigenous corporate relationships in the Northwest Territories and Alaska do exhibit clientelist behavior, broadly speaking. However, this relationship does not exist independent of other pressures. The limited extension of services into rural Northern communities in the Northwest Territories and Alaska from the settler colonial state combined with the policy incentives offered for extraction pushes Indigenous corporations towards investing in clientelist patterns of exchange, negotiation, and prioritization.

The Invitation to Be Partners

Clientelism literature describes the dyadic relationship, or patron-client relationship, in which the patron occupies a higher status as a key indicator of clientelist relationships. James Scott describes this as an “instrumental friendship in which an individual of higher

²⁸ This question is similar to a position by Ian Urquhart in *Costly Fix: Power, Politics, and Nature in the Tar Sands*. There, he describes the bind of First Nations in the tar sands in Northern Alberta by saying “they could categorically oppose development or they could try to adapt to and benefit economically from the oil-soaked future governments and industry envisioned for traditional Aboriginal lands” (2018, 139). This is not unlike the position I describe for many communities/Indigenous corporations I describe in this section.

socioeconomic status (patron) uses his own influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services, to the patron” (Scott 1972, 92). In both the Northwest Territories and Alaska, we see instrumental friendships of this type emerging, especially around moments of reconfiguration in which Northern Indigenous communities or entities have increased political power, sovereignty over their land, and leverage to assert their rights – and most specifically through the establishment of Indigenous corporations. Instead of referring to these relationships as ‘instrumental friendships’ as Scott would, I instead argue that we witness these relationships growing specifically through the invitation to be partners – and the recurring work ‘in partnership with.’ This invitation may emerge from either side; the patron may invite the client to be a partner (as occurs in the negotiation of impact-benefit agreements), or the client may assert themselves as a partner (as in the case of the Arctic Slope Regional Corporation and drilling in the Arctic National Wildlife Refuge). In either direction, the assertion of partnership formalizes the dyadic relationship without necessarily dissolving the hierarchy necessary to clientelism. Partnership also relies on reciprocity and iteration, the two other trademark elements of clientelism. This invitation and the correspondingly ongoing relationship occurs often in the Northwest Territories and Alaska in the sixty years between 1960 and 2020, evidencing the resilience of the clientelism in these two regions.

One such example that provides the impetus for evidence of clientelism in the Northwest Territories is the settlement of land claims through the Inuvialuit Final Agreement. As discussed earlier in this chapter, the settlement of land claims played one of the most significant roles in redefining the relationship between Indigenous communities and the oil industry. In Chapter 2, I show how the Paulette Caveat, the Berger Inquiry, and the later settlement of land claims in the Northwest Territories served to build political power for Indigenous peoples in the region, ensuring that their voices were heard more loudly than ever before in decisions around land and resources. Notably, it is this political power that the Inuvialuit – especially via the Inuvialuit Regional Corporation – leveraged in order to make a seat at the table that provides initial evidence for clientelism in the Northwest Territories. Nellie Cournoyea, known for her work negotiating the Inuvialuit Final Agreement as well as the first female premier of the Northwest Territories and the later the chair of the Inuvialuit Regional Corporation, describes the work

towards settling land claims as both gaining a seat at the table and working to become partners with the oil and gas industry. In a special edition of the weekly newspaper the Inuvik Drum, Cournoyea is quoted by Hemens as saying:

The land claim took nine or 10 years. Prior to that, we probably were involved with 15 or 20 years of trying to battle with the government to set the procedures to how we could work together to move forward, because people got involved with the oil and gas industry the best they could (Cournoyea quoted in Hemens 2019, 1).

Cournoyea continues: “[b]ut the thing is, we needed government to establish some rules or procedures, factors that they would have to live by” (Cournoyea quoted in Hemens 2019, 1). Hemens summarizes Cournoyea’s conclusion after these statements, acknowledging that Cournoyea “knew that the group had to act fast and settle a land claim as soon as possible” especially “[a]s the federal government continued to cater towards oil and gas industries by granting them access to traditional Inuvialuit lands and resources” (2019, 1).

While settling land claims was simultaneously a push to get a seat at the table, we see real evidence of the invitation to be partners in the case of the formation of the Aboriginal Pipeline Group and the renewed potential of the Mackenzie Valley Gas Project in the 2000s that was made possible via the settlement of the IFA. Previously discussed in this chapter, the Aboriginal Pipeline Group is a clear example of the invitation to be partners between the oil and gas industry and the Inuvialuit, Gwich’in and Sahtu Dene. In this case, despite the dyadic relationship exemplified by the partnership, it was still one fraught with hierarchy and an inequality of access to resources. In a stereotypically clientelist way, the client (Aboriginal Pipeline Group) sought to partner with a patron (Imperial Oil, ConocoPhillips, Shell Canada, and Exxon Mobil) who could provide benefits, while the patron sought support from the Aboriginal Pipeline Group – namely capital, but also proof of Indigenous support for the project, or what is commonly referred to as ‘social license to operate.’²⁹ Given the historical context of the Berger Inquiry, this Indigenous support was critical to the project, while the Aboriginal Pipeline Group sought the benefits of being a one-third partner in the pipeline project. A clear “alliance between two persons of unequal status, power or resources each of whom finds it useful to have as an ally someone superior or inferior to himself” (Scott 1972, 92 quoting Landé 1983, xx), the Aboriginal

²⁹ Social license to operate is a whole literature unto itself, but can be broadly understood as having acceptance or buy-in from the local community to an extraction project, or as Gehman, Lefsrund, and Fast argue, local legitimacy (2017).

Pipeline Group evidences the power of the invitation to be partners alongside the ongoing pressure of the settler colonial state to extract.

A second example of the invitation to be partners is the rise of Alaska Native Corporations as industrial leaders in the state, made possible by the economic approach to the settlement of land claims in Alaska. The Arctic Slope Regional Corporation's ongoing support of oil and gas extraction in the Arctic National Wildlife Refuge (discussed above in detail) evidences that Alaska Native Corporations did not see value in simply accepting extraction occurring on their lands, but rather, worked to assert themselves as partners with the oil industry. Partnership is an iterative process that seeks to not just maximize a single deal or lease, but rather to build an ongoing relationship in which both parties benefit from the other. One of the most significant lobbyists for opening the Arctic National Wildlife Refuge to oil and gas extraction, the Arctic Slope Regional Corporation is a clear partner in further oil extraction on the North Slope of Alaska (Hardin and Rowland 2018).

Significantly, the relationship between Alaska Native corporations and the oil industry model all the other traits of clientelist exchange as well. For example, as a corporation that owns subsurface rights to significant amounts of land with oil underneath it, the relationship between the oil industry and the Arctic Slope Regional Corporation is one of reciprocity: the oil industry (patron) provides significant profit, job opportunities, and financial wealth for the region while the Arctic Slope Regional Corporation (client) provides access to land, social license to operate, and ongoing political support for the industry (Ward 2020). This is not unique to the Arctic Slope Regional Corporation, though. According to historian Donald Craig Mitchell:

[W]hen ANCSA provided them assets (in the form of land and money), most Native members of the boards of directors of most corporations set about using those assets to participate in developing the Alaska economy with an enthusiasm equal to that of any non-Native in the same situation. The land exchanges and land sales into which boards of directors of regional and village corporations have entered even more clearly demonstrate the enthusiasm with which Alaska Natives set about trying to turn natural resources into dollars (Mitchell 2001, 521).

The vehemence with which Alaska Native Corporations approached resource extraction after the settlement of ANCSA evidences a long-standing desire for partnership – and work towards achieving this goal, despite a still-standing hierarchy. From the 1983 land swap that gave the Arctic Slope Regional Corporation subsurface title to land on the

“potentially oil-rich coastal plain of the Arctic National Wildlife Refuge” (Mitchell 2001, 522) to the \$590,000 spent on oil and gas lobbying by the Arctic Slope Regional Corporation in 2017 likely targeted at opening the Refuge to drilling (Hardin and Rowland 2018, 4), the ongoing nature of the relationship between the oil industry and Indigenous corporations in Alaska is undeniable. However, this relationship continues under the pressure of the settler colonial state that ultimately prizes capitalism while also refusing to acknowledge Alaska Native sovereignty over their lands. The hierarchy that this imposes continues to privilege the oil industry and their ability to profit off of the extraction of resources, even over Alaska Native Corporations that seek similar profit but with more restrictions.

Clientelism, or Co-Optation?

In observing the ways in which Indigenous corporations and communities have chosen to be ‘partners’ or beneficiaries of oil extraction, some may wonder whether this partnership is superficial, an agreement that constitutes ‘redwashing,’³⁰ or one that may be only symbolic in nature. In what ways is the invitation to be partners different from co-optation by the patron?

Critically, the difference between clientelism and co-optation is agency. Co-optation implies the taking of an idea or image for one’s own use by a more powerful body or individual; clientelism holds its roots in reciprocity, acts in which “the delivery of a good or service on the part of both the patron and client is in direct response to a delivery of a reciprocal benefit by the other party, or the credible promise of such a benefit” (Hicken 2011, 291 referencing Piattoni 2001a, Robinson & Verdier 2003, Roniger 2004). Reciprocity cannot be an act of co-optation because it requires agency on the part of the client to provide benefits in return for the benefits offered by the patron.

In cases like those used as examples throughout this research, to call a clientelist relationship one of co-optation is to ignore the political power that rural, Northern, and Indigenous communities and institutions leverage. The Aboriginal Pipeline Group is one

³⁰ As per FirstNations.de, “Redwashing is a term to describe the deception of the general public by government and industry in trying to cover up their theft of indigenous peoples lands, natural resources and cultural riches by pretending that they are acting in the best interests of the native peoples. The term is coined in analogy to greenwashing.”

example that provides evidence for this agency and corresponding leverage. Anthropologist Nuttall asserts that “[t]oday, senior executives of Imperial Oil state publicly that the Mackenzie Valley gas pipeline will never be constructed without the support of Aboriginal communities in the North.” (Nuttall 2008, 622). To be sure, unless rural, Northern, and Indigenous communities and institutions had significant political leverage there would be no reason for Imperial Oil, a company with a mandate to profit from oil extraction, to await the support of Indigenous communities in the North. In Alaska, the political power and resulting agency manifests differently, but holds a similar space. Ownership of subsurface rights by Alaska Native Corporations limits the ability of the oil industry to make decisions about oil and gas without consent from the appropriate corporation, thus ensuring that co-optation is not an option. In both regions, though, there are strong and complex pressures to extract, none of these result in co-optation. Rather, they provide incentives and pressures that urge extraction, and that ultimately reflect a pattern of clientelism.

Does Clientelism Work?

Connotations of clientelism often place characteristic behaviors as verging on corruption. Especially when used to describe political dynamics in the Global South, scholars do not lean away from these implications, sometimes even defining clientelism explicitly as a branch of political behavior that breeds not just petty corruption, but corruption on a large scale (Singer 2009). Certainly, relationships that incentivize the informal exchange of goods and services for political power could raise eyebrows even at the best of times. However, the research presented above asks readers to withhold their judgement long enough to ask at least a few questions. Why do communities turn to clientelism? And what does this turn to clientelism say about the ability to access services?

Stokes’ summary of clientelism reiterates a question asked by James Scott that is similar to my own questions. They ask: “under what conditions would a client not simply purchase protections and benefits in the market, rather than eliciting them from someone whom he knows personally and who is of a higher status than he?” (Stokes 2011, 3). Stokes summarizes Scott’s response to this question by stating:

Markets may not exist or be well developed for the kinds of protections or benefits sought. Or these protections and benefits may be available on the market but their potential consumer (the client) has insufficiently plentiful resources (income) to secure

them from an impersonal seller. The low-income, limited-assets client has other resources in greater abundance: time, a vote, insertion into networks of other potential supporters whom he can influence, and the like (Stokes 2011, 3).

In this scenario, clients turn to clientelism as a way to fulfill their needs that have not been met in other ways. In Stokes and James' scenario, there are not ways by which to meet these needs through markets and/or the consumer lacks the resources to access these markets. An alternative scenario not suggested by these texts is that the services have been promised but not provided, and as such, groups turn to clientelism outside of the state as a way to satisfy their needs. With the limitations in physical access, high cost of providing services, and the ongoing marginalization of Indigenous peoples in Alaska and the Northwest Territories, the governments' ability to provide service becomes limited – either by their own unwillingness to provide services or by the complications or cost of doing so. With this context in mind, could it be that clientelism arises from the best of intentions, in geographic places that are often ignored by the urban-centric state and its corresponding policy, and in communities that the settler colonial paradigm is not interested in serving equitably – or even, at all? And is it too far-fetched to ask whether clientelism works for certain people, in a certain time and place?

While the evidence necessary to provide a full answer to these questions is past the reach of this research, the analysis I provide does allow us to consider what these questions might mean in a more general sense. Here, I propose that clientelism is a way of playing the cards that have been dealt. For clientelism to function in a properly reciprocal way, it depends on resourcefulness, land, and relationships – all hallmarks of rural places. It is not unlikely that rural communities that are balancing the pressures of the wage economy, the need for higher education, and resources to support their people would play to these strengths. Indeed, these strengths are precisely what led to the growth of clientelism as an opportunity for satisfying needs in Alaska and the Northwest Territories. The push for land rights around the Paulette Caveat, the sprawling and deep community organizing that led to the passage of ANCSA and the economic foot it put in the door for Alaska Natives, and the expert negotiation of the IFA and the Gwich'in Comprehensive Land Agreement exemplify the intentional building of political power. Were it not for these negotiations, clientelism would not even be an option as there would be limited reasons for the state to pay attention. Because of these agreements, rural and Indigenous communities in the Northwest Territories and Alaska are able to benefit from oil extraction, not simply stand by and bear witness – or, in Berger's words, stand in simple "acceptance" (Berger

1977, 129). In such situations, clientelism does in fact work for the client, not just the patron. In this way, clientelism can be viewed as proof of political power, rather than evidence of corruption.

To discount the informal networks of clientelism as entirely corrupt or as simple evidence of poverty is to discount the resourcefulness, social capital, and tight-knit nature of rural communities. Further, to ignore the very real needs of communities and the desire of community leaders to fulfill those needs in favor of the simple explanation of ‘corruption’ or ‘poverty’ discounts the inequities that separate the rural North from the urban. Rather than corruption, to look to an industry that is willing to provide significant benefit to the community and even fulfill services that the government has long since ignored appears closer to community resourcefulness rather than corruption. To respond to the economic forces of globalization and the pressures of a settler colonial mandate to extract by relying on your neighbors to fulfill your needs is, perhaps, the most characteristically rural response of them all.

CONCLUSION

In this chapter, I explore the framework of clientelism and whether it appropriately describes the relationship between the oil industry and communities/Indigenous corporations in Alaska and the Northwest Territories. In particular, I ask: does clientelism in the North work – and if so, how and for whom? Building on the work laid out in Chapters 2 and 3, I conclude that clientelism appropriately describes the industry relationship with the North in Alaska and the Northwest Territories.

I begin this chapter by explaining the base criteria exhibited by a clientelist relationship. I also acknowledge the underlying role that rural theory and settler colonialism play, noting that though the clientelism literature more broadly does not focus on these theoretical orientations they are critical context that must be assessed. In particular, I ask if and how clientelism functions in rural Indigenous areas, particularly if the settler colonial government is not apt to provide previously promised services. In order to examine this question in detail, I dive into the industry-community (and later, corporate Indigenous) relationship in the Northwest Territories and Alaska. In these regions, the shift to corporate Indigenous institutions following land claims settlements not only builds political power (discussed in Chapter 2) and the ability to assert some

control over policy in the case of the Northwest Territories (discussed in Chapter 3), but it reconfigures the relationship between the industry and the adjacent community. In particular, this reconfiguration opens up space for improved negotiation of benefits on the part of the communities – with impact-benefit agreements being a key case study in the case of the Northwest Territories, and ownership of some subsurface rights in the case of Indigenous corporations in Alaska. With improved ability to negotiate benefits comes an increasing number of partnerships between the oil industry and Indigenous corporations, demonstrating that the invitation to be partners is predicated on access to political power.

However, the industry-community/Indigenous corporate relationship does not exist outside the influence of other pressures. Here, the content from this chapter builds on the policies discussed extensively in Chapter 3. Through co-management strategies and revenue sharing (discussed in Chapter 3), the Government of the Northwest Territories and the State of Alaska increasingly allow extensions of sovereignty over resources. While this sovereignty is real, communities and local institutions are still left to balance the checkbook on providing basic services to their community members. With oil extraction often being a singular industry available to many communities, the pressure to extract is substantial. Alongside state and territory-led incentive policies, federal subsidies, and settler colonial state's intense focus on extraction, incentive structures serve to increase this pressure. The state's corresponding lack of ability and/or willingness to provide appropriate services – does nothing to alleviate these pressures. When the oil industry offers to step in and provide benefits, all of these pressures often spill over into a 'yes' on extraction. Where the industry-Indigenous corporation relationship provides benefits in a meaningful, if clientelist, way, the incentive structures of the state/territory and the values of the settler colonial nations only push communities further towards the oil industry.

Ultimately, I propose that clientelism is a way of playing the cards that have been dealt. Through the invitation to be partners, both the oil industry and community/Indigenous corporations capitalize on the benefits that they may (and do) receive through the extraction of oil. Fundamentally, the clientelist relationship is reflective of the intent reflected in every moment of Indigenous organizing towards land claims, as well as the settlement of these claims: the desire for rights and sovereignty over land and resources. Nowhere in this perspective is the environment vs. development reflected; instead, we see a continued call for rights and

sovereignty and the ability, accordingly, to influence decisions over adjacent lands, waters, and resources. Whether the decision is for or against oil extraction is not the point. Rather, the focus must be on the way in which the settler colonial state continues to pressure extraction, and the capitalism that it favors offers few alternatives in the way of supporting communities. In this sense, clientelism should be viewed not as a gateway to corruption but rather as a unique means of ensuring ownership and benefits flow from processes that the settler colonial state would likely find ways to pursue, regardless of local opinion. Yes, clientelism appropriately characterizes the relationship between the oil industry and communities (insofar as Indigenous corporations evolved from communities). However, in these regions, clientelism has also worked for the client – especially given the negligence and even overt violence of the state towards rural, Northern, often Indigenous communities.

In the following chapter, I build on the research presented in Chapters 2, 3, and 4. I use Chapter 5 to wrap up the loose ends of the research and corresponding conceptual development, building conclusions in accordance with the research that I presented in preceding chapters. Specifically, I build context for why this research is relevant to present-day, ask questions that it raises moving forward, and give space to assessing what role the comparative element of this research plays. I give particular attention to what this research says within the context of climate change, the potential for new projects within the Arctic – specifically focusing on the Arctic National Wildlife Refuge – and the way in which extraction in the North is vulnerable to the global market.

Chapter 5: Conclusions

In 2021, the North can be considered a bellwether for climate change in the rest of the world. As the climate of the North changes, Duane Smith – former President of the Inuit Circumpolar Conference Canada, Vice President of Inuit Tapiriit Kanatami, and Co-Chair of the World Conservation Union Arctic Specialist group Sustainable Use Initiative – asserts that “the 160,000 Inuit who live in northern Canada, Greenland, Alaska and Chukotka in Russia have witnessed the changing of the natural environment as a result of global warming for almost 20 years” (Smith 2007). In this way, though we can measure that the North is changing with metrics and calculations, those who have lived there the longest are the ones who have direct experience with the scope, scale, and implications of these changes. In an article published by the United Nations Chronicle in 2007, Smith describes the impact of climate change in the following terms:

It is important that you know what climate change does and means to us, for what we are experiencing now will happen to the further South in a few short years. I live in Inuvik, well above the Arctic circle, on the Mackenzie River delta in Canada's northwest territories. About 4,000 people live in Inuvik -- the northern headquarters of oil and gas development in the Beaufort Sea region. The circumpolar Arctic is not isolated anymore; globalization has reached it. The South is hungry for our oil, gas and minerals, with exploration proceeding quickly in many parts of the Arctic. The United States Geological Survey believes that 25 per cent of the world's remaining oil and gas is located here. Northern Canada is the world's third largest producer of gem diamonds; great reserves of base and precious metals and coal have been found in the North. In the last 40 to 50 years, Inuit have adjusted to social, economic and cultural changes. But even as we adapt to globalization, we realize that climate moderation is likely to be the key driver of socio-economic and cultural changes in years ahead (2007).

Here, Smith succinctly summarizes the tensions at play in the North between oil, the impact of globalization, and what has been required of the Inuit to adjust to the changes in their region. Most importantly, despite all the changes that his region and his people have already experienced, he draws out climate change as one of the prominent drivers of future change. Given the nature of climate change, though, these changes are relevant across the North. Smith states:

These changes are not unique to my region. They are also reported by Inuit in Greenland and Alaska, Saami in northern Norway, Aleut in the Aleutian Islands, Athabaskans and Gwich'in in North America, Nenets, Chukchi and many other indigenous peoples in northern Russia. Our world is increasingly changing. The traditional knowledge of how the world works, passed down from generation to generation, is less accurate than it was. Climate change is not a theoretical faraway problem for future generations to solve. It is

already happening in the Arctic, which is struggling to adjust and adapt to its impacts. Communities are contending with vanishing historical sites, gravesite erosions, and community disruption and relocation. Inuit are as adaptable as others, but only to a certain degree (2007).

He continues:

Ten years ago, hardly anyone talked about climate change in my part of the world; today, climate change stories worldwide feature polar bears, seals and Inuit. Scientists and politicians are beginning to read the Arctic barometer's message: stormy weather ahead (2007).

Climate change will impact everything in the Arctic. The IPCC and other scientific research show this, but Smith and those that live in his homeland know that to be true. Despite the changes that have already been withstood, those that climate change pose will be nonetheless extreme. Smith summarizes climate science by saying:

A key conclusion of the almost 1,000-page Assessment is the projected thawing and disappearance of multi-year sea ice in the summer by mid to end of the century. The Arctic Ocean will then share similarities with North America's Great Lakes -- freezing in winter (to some degree) and thawing in summer. Since ACIA was completed, science suggests that this may become the situation by 2040 or even earlier.

Let me focus on two of the many implications suggested by ACIA about a summer sea ice-free Arctic. First, marine mammals, including polar bears, walrus and seals, as well as species of marine birds that rely on sea ice as habitat, face potential "extinction". The Inuit culture and relationship are uniquely related to the Arctic ecosystem, and what happens to the species directly affects our fortitude. The UNFCCC aims to prevent "dangerous" climate change in order to "ensure that food production is not threatened". Well, the threat is already here in the Arctic. The Arctic Council is presently working on ice conditions scenarios in 2020 and 2050.

Second, far easier access, particularly by sea, will be available to the Arctic's minerals and hydrocarbons, many of which are located offshore. A significant increase in general cargo transits is projected through the northwest or northeast passages, or even the Arctic Ocean. In short, climate change will promote and accelerate industrial development in a unique, fragile and vulnerable region. It is not far-fetched to foresee shipping in the Arctic, linking Europe and Asia to the western and eastern seabords of North America, cutting off thousands of kilometres of global sea routes, which will further impact our sensitive region (2007).

Despite the accelerating rate of climate change due to the burning of fossil fuels, a warmer climate means easier access to oil and gas resources. However, this is not the only impact of climate change. Smith states:

The circumpolar Arctic may well become a region of considerable geopolitical and strategic importance. Some authors have predicted mass population movements as a

result of climate change. This may be plausible in tropical and temperate regions, but it remains highly unlikely in the Arctic. Nevertheless, how will the region's indigenous populations fare in a future moulded by global climate change? Firm answers are not possible, but adaptation on a huge scale will be needed despite the risks involved. The culture of Inuit and other Arctic indigenous peoples is based on their relationship with the land, environment and animals. Wholesale adaptation to an industrial future may be tantamount to assimilation that indigenous peoples worldwide seek to avoid.

The methods in which adaptation is carried out will likely reflect the relationship between the Arctic indigenous peoples and their national governments. But whatever the future holds, Inuit and all Arctic indigenous peoples will press the global community to reduce emission of greenhouse gases that are the main cause of the impact of climate change we are experiencing throughout the circumpolar Arctic and foreseen areas (Smith 2007).

INTRODUCTION

The exploration and extraction of oil and gas has fundamentally changed Alaska and the Northwest Territories. Historically, land claims settlements and key legislative policy have revolved around the boom-and-bust cycles of oil and its extraction. In the present day, we see oil as a key driver of climate change that will dramatically change communities in the North as well as the experience of being a Northern resident. Given the significant role that oil continues to play, this research seeks to assess the pressures towards its ongoing extraction. In this research, I sought to answer the question: how is oil extraction incentivized, and what role does the allocation of land, the implementation of policy, and the existence of relational power hierarchies play in maintaining these incentive structures? More specifically, what impacts do these incentives and corresponding ramifications have for the ability of Northern peoples to influence decisions regarding oil extraction? This research approaches this work from a conceptual framing of rural theory and settler colonialism and assesses the suitability of clientelism theories in explaining the resilience of industry influence in the Northwest Territories and Alaska. In the process of doing so, I disrupt the imposition of the environment vs. development narrative in favor of a (more accurate) focus on rights and sovereignty.

IN REVIEW

As the origin of resources, the impetus for ownership regimes, and the ultimate base upon which communities live, extraction digs into, and governance happens, land is the initial basis of this research. In Chapter 2, I propose that the history of land governance plays a key role in the

role oil did, can, and will play in Alaska and the Northwest Territories. I evidence this point through an overview of the various shifts in land ownership and corresponding management structures throughout the 20th and 21st centuries. Throughout this history, there are four turning points: designating governing power, discovering oil, dividing land, and developing a multi-level, multi-actor governed state. Alaska and the Northwest Territories experience these points differently, though with overlap in the types of reorientations that occur. In Alaska, the shift from territory to state changed jurisdiction, and ultimately allowed more state control over land – a delineation that was, and continues to be, in tension with federal land ownership and traditional land uses. The ‘discovery’ of oil acted as driver of land claims and led to the ultimate settlement of the ANCSA and ANILCA and the rise of Alaska Native Corporations as non-governmental corporate actors. What results is an iteration of federalism in which the federal government leverages significant power due to its ownership over a significant portion of Alaska’s lands, the state developing resource policy as possible within their jurisdiction, and Indigenous corporations working within their means. In the Northwest Territories, remaining a territory left a significant amount of control over land to the federal government, but the Devolution Agreement increased the power of the more northern Government of the Northwest Territories starting in 2014 as well as self-governing agreements settled as a part of the different land claims settlements. Much like Alaska, the ‘discovery’ of oil in the Northwest Territories led to significant change, with the Paulette Caveat and resulting Berger Inquiry being a culminating assessment of these changes. When land claims were settled, Indigenous peoples of the region built upon earlier treaty agreements in a similar way to Alaska, establishing separate respective corporations as key bodies. Ultimately, though the relative levels of political power, self-governance, and land management policies differ, both Alaska and the Northwest Territories currently operate under federal power structures with Indigenous corporations acting as key non-governmental bodies with varying abilities to influence state/territorial and federal government choices.

Though these new land-specific institutions act as governing bodies for below-ground resources, the broader backdrop upon which they were created is settler colonialism. Throughout the political histories of Alaska and the Northwest Territories, it becomes clear that state and territorial governing institutions that arose from the settler state continue to uphold the values of the system they arose from. Most specifically, the historical extraction of resources and their

translation to profit cannot be separated from the settler state in circumstances under which Indigenous corporations did not play a role. Here, rural geography and its limited mobility in reaching the globalized market further entrenches resource extraction. However, despite its ongoing influence over resources in rural areas, the settler colonial state is neither static nor does it manifest in the same way at all times. Indeed, it can sign land claims agreements and allow power to change hands; simultaneously, it can open or close ANWR or impose a federal moratorium from afar. However, despite the way in which its appearance may morph, this research shows that the mandate for extraction of resources from rural areas that the settler colonial state emphasizes does still exist and holds significant influence. However, within this framework, Indigenous-led or partnered extraction also occurs, emphasizing the growing push for sovereignty over land, resources, and futures.

The second way in which pressure for extraction is amplified is through incentive structures codified in public policy. As such, Chapter 3 explores the nuance of federal subsidies, Alaska's incentive structures, and incentives that applied to the Northwest Territories via the federal government. My initial discussion of federal subsidies in Canada and the United States emphasizes the extent to which the settler colonial state will go in order to incentivize extraction, moving extraction from a simple policy priority to a value underpinning the existence of the state. Incentives for extraction in Alaska are similarly reflective of this value, demonstrating initial incentives for oil extraction that led to an economic dependency on oil and making it even more difficult to dislodge oil (and even present-day incentives that could lead to the state paying the oil industry for operating). In the Northwest Territories, significant incentives existed but dependency did not result. The lack of dependency is tied more closely to busts in the global oil market and territorial status that channeled resource revenue away from the territory, rather than a lack of interest in extraction. However, revenue sharing plays a role in continuing to incentivize extraction in both regions, and co-management, while potentially a counterexample in the Northwest Territories, does not provide strong enough footing to disrupt ongoing extraction if desired. In both regions, the continued passage of incentive policies – whether through federal subsidies or more local initiatives – allows oil to dig its roots more deeply into the communities, institutions, and governing bodies of the respective regions.

The third way in which pressure for extraction manifests itself is through clientelist relationships between the oil and gas industry and Indigenous corporations that are self-

perpetuating. As applied to the rural North, clientelism asks what relationships arise in order to fulfill needs in regions where the government is unwilling or unable (or both) to provide sufficient services. Indigenous corporations, insofar as ‘communities’ came to be ‘represented’ by them in both Alaska and the Northwest Territories, allow for the clientelist relationship to be initiated. Examples like the Aboriginal Pipeline Group and the contrast between corporate and non-corporate perspectives on oil drilling in the Arctic National Wildlife Refuge show the way in which these industry-Indigenous corporation relationships are formulated, as well as how Indigenous corporations ultimately have the power to push for further extraction. Part of why this clientelist relationship persists is because it allows space for rights and sovereignty to be expressed and acted upon throughout the process of extraction. The ‘invitation to be partners’ between the oil industry and Indigenous corporations ultimately enables bargaining for goods and services necessary to communities. The service gaps from the state/territory push these communities further towards clientelism, emphasizing resourcefulness on the side of community in finding ways to support their needs rather than corruption through informal relations.

This research implicitly challenges the limited scope of the environment vs. development binary that is often applied to understanding oil extraction in the North. Instead, I propose that using a framework of rights and sovereignty is a more appropriate way to understand oil and gas extraction in the Northwest Territories and Alaska. More than choosing between oil and the environment, communities and organizations in these two regions are navigating the multitude of pressures that are at play in their communities. The decisions that are made around oil and gas extraction are one way of playing the cards that have been dealt. In turn, the relationship that these communities have to the land around them – and as such, the oil that sits beneath it – have been used as leverage in order to have a seat at the decision-making table, especially when the settler colonial state and its accompanying values of capitalism have attempted to ignore those that will be most impacted. While the environment is of concern, understanding the way in which oil extraction has created an opening for the expansion of political power of adjacent communities and their institutions provides a much more robust and nuanced picture of how communities balance their pressures, incentives, and needs.

Returning to my original research questions around oil incentives, the pressure to extract, and the role different actors play in maintaining these structures, it becomes clear that the answers are not simple. Resource extraction is incentivized through simple policy propositions

and national priorities, but it is also located deeply within the values upon which the settler colonial states of the United States and Canada constructed themselves. The pressure to say yes to oil extraction is similarly multifaceted, complicated by the need to balance values and rights with the very real need to provide services for a community. Add to this mix the settler colonial state's investment in extraction and the way in which rurality complicates access and heightens cost, and the incentives and pressures for Northerners to find ways in which to profit become even higher. These layers of complexity are just one reason why the literature on oil in the North is seemingly limitless; there are nearly unlimited opportunities for unraveling the role that oil extraction has, does, and will play in the North.

Despite the already robust body of literature encompassing oil extraction in the North, the research I present in this thesis is unique and additive in three specific ways. First, it argues clientelism is an appropriate theoretical framework to understand the way in which rural Northern communities organize the competing pressures of the settler colonial state and its corresponding values of extraction and capitalism. To date, this is the only research known to the author that applies theories of clientelism to the North, let alone oil extraction in the Northwest Territories and Alaska. Using extensive evidence, my research finds that not only is this theory an appropriate one to describe the industry-Indigenous corporation relationship, but that applying it to settler colonial contexts presents new reasons for clients to seek out informal relationships to meet their needs. Further, in combining the frameworks of clientelism, settler colonialism, and rural theory, it becomes possible to better understand the origins of these relationships as well as why they persist, outside the oft-cited explanation of corruption.

Secondly, research that compares the Northwest Territories and Alaska on histories of oil extraction is not well explored. As a whole, there are limited social science comparisons of the Northwest Territories and Alaska despite the similar political traits, intertwined histories, and geographic continuity. Especially when looking toward oil, researchers typically opt for the more specific comparisons of Alaska and Alberta's sovereign wealth funds, Canada/US differences in federal policy, or even the relationship between the Northwest Territories and its southern partner province of Alberta. However, there is great value in placing the differing trajectories of Alaska and the Northwest Territories beside one another. In doing so, it becomes clear that the 'pressure to say yes' to oil extraction and the corresponding (or simultaneous) 'invitation to be partners' is not unique to either of these regions. Rather, they represent outputs of an

intentionally extraction-focused environment, the product of both settler colonialism and the profit-driven corporations that it spawns. Despite the similarities in prospects at the outside of the early 20th century, Alaska and the Northwest Territories reach 2020 on strikingly different trajectories. Where Alaska pushed for statehood, the Northwest Territories remained a territory that later opted for devolution; where Alaska's system bred economic dependence, the Northwest Territories now faces no large-scale oil drilling. Why is this? Through this comparative analysis, it becomes possible to tease apart the subtle decisions that ultimately resulted in the present-day status quo in each respective region.

Thirdly, this research originates from a researcher with Northern experience and works to foreground Northern-origin narratives and perspectives. While complications from the COVID-19 pandemic limited my ability to conduct in-person interviews and connect this research more tangibly to specific communities, throughout this work I foreground the narratives of Northerners and Northern leaders where possible. Further, though my perspective is influenced by my work within academia, politics, and non-profit organizations, the framing of my research originates in a perspective that is cognizant of Northern needs and rooted in experiences of living in the sub-Arctic North. That is not to say that this work is not well-cited nor thorough. Instead, that is to highlight that I come to my research bearing in mind the way in which I have witnessed my family, colleagues, friends, community members, leaders, and people of influence respond to the pressures to extract in the place I call home. I acknowledge that my experiences are subjective, but also use this work as a push to value research that is rooted in place and lived experience.

NORTHERN FUTURES

While this research provides a comprehensive look back at the way in which land, policy, and relationships have evolved in Alaska and the Northwest Territories due to oil, it also provides ground upon which to stand in looking forward to the future of the North. Where the comparison of Alaska and the Northwest Territories provided models to each other in the previous decades of political development, it is my hope that both these regions can be learned from simultaneously in looking towards the challenges that must be faced in the future. Some of these most pressing challenges include dealing with climate change as it rapidly changes the North, reacting to future project proposals insofar as they may radically alter the North, and also

in considering the ways in which we may outgrow clientelist relationships between the oil industry and adjacent Indigenous corporations. These same challenges that the North looks towards facing also offer a context that emphasizes the importance of this research. The hindsight that research provides may offer the opportunity for clear analysis, but how we apply this research to our present contexts and future decisions is the true measure of research that offers value to not just academia, but communities of policymakers, advocates, and changemakers.

New Projects, Same Dynamics

Despite a history of strong influence on the Arctic, oil is experiencing an era of change. Though Alaska and the Northwest Territories face significantly different scenarios, both situations can be better understood – and accordingly, reacted to – when seen through the lens of this research. This research also presents the opportunity to apply these learnings to present scenarios, in hopes that they will provide insight into the implications of certain decisions around oil. With oil prices dropping into the negatives during 2020 due to the COVID-19 pandemic, impact assessment processes being revamped in Canada, and new projects being proposed across the continent, it is no surprise that oil is facing many challenges and potential shifts. The insight from this research could not be timelier in helping to move forward in understanding these significant moments, and accordingly, how to react to them.

In Alaska, after decades of legal battles, opposition, and arguments about viability, President Donald Trump opened the Arctic National Wildlife Refuge to lease sales on January 6th, 2021. Initially proposed by President Trump to occur before the end of 2019, these lease sales were a step towards resolution in the bitter fight over the opening of the Arctic National Wildlife Refuge to oil drilling that has been sought by many oil proponents for over a half a century (Comay, Ratner, and Crafton 2018). Consisting of approximately 19.6 million acres, the Refuge has been a protected tract of land since 1960 and has long been considered one of the hallmark fights of the early environmental movement, and even to this day is considered “a symbol of the national environmental movement” (Haycox 2016, 56; Coyne and Hopfinger

2011, 93).³¹ Conversely, the Republican delegation to the federal government as well as an overwhelming number of the Alaska Legislature are supporters of opening the Refuge (Coyne and Hopfinger 2011). As noted in Chapter 4, the communities adjacent to the Refuge and that depend on the caribou that traditionally calve in the Refuge each year are divided on whether the Refuge should be opened to drilling. On January 6th, leases were sold and \$14.4 million in bids was processed, with all but two of the 11 bids submitted coming from a state-owned development corporation, the Alaska Industrial Development and Export Authority (AIDEA) and no bids coming from well-known oil corporations ConocoPhillips, ExxonMobil and Hilcorp (DeMarban 2021). With this long-standing controversy concluding,³² the timing of this research could not be more appropriate. This research situates the pressures and incentives to say “yes” to extraction alongside the larger history of the region, pointing to the relationship between the oil industry and Indigenous corporations (including the Arctic Slope Regional Corporation and the Kaktovik Inupiat Corporation) as one of clientelism. Furthermore, it challenges the environment vs. development narrative at play in the controversy around the Refuge, instead pushing readers to see the more complex nature of a rights and sovereignty discourse. Put together, this research suggests that the pressure to extract will not be removed by simply dismantling policy incentive structures, but rather, requires a rethinking of values and the role of the settler colonial state. That the State of Alaska was the most notable bidder in this lease sale signals the complicated nature of dismantling this incentive structure, even amidst a statewide budget crisis, a period of low oil prices, and a lack of interest from banks in funding projects in the region. In this context, this research demonstrates how incentive structures and values translate into an overwhelming pressure to extract on a more local level, even against the better judgement of banks, budgets, and the market economy.

Alaska is not the only region that is feeling the quickening pulse of changing project proposals regulations, and dynamics. Further east, the Northwest Territories is still reeling from a federal moratorium on offshore drilling on oil, set for renewal in 2021. In 2016, Prime Minister

³¹ The area was established in 1960 as the Arctic National Wildlife Range and was redesignated as part of the Arctic National Wildlife Refuge in 1980 under ANILCA (U.S. Fish and Wildlife Service 2013).

³² Note that while lease sales occurred, there are questions of whether they will be deemed legitimate by President Biden during his term. This issue is ongoing at the time of writing this thesis.

Justin Trudeau announced a five-year federal moratorium on new offshore drilling licenses in the Arctic (CBC News 2016). The decision was met with conflicting perspectives from the residents of the Northwest Territories, especially coming on the heels of devolution within the territory (discussed in Chapter 2). Premier of the Northwest Territories at the time of the announcement, Bob McLeod, stated that the moratorium “feels like a step backward,” especially in light of the devolution agreement which theoretically limited the “unilateral decisions made about the North in some faraway place like Ottawa” (Van Dusen 2016). Though the federal government retained management of offshore oil and gas resources during the devolution agreement, the moratorium came as a surprise, especially considering recent investment in the highway from Inuvik to Tuktoyaktuk designed to “offer better access to oil and gas resources in the Northwest Territories and Arctic Ocean” (Schober 2019). With renewal upcoming in 2021, the comparative research done in this paper sets the tone for the pressures that adjacent communities face – as well as the challenges created by the governance-from-afar model. Like the research presented on Alaska, the conclusions this work presents on the Northwest Territories place the offshore drilling moratorium within the broader context that led to the pipeline moratorium. More broadly, it challenges readers to question where rights to land and the according decision-making abilities should rest, especially given the political development of the region in the last half of a century.

Notably, the moments of change that Alaska and the Northwest Territories face, respectively, are of a completely different character. Presently, Alaska looks towards future expanded drilling opportunities, while the Northwest Territories grapples with the lack of opportunity for drilling. How have the paths of these two regions, alike in many key ways, diverged from each other so drastically as to be facing opposite scenarios in 2021? This is, in part, the value of this research. In examining the differing choices made locally, at the state/territorial level, and (briefly) at the federal level, it becomes possible to understand the later impacts of governing decisions. If one supposes that the paths of these two regions that began from similar trajectories but diverged significantly based on small choices around oil and gas can be facing such opposite challenges in 2021, it is possible to suppose that the path to a prosperous North is perhaps not so hardened as the path to being an oil state/territory. Instead, it supposes that the decisions that communities, institutions, and governments make now have ramifications for years to come.

Climate as a Driver of Change; Clientelism as a Brake?

One of the most important questions relevant to the future of the North is how it will manage to mitigate or adapt to climate change. Impacting the Arctic at twice the rate of the rest of the world, climate change is already causing communities to erode, relocate, and sink as the permafrost melts, weather patterns change, and natural disasters become more common (National Oceanic and Atmospheric Administration 2014; Norwegian Refugee Council and Alaska Institute for Justice 2017). But it is not just the land that is changing; the ability to practice subsistence, to maintain livelihoods, and to pass on culture depends intimately on the land (Hassol 2004). As the land changes, so too do these factors that depend on it. When climate change accelerates at unprecedented rates, it threatens the ability to adapt to these changes, and as such, puts land, communities, and entire ways of life at risk.

It is widely agreed upon that climate change as we are currently experiencing it is due to human activity, mainly via the emissions that result from burning fossil fuels. Though the vast majority of these emissions do not originate from the Arctic, the Arctic is often the target of campaigns that seek to ‘keep it in the ground’ as a way to limit further emissions, and ultimately curb climate change (or at least keep it to a manageable threshold) (Union of Concerned Scientists 2020). While the Arctic does experience disproportionate impacts of climate change, targeting the economies of regions that do not significantly contribute to climate change – and often have limited alternative economic options – is ethically questionable. However, these approaches do highlight the noteworthy tension between the Arctic that depends on oil extraction and the Arctic that is being disproportionately impacted by the burning of the extracted resources. How do we reconcile the need to limit climate change with the needs of rural communities who depend on oil extraction to fund local services, provide jobs, and give an opportunity for stable income? And ultimately, whose responsibility is it to limit climate change; those that burn the oil, or those that extract it?

Seeing the way in which the relationship between the industry and Indigenous peoples, and later corporations, has changed over the past sixty years, it is not far-fetched to assume that the relationship will continue to be reconfigured – especially given the presently delicate states of both the Northwest Territories and Alaska. What are the limits of clientelism? At what point does/will clientelism no longer serve Indigenous corporations or their communities? Or, as

Stokes asks, “Why does the relationship persist, even though the client might be better off severing the link?” (Stokes 2011, 652). With shifting pressures on the global oil market, an increasingly hot climate, and eyes turning to the Arctic from around the world, we may see answers to these questions sooner rather than later.

As discussed in Chapter 4, clientelism thrives best under stable power structures (Scott 1972, 100). Scott further argues that “the more of the client's vital needs a patron can meet... the greater the tendency for the tie to be invoked frequently and to endure over long periods” (Scott 1972, 100). Arguably, this relatively stable setting has existed in Alaska and the Northwest Territories since the settlement of land claims in both regions, fostering a stronger connection between the patron and the client. According to Scott’s theories, the more this relationship is called on to meet needs, the stronger it can become. However, especially as oil project proposals could shift in response to changing oil markets and rapidly shifting climate scenarios, it may be that we find more potential for a shift of the patron-client relationship in Alaska and the Northwest Territories. To what extent will oil and the infrastructure, income, employment, and education that comes with it continue to meet the needs of rural, Northern communities in Alaska and the Northwest Territories? Hypothetically, this could meet two ends: either oil will fail to provide the expected benefits, or another actor/industry/resource will step in and provide these benefits in a more preferable way. Inarguably, the needs of the communities will not disappear, nor likely change dramatically. As such, while climate is a major concern globally, the conclusions I present around clientelism also mean that it is unlikely that climate change alone will be the determining factor that reconfigures the relationship between the oil industry and the North. This is consistent with Huntington et al.’s finding that climate is not a lynchpin for decision-making in the North (Huntington et al. 2019). In this way, understanding the relationship between oil and adjacent communities through the lens of clientelism helps us to acknowledge that addressing the impacts of climate change on rural Northern communities requires solutions and a significant paradigm shift at the societal, state, and federal level. Without this shift, climate change alone will not be able to provide the incentive necessary to move away from the oil industry.

While these are critical considerations for us Northerners for whom climate change is impacting our homes before our very eyes, I do not pretend that my research has the comprehensive answers to these questions. Instead, I hope that my research can be taken in stride

given the critical time in which we live and the need to provide answers to the questions posed above. The crisis of climate change infuses my research with urgency and asks readers to question how we find equitable solutions for rural Northern communities that act as positive incentives for energy sources and economies to transition away from oil and gas. If rural Northern communities have relied on the oil industry as a patron in lieu of support from elsewhere, what can be done to ensure that necessary support still remains, even in the absence of oil and gas?

While looking to the future of Alaska and the Northwest Territories in a changing climate necessitates examining how the needs of communities will be met equitably, it is necessary to understand that the conversation about needs is not simply about access to resources. Time after time, Indigenous leaders and institutions have voiced that their sovereignty and a right to determine what their future looks like is one of the core needs of their communities. How can climate change be addressed in a way that affirms Indigenous sovereignty? How can the actions to address climate change be shifted in such a way that respects the rights and sovereignty of Indigenous nations, communities, and peoples instead of the more common threads around environmental protection? The answers to these questions, critical to the context of climate change, are relevant far beyond a warming North.

Vulnerabilities to (and Influence of) the Global Oil Market

Oil from the North is a part of the globalized market. Like other regions, its extraction in the North revolves around current demands and prices worldwide. However, the bearing of the global oil market is rarely discussed in relation to oil extraction in the North. Instead, a “drill baby drill”³³ approach is more common, with state, territorial, and federal governing bodies depending on pre-existing incentive structures to justify and support their approach to extracting from the Northern ‘resource frontier.’ Despite the lack of attention to the global oil market in Northern oil extraction, the influence of these markets helps contextualize the booms and busts of interest in Northern oil. Booms in the global oil market led to the rapid expansion of oil extraction infrastructure in Alaska during the oil crises of the 1970s; busts in the global oil

³³ Typically attributed to Alaska’s former Governor and Vice Presidential nominee Sarah Palin, this phrase originated with Michael Steele in an attempt to promote an “all of the above” approach to energy extraction – or, as he states, energy “independence” (Kurtz 2012).

market left the Mackenzie Valley Pipeline Project abandoned despite the support of the Aboriginal Pipeline Group. Current market forces have even aided one facet of the divestment movement in the United States, in which all major American banks have pulled out of financing oil and gas extraction in the Arctic National Wildlife Refuge in Alaska (Guzman 2020). Though the North has always been treated like a resource frontier from state, territorial, and federal governments, in reality, Northern oil's vulnerability is amplified by the higher cost of operation in cold climates, the relative lack of infrastructure, and the engineering challenges posed by rural and cold extraction. In this way, though oil is often seen as a harbinger of economic fortunes to the North, the reality of the global oil market plays a key role in its growth or shrinking.

Since oil that originates in the North is just as vulnerable to oil market stagnation or global price drops as oil that originates in the Middle East, Venezuela, or the Gulf of Mexico, to treat it otherwise is to ignore the influence of global market forces. This is a key reason why this research is relevant: it allows us to look toward Northern futures in a meaningful and comprehensive manner. To understand the context of previous incentive structures and pressures to extract is to be able to move forward in a way that addresses the needs of rural Northern communities. If oil in the North is no longer profitable due to global market forces, what will need to be done to ensure these communities have what they need? What purpose did oil fill in the North, and how can that be addressed in other ways? Or perhaps more cynically, why might certain institutions or leaders be working to hold on to oil extraction even if the path forward looks bleak? The research presented in this thesis helps us answer these questions in the future, and work towards building equity outside a future in which the communities of the North are tied directly to the success or failure of the global oil market.

CONCLUSION

Oil and gas is a topic that is well-trodden, both in the academic literature as well as everyday conversation in the North. Beyond me, and beyond even the North, oil is a topic that drives global markets, global alliances, and even global conflicts. It is with the weight of this expertise, these conversations, and the corresponding responsibility in mind that I approach this topic. I do not do so lightly, knowing that it is one that has influenced my home and the government services that I use in a way that I have only begun to touch on in this research. With this in mind, it is my hope that the research presented in this thesis provides insight into one

corner of the world in which oil has been king for decades.

This is not the first research paper to approach oil and its dynamics in the North, nor will it be the last. However, I do hope that it offers insight unique to a specific moment in history. As Northerners, we are at a tipping point: with the climate warming at quickly accelerating rates and 2020 seeing the price of oil dive into the negative dollar range, we must make critical decisions now that will impact the future of our regions, as well as the future of our oil economies. However, despite how critical this tipping point may be, we cannot work to address these challenges through a narrow framework that refuses to acknowledge Indigenous rights and sovereignty. In writing this thesis, I hope to offer insight that helps to illuminate the ways in which oil is not a simple resource that we all have rights to, nor is its ongoing use a question of easy extraction and sale without context or consequence. Instead, everyone is implicated, including the land below us. What would it cost to transition away from oil – and what would it cost to continue on as we have, regardless of changing global trends? Who does each scenario leave behind, and who does it uplift? Though only time will tell, this thesis helps to underscore what is at stake for Northern economies, Northern politics, and ultimately, the people that live here.

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