

Entrepreneurship, Aboriginal Values and Stakeholder Interests: Proposition of a Framework for Conflict Resolution

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Entrepreneurship is regarded as one of the means to ensure the socio-economic development of Aboriginal communities. However, the dominant theories on entrepreneurship are largely a result of observations made on Euro-American societies; yet Aboriginal communities are recognized for their resistance to the assimilation of Euro-American values and a desire to retain their traditional values when the former conflict strongly with the latter. At the same time, these communities do share many resources with Euro-American communities particularly those associated with place - traditional Aboriginal lands and activities on those lands. This resource sharing and resistance to assimilation sometimes leads to conflicts. Based on observations of conflicts between Aboriginal communities and non-Aboriginal groups in Canada and Africa, this paper proposes a framework for resolving these conflicts. It then analyzes other, similar conflicts and shows how the framework could be used for their resolution.

Keywords: *Indigenous people, Indigenous rights, Indigenous values, resource development, conflict resolution*

World-wide, Indigenous¹ people live in marked poverty relative to other community groups around them (Peredo et al., 2004), as has been documented in many countries; for example the United States (Snipp, 1992), Canada (Menziez and Butler, 2001), Australia (Schaper 1999), Sweden (Petterson, 2002), and Peru (Peredo, 2003). Policy makers in most states with Indigenous populations favor economic development through entrepreneurship as one method of eliminating this disparity, and, most importantly, so do many Indigenous communities (Muller, 2000; Anderson, 2002; Peredo, 2003; Peredo and Chrisman, 2006; Peredo and Anderson 2006). Entrepreneurship as the discovery, evaluation, and exploitation of lucrative opportunities (Shane and Venkatraman, 2000) could apply to any society. Yet entre-

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preneurship, and especially the processes and practices associated with it, emanate from Euro-American societies and reflect the cultures and values of these societies, at least as currently conveyed in the dominant literature (Muller, 2000; Peredo and Chrisman, 2006). Consequently, one wonders about the possibility of the effective adoption of entrepreneurship by Aboriginal people in Canada and Indigenous people in general, when most have strongly resisted the policy of Euro-American assimilation and wish to (re)build their communities on their own terms, which include the respect for and practice of certain traditional values and practices. Key among these values is a close association with place—traditional lands. The Aboriginal communities are inseparable from these lands, together they make up a whole. For example, Muller (2000) contends that the creation of viable ventures to support Aboriginal economies and the safeguarding of their cultures and rebuilding their communities count among the most pressing concerns in the North-American Aboriginal communities. According to Anderson (2002), Aboriginal people in Canada certainly hold this to be true and place is central to the process

While generalizations are risky given the diversity among Indigenous people, certain widely-held traditional Indigenous economic values seem incompatible with dominant non-Indigenous entrepreneurship principles (Newhouse, 2002; Galbraith et al., 2006; Ndemo, 2005; Hindle and Lansdowne, 2005). These traditional Indigenous values can include communal rather than individual ownership of land and resources, the perception of wealth as property of the group rather than that of the individual who is accumulating it, and a conflict between the search for profit and other values, in particular those related to the maintenance of the family relations, social obligations and the safeguarding of the culture (Schaper 1999). Beyond incompatibility, Robbins (2002), found that the culture of the Indigenous people is made more vulnerable to the destruction by capitalist expansion (and thus one could argue by a Euro-American constructed entrepreneurship) because of aspects of a traditional lifestyle such as (i) nomadism which conflicts with the capitalist requirement of sedentarism, (ii) a community property approach to the resources of production, (iii) a social structure based on family ties and (iv) the relatively egalitarian character of most Indigenous societies.

Aboriginal and Euro-American societies are now living side by side, fighting for the same resources. This leads to some clashes between communities whose interests, means, and objectives could diverge in some areas, but converge in other areas. This conflict is paralleled in the isomorphic pressures facing Aboriginals to integrate external entrepreneurial and business practices with their community values. These conflicts in practices and values are seen to lead to conflict within and between these communities. This paper will contribute to an understanding of this issue by examining the most mediated conflicts between Aboriginal and non-Aboriginal communities and the comprehensive settlement agreements that took place in recent years following a higher level involvement and consultation of interested stakeholders. We will then explore a conflict resolution model for the internal conflict lived by

Aboriginals to embark on activities such as entrepreneurship that originate from non-Aboriginal communities. Finally, from the model found, we will propose a framework for solving eventual conflicts between communities from the two societies and see how things could have happened if the framework was used.

INDIGENOUS CLAIMS AND SETTLEMENTS IN THE CANADIAN CONTEXT

Indigenous land claims and related settlements have been at the center of concerns between Aboriginal people, government, and other non-Aboriginal communities for many years. Aboriginal peoples' relationship to particular places and things associated with those places are at the core of this struggle. According to Ironside (2000), historically most settlements were top-down, initiated by the government or private capital from outside the local communities. Since government devolution of power to Aboriginal communities, the decentralization of service from Ottawa, and the initiation of the comprehensive claims policy by the federal government in 1973, the number of bottom-up settlements initiated by Aboriginal people has increased. However, after examining the situation in the Northwest Territories with respect to both the bottom-up and the top-down settlements, Ironside (2000, 110) observed that "Over the past forty years... none of this activity has offset the poverty of northern Aboriginal communities". He went on to say that, "On balance, my conclusion regarding the appropriateness of bottom-up or top-down development falls on the side of the Legislative Assembly of the SCONE report". The SCONE (Special Committee on the Northern Economy) report (NWT Legislative Assembly, 1989) divided settlements in the Northwestern Territories into developed and underdeveloped communities. The underdeveloped communities were "small, more isolated, with fewer business opportunities, lower income, higher unemployment and largely native populations" (Ironside, 2000, 106-107). To encourage community development, the SCONE report recommended a regional approach built around regional economic development planning with a strong emphasis on local responsibility and control. Describing effects of settlements that followed such recommendations, Ironside (2000, 108) affirmed that, "Perhaps the most important effects resulting from comprehensive settlements are the psychic benefits for native people. They are now in control. They have known for years that education and skills training were necessary to participate in the modern economy, but it was the white man's economy".

Settlement agreements between Aboriginal communities and governments, according to the Canadian Federal Government comprehensive claims policy, marked progress, but the settlements issued did not go unchallenged by Aboriginal people themselves or other stakeholders. In a report ordered by the provincial government of British Columbia, the ARA Consulting Group Inc. (ARACG) (1995) examined

some settlements in Canada and abroad. It found, among other things, that although settlements reduce controversy among partners and bring slow, but long term benefits to parties involved, they deal with a wide range of governance, economic, and social issues that change over time. This group therefore recommends an on-going relationship process between the Aboriginal people and the non-Aboriginal communities. Furthermore, some negotiations for settlement have extended for periods of as long as 17 years. Also, due to the fact that settlement agreements are generally initiated by Aboriginal communities or governments and require important intellectual, temporal, and human resources, it may be difficult for some communities to undertake the process and therefore continue to live with an issue that could lead to an explosive situation (Frideres, 1981). To avoid such situations and pursue sustainable development, it may be useful to have a framework that can be used to solve conflict that can arise at any moment between Aboriginal people and non-Aboriginal people anywhere in Canada or abroad. An initial framework was introduced by Jans (2005, 3) in the following terms:

“Though progress has been marked by outbursts of contention and litigation, what happens in the Mackenzie might yet provide a template for applying the framework principles elsewhere in Canada. While the synergy of contributing factors is arguably unique... — the watching world is being offered a working model for cooperative, conservation-oriented, sustainable development on a large scale”.

To elaborate on this framework, we have chosen two situations that led to settlement agreements signed in recent years and exhaustively documented in order to extrapolate underlying principles. These are the Mackenzie Valley Pipeline Inquiry and The James Bay and Northern Quebec Agreement. Our objective is not to give details on these settlements agreements as they have been extensively analyzed in previous studies (Anderson and Barnett, 2006; George and Anderson, 2006; Frideres, 1981; Waddell, 2002). Rather we are developing a model for developing win-win solutions to challenges in the relationships between Aboriginal and non-Aboriginal people. We are then using the model to analyze two conflicts that took place between Aboriginal people and other stakeholders to see if similar conflicts could be avoided if the framework and underlying principles were applied. The two conflict situations chosen are the Oka conflict and the Burnt Church First Nation dispute. They both bring complexity as they connote social, economical, and even, religious aspects of Aboriginals and non-Aboriginals.

THE MACKENZIE VALLEY INQUIRY AND RESULTING COMPREHENSIVE CLAIMS AGREEMENTS

The Mackenzie Valley Pipeline project was first proposed in the 1970s to transport natural gas from the Beaufort Sea through Canada's Northwest Territories to tie into gas pipelines in northern Alberta. In the face of stiff opposition from Aboriginal and other groups to the project, the government of Canada charged Justice Thomas Berger to carry out an inquiry into the project (Berger, 1977). Berger met with Aboriginal and non-Aboriginal residents and held hearings in northern communities and cities (Wadell, 2002). His report released in May 1977 highlighted the fact that while Mackenzie Valley could be the site of the biggest project in the history of free enterprise, it was also home to many peoples whose lives would be immeasurably changed by the pipeline. Furthermore, the environmental impact of the project potentially affected both the natural habitat and its people. Therefore, Justice Berger recommended a ten-year moratorium on pipeline construction in the Mackenzie Valley in order to strengthen Aboriginal society and the Aboriginal economy and to enable Aboriginal claims to be settled.

In the 30 plus years since Berger's report much has happened in the region. Three of four major Aboriginal groups (the Inuvialuit, the Gwichin and the Sahtu) have reached land claims agreements with the federal government, and the fourth, the Deh Cho, are in the midst of negotiations. These agreements are modern treaties, which recognize land and resources rights and provide compensation. They set the terms governing the relationship between the Federal, Territorial and Aboriginal governments and, more generally between Aboriginal and non-Aboriginal people and groups including those wanting to do business in the region. These agreements were not reached as part of the negotiations for a particular project (see the James Bay and Northern Quebec case that follows) or around particular events (Oka and Burnt Church cases following),

As an example of these agreements, in their agreement signed in May of 1984 the Inuvialuit retained title to 91,000 square kilometres of land, 13,000 square kilometres of this with full surface and subsurface title and the remaining 78,000 square kilometers without oil and gas and specified mineral rights. The Inuvialuit also received \$45 million in cash compensation paid out over 13 years (1984 to 97), a \$7.5 million Social Development Fund (SDF) and a \$10 million Economic Enhancement Fund (EEF). This and the other agreements with communities along the proposed pipeline route also contained rights to use and participate in the economic benefits from the resources of the region in general. In 1998, the Mackenzie Valley Resources Management Act (MVRMA) was adopted to implement "obligations under land claim agreements and created an integrated co-management regime for the conservation, development and utilization of land and water resources, for the protection of the environment from significant adverse impacts, and for the protection of the social, cultural and economic well-being of residents and com-

munities in the Mackenzie Valley” (MVEIRB, 1999, 1). According to George and Anderson (2006, 22),

“Berger’s decision ushered in a new era in the relationship between Aboriginal people, the federal government, and corporations that wished to develop resources on traditional Aboriginal lands. A key characteristic of this new era has been the emergence of Aboriginal business development based on financial capacity provided by land claim settlements and by the decision of Aboriginal leaders to participate in the market economy. This shift in attitude towards industrial projects resulted in the formation of the Aboriginal Pipeline Group.”

As a result of the agreements and the more general impact of the MVRMA, in 2001, a television documentary (CBC, 2001) stated that

“The North of 2001 bears little resemblance to the North of Berger’s time. The land is the same, and the oil is still there. But the people of the North have changed: most land claims have been settled, traditional ways of life have waned, and natives have control of their own destinies. The people who fought so fiercely against a Mackenzie Valley pipeline are now almost all in favor of building one”.

The Mackenzie Valley Pipeline is now being reconsidered. As a result of the rights conveyed to them in their land claims agreements and the more general conditions imposed by the MVRMA, the Aboriginal people are considered partners and their interests are represented by the Aboriginal Pipeline Group (APG) a corporation the communities own. The APG has the opportunity to acquire a one third interest in the \$3.5 billion Arctic pipeline project. Four oil companies, Imperial Oil of Canada, ConocoPhillips Canada (North) Limited, Shell Canada Limited, and Exxon Mobil Canada, hold the other two-thirds of the pipeline (Wikipedia, 2006). According to Dolha (2000), TransCanada Pipeline Corporation. loaned the APG \$80 million to pay for its share of the feasibility study, support project financing of APG’s share of construction costs, and provide the basis for borrowing money from other financial institutions. In return for financing APG, TransCanada would receive five percent of the venture from the non-Aboriginal companies. The APG included Aboriginal groups from the Gwichin, Inuvialuit, Deh Cho, Sahtu, Akaitcho, Dogrib, Salt River, and the north and south Slave Métis Alliance, although the Deh Cho are not active members. They are opposing the pipeline until their land claim has been settled.

James Bay Settlement

At the same time as the drama of the MacKenzie Valley Pipeline Inquiry was being acted out in the Northwest Territories, an event of equal significance was occurring in the Province of Quebec – the negotiation of the James Bay and Northern Quebec

Agreement (JBNQA). This agreement and its companion, the Northeastern Quebec Agreement (NEQA), are particularly important because they mark the dawning of a new era. According to the Department of Indian Affairs and Northern Development, these agreements were “Canada’s first modern land claim settlements” (INAC 1993, 1), while Bob Bone describes the JBNQA agreement as “the first modern treaty” (Bone 1992, 220) between the Government of Canada and an Aboriginal People.

According to Ponting, this new treaty and those that followed,

...were designed to provide more than token economic support to Indians. They were framed to do so in a manner that would carry Indians forward with both a viable traditional sector for those who chose that way of life, and an adequate share of political-economic power ... to protect Indian interests and to create enduring economic opportunity of a non-traditional type (Ponting 1991, 194).

This adequate share of political-economic power was to be achieved through: (i) cash compensation, (ii) outright ownership and control over an expanded land base, (iii) a right to participate in the management of activities on a far larger ‘shared’ land base and (iv) the establishment of a variety of governmental and administrative bodies to provide for the exercise of self-government and the pursuit of socioeconomic development.

The forces that gave rise to the JBNQA were the same as those underlying the MacKenzie Valley Inquiry – the struggle by Aboriginal people for control over their traditional lands and recognition of their Aboriginal rights. The event that precipitated the crisis and resulted in the agreement was the 1971 decision of the Province of Quebec to develop the hydroelectric potential of the rivers draining into James Bay. In that year, the province created the James Bay Development Corporation to develop all the territory’s [northern Quebec] resources, including hydro, forestry mining and tourism.

Understandably, the Aboriginal Peoples who had occupied the region ‘since time immemorial’, the Cree, Inuit, and Naskapi, objected to the failure of the province to recognize their rights on and to these lands. In the fall of 1972, they petitioned the Quebec Superior Court for an injunction stopping all work on the James Bay hydro-electric project until their land claims were settled. The injunction was granted and, although it was subsequently overturned, “the determination of Natives to protect their historic land-based interests led to negotiations toward a land claim settlement.” (INAC, 1993, 1)

An agreement-in-principle was reached between Canada, Quebec, the Cree and the Inuit in 1974 and the final agreement was signed on November 11, 1975. According to Bone (1992, 220),

The James Bay Agreement called for \$225 million to be paid to the Cree and Inuit over a ten-year period, outright ownership of 13,300 km², and exclusive hunting rights over 155,000 km².

Subsequently, the Naskapi of northeastern Quebec reached a similar agreement, the Northeastern Quebec Agreement, which became part of an amended James Bay and Northern Quebec Agreement in 1978. Under the agreement. The Naskapi received \$9 million in compensation. This agreement is the first of the modern settlements and as such “may have set the terms for future modern treaties.” (Bone 1992, 220) Thus, its terms are worthy of review in some detail.

This agreement has allowed, on the one hand, the Aboriginal people to own the category 1 territory (20,000 square miles) on which they have a veto on subsurface exploitation by the government of Quebec, to have an exclusive hunting, fishing and trapping right on the category 2 territory (25,030 square miles for the Cree and 35,000 square miles for the Inuit) owned by the Quebec government. This part of the territory could be taken away by the Province of Quebec for the purposes of development after agreement by and compensation to Aboriginal people. Category 3, the remainder of the territory, could be inhabited by Aboriginal and non-Aboriginal people. However, Aboriginal people would receive special consideration for traditional activities. The agreement has also provided Aboriginal people with the financial compensation and resources for their development.

Aboriginal people have taken profit from these resources to put in place development structures for their communities, primarily through the business activities of the Makvitik Corporation of the Inuit communities and the Cree Regional Authority of the Cree communities. As reported by Anderson and Barnett (2006), Matthew Coon Come, a former Grand Chief, recognized that the James Bay and Northern Quebec Agreement allowed Cree to gain important political, social, economic, cultural, and other rights. On the other hand, the agreement has allowed the government of Quebec to exploit resources on the three categories of territories, to own parts of it and to give an opportunity to natives and non-natives to live peacefully side-by-side.

However, despite its innovative stand with respect to the involvement of parties involved and punctual benefits, this agreement has been later criticized by Aboriginal people for (i) the extinguishment of their Aboriginal rights, (ii) the “fact that immense wealth – several billion dollars a year – is being taken of land in Eeyou Astchee [the Cree name for their traditional territory] ... and that we Crees get no share in the wealth, either in the form of royalties, business opportunities or work” (Anderson and Barnett, 2000, 21). They aspire to a full recognition of their status and rights to benefit meaningfully from the resources of their territories (e.g., collect royalties or mining duties).

The Oka Crisis in Quebec

In the summer of 1990, a protest by Mohawk people near Quebec City captured the attention of the world. Known as the “Oka crisis”, this stand-off involved Mohawk Indians, Quebec police, and Canadian Armed forces. Morris (1995, 74) affirms that, on the surface, the standoff can be considered as “an aberration in

Canadian politics, an exceptional breakdown in an otherwise markedly non-military and non-violent political system”. This author goes on to say that:

“A more reflective understanding of the ‘crisis’ as a symptom of a larger forces and deeper malaise would situate Oka within a history of Native peoples frustration over land claims, emphasize its symbolism in relation to native demands for self-determination, and focus on the particular problems and questions raised by the way in which the federal and provincial government handled events”.

Detailed accounts of this crisis are provided in different sources (Schouls, 2005; Morris, 1995; www.kanesatake.com/heritage/crisi/final.html and www.histori.ca/peace/). At the center of the crisis was a long-standing dispute between the Mohawk community for which the land was a sacred burial ground and successively the Seminary of St Supplice and Oka City over the ownership of a portion of land. Morris (1995, 3) says that over a period of 270 years,

“The Aboriginal peoples delivered a steady stream of petitions to successive colonial administrators and Canadian politicians demanding recognition of their claim to the seigneurial land. There were also repeated attempts at negotiation, offers of compromises providing for native relocation, and a protracted court case that was taken all the way to Privy Council in 1912. The result of all litigation, as well as examinations by government ministers (...) was confirmation that the Seminary had title to the land in question. The Native people accepted none of these judgments”.

In 1977, the Kanesatake Mohawk submitted a claim to the Office of Native Claims of Canada, but it was rejected in 1986 based on the fact that it did not meet the criteria of Aboriginal land claim. In 1983, a special committee of the House of Commons considered the case as that of a “band without reserve” and recommend granting the land to the Aboriginal people on a priority basis. The federal government announced its intention to purchase the land in order to transfer it to the Mohawk at a later date. At the same time, a local golf club announced its decision to expand its course to the disputed land. Despite the warning from the government, suggesting that Oka City should postpone the expansion of the golf course, the expansion work began on August 1, 1989.

All attempts at negotiation failed and, fearing that their sacred burial ground would be bulldozed for the golf course, the Mohawks set up a road block at the “chemin du mille” on March 11, 1990, and put forward a petition with 1276 signatures against the expansion project. On July 11, the police intervened to remove the barricade held by the Mohawks, but given the refusal of Mohawks to do so, the police erected their own barricade. Gun shots were exchanged and a police officer was killed. Warriors² then joined the Mohawks, and the government refused to negotiate as long as the barricade was not dismantled. The provincial government

called in the Canadian army. Slow negotiations took place and the last barricade was taken down on September 26.

In this situation, the difference in perception between stakeholders about the disputed ground is obvious. For Mohawks, this was a sacred burial place where ancestors were living. For government, seminary and municipal authorities, this was ground as any other ground. The Office of Native Claims gave more importance to the status given to the ground by government than to its meaning for natives. The Canadian government had good intentions for buying the ground to give back to natives, but it was slow to act. For the Oka City authorities, the lack of sensitivity to the spiritual meaning of the ground for natives was somewhat arrogant and demonstrated a lack of empathy and thereby an unwillingness to discuss issues important to the Mohawk community.

Burnt Church Lobster Dispute³

In 2000 Mi'kmaq Indians of the Burnt Church band were involved in a dispute over the lucrative lobster fishery in Miramichi Bay, New-Brunswick with the Federal Government and non-Aboriginal fishers. To put this dispute in context, the Mi'kmaq Indians have been fishing from time immemorial. Furthermore, in 1999 the Supreme Court of Canada in the "Marshall Decision" ruled that Mi'kmaq, Maliseet and Passamaquoddy bands have the right to earn a moderate livelihood from year round fishing, hunting, and gathering. The Government of Canada was recognized as having the authority to limit these rights, provided that the limitations to the fishery can be justified for the purposes of conservation or substantial public objectives such as economic fairness.

In 2000, the spring fishery was opened on Miramichi Bay without an agreement between the Burnt Church Band and the federal government. On the one hand the Aboriginal people voted to manage their own lobster fishery. On the other hand the federal government believed that it was entitled to regulate the fishery and, therefore started pulling traps out. Fishery officers were injured by rocks thrown during confrontations with Mi'kmaq fishermen. Fisheries officers launched raids on Mi'kmaq lobster traps, swamped and sank two Mi'kmaq boats, and later arrested sixteen Mi'kmaq and seized four Mi'kmaq boats. Three non-Mi'kmaqs were also arrested and firearms were seized after shots were fired over water without anyone being hurt.

In the media, the government action against Mi'kmaq fishermen was severely criticized. For example, Hipwell (2000) stated in the *National Post* (September 30) that "The abrupt federal move has left legal experts reeling, as it threatens in its blatant unconstitutionality not only to trigger widespread violence between the Aboriginal nations and the government, but also to render precarious the rights and freedoms enjoyed by all Canadians". Harvey (2000) of the *Telegraph Journal* (May 17) was even more explicit when he stated:

“As soon as the first Burnt Church-tagged traps went into the water, DFO immediately seized them. Such action appears to defy the Supreme Court’s affirmation of the right for members of communities such as Burnt Church to earn moderate living from fishing.... In this regard, it says the government must consult with the affected community on how such a goal can best be achieved.... In short, the Marshall decision does not allow the federal government to act unilaterally”.

These media reactions echoed three trends in the relationship between government and Aboriginal people identified by *MacLean’s* (1995, September 11) a few years earlier. First, there is the federal government’s refusal to negotiate nation-to-nation with Aboriginal people. Second, there is a waning legitimacy and an increasing irrelevancy of the established Aboriginal power structures and leaders. Third, there is a rising Aboriginal militancy as a rekindling of traditionalism. However, Wilkes (2006a, b) has concluded after a more in-depth study of protest actions of indigenous peoples in the U.S.A and Canada that Aboriginal mobilization in Canada is peace-oriented and not extended to the national level.

In the Oka dispute the federal government demonstrated an intention to limit the quantity of traps and lobsters for everyone (Aboriginal and non-Aboriginal) for sustainability and conservation reasons, as unchecked use of those resources could cause them to disappear. However, the Mi’kmaq felt that they were free to implement their own fishery management plan and to regulate their own fishery. Each party seemed to be considering only its own rights without paying attention to those of the other party. The government wanted to regulate the fishery, but the Mi’kmaq could not wait as this constitutes the basis for their ceremonial traditions and food. These two activities have been practiced for centuries without threatening fish species. However, Aboriginal communities must now share their vital space with non-native people and private or public companies; they therefore needed to take into account the right to living for non-Aboriginal fishermen. Furthermore, Aboriginal fishing is no longer limited to food and ceremonies; it is also dedicated to sales. Although this is justified for their living in the current environment, it needs to be regulated to preserve fish species. Living together on the same space necessitates continual adjustment and negotiation between communities. But this is not easy if the two communities do not have a common ground and good faith. A framework could give a common ground for discussion. The Burnt Church case, for example, could have been avoided if both government and Aboriginal people had used the “*R.V. Sparrow*” decision of the Supreme Court of Canada on Aboriginal Musqueam rights to fish. Harris (2005, 3-4) makes the following comment on this decision:

“In *Sparrow* the Supreme Court articulated its understanding of the Aboriginal rights provisions in the Constitution for the first time. It was, and remains, centrally important to the development of Aboriginal rights in Canada. (...) The Supreme Court held that Canada might be justified in infringing

that right if it did so for certain limited purposes, including conservation of the fisheries. (...) Conservation was a valid objective that might justify infringing an Aboriginal right to fish, but in implementing that objective Canada had to respect its special relationship with Aboriginal peoples. This meant that the burden to conserve fish stocks could not fall primarily or entirely on Aboriginal peoples.

The Supreme Court decision in *Sparrow* did more than re-establish Musqueam rights to fish. It set out the following general priority scheme that applied to all First Nations. Canada's first obligation was to ensure that sufficient fish remained to conserve and sustain the resource. If there were enough fish to open a sustainable fishery, then the Aboriginal food, social and ceremonial fishery had first priority. Only after its needs were met could Canada allocate fish to the general sport and commercial fisheries. As a result, the food fishery was no longer a discretionary privilege, granted or withheld by the government of Canada, but a constitutionally protected right conferring priority to the fishery over other users."

It took two years to arrive at an agreement between the government, the Mi'kmaq and the non-Mi'kmaq commercial fishers. The agreement enhanced commercial fishery access for both. It put in place measures for training for fishers, upgrading of commercial vessels, cooperative science projects, the development of a cooperative management capacity, funding for community development, and the establishment of a conservation protocol. Finally, the food and ceremonial lobster fishery for the Mi'kmaq was authorized without limits in spring and with limits in fall. Also, it was agreed that the Federal Government would regulate the fishery. Finally, the commercial fishery was authorized only for two months a year (DFO, 2002). However, before this agreement, a lot of effort, time, and money had been expended.

SOURCES OF CONFLICTS AND LOGICS IN DECISION MAKING

From the previous discussion it becomes apparent that conflicts between Aboriginal communities and other stakeholders are characterized by the diversity in their objects (political, economic, or socio-cultural), the differences of interests between groups involved, and the different logics of decision making processes adopted in the same situation by different groups. Table 1 summarizes the stakeholders involved and the logic apparently followed in the decision making process. Three logics of decision making identified by Janczak (2006) are retained in this Table: the authoritarian logic, also called analytical logic; the emotional logic; and the conciliatory logic of decision making. These categories of logics are retained as they cover the four traditional approaches to decision making, namely, the rational, the political, the intuitive, and the garbage can approach (Harrison, 1999).

The authoritarian logic takes place when the decision maker focuses on the problem to be solved and searches the solution without paying much attention to the

actors. It corresponds to the rational and the garbage can approaches to decision making. The emotional logic is the one used by a decision maker who considers the issue as a personal challenge, then sometimes uses personal emotion to influence the decision by generating new ideas for developing original solutions. It corresponds to the intuitive approach to decision making. Finally, the conciliatory logic is the one used by a decision maker who, through negotiation and bargaining strategies, tries to find solutions that work at the moment. It corresponds to the political approach to decision making.

Table 1: Stakeholders and dominant decision making logics.

Stakeholder Involved	Dominant Decision Making Logic	Possible Weaknesses
Government	Authoritarian	Lack of appreciation for non-economic Aboriginal issues associated with economic development. Misidentifying of Aboriginal issues (e.g., assuming all Aboriginal communities the same)
	Conciliatory	Negotiations not addressing long term issues
Aboriginal communities	Emotional	Formal vs. informal governance mechanisms—lack sufficient human resources to maintain productive involvement across multiple priorities. Underdeveloped community (isolated, few business opportunities, low income) / parochial
Non-Aboriginal communities	Emotional	Lack of appreciation for non-economic Aboriginal issues associated with economic development / parochial
Corporations	Authoritarian	Misaligned agendas. Lack of appreciation for non-economic Aboriginal issues associated with economic development.

None of the decision making logics give a satisfactory solution to conflicts between Aboriginal and non-Aboriginal people. The authoritarian mode used by the government and the corporations follows a structured process to analyze and generate standard solutions to apply to different Aboriginal communities. The conciliatory logic used by the government to find the solution to the current situation is not much better, as illustrated by recent critiques to the James Bay agreement that used this decision making logic. The less satisfactory solution of the emotional logic is illustrated by the decisions made by Aboriginal people and Non-Aboriginal people in the Burnt Church and Oka crisis cases.

The weaknesses of these solutions lie in the fact that the logics are used, sometimes in good faith, with respect to the group interests without paying sufficient regard

to the interests of other stakeholders. Solutions therefore may be improved if one adopts the stakeholder system model. This model “assumes a range of stakeholder perspectives and agendas in relation to an organization’s corporate governance philosophy and practice” (Simmons, 2004, 606). According to Simmons (2004, 606), “The significance of stakeholder perspectives to the organization is determined via the concept of the stakeholder saliency that relates to the perceived legitimacy, leverage and urgency of the stakeholder claims. . . . Organization decisions on stakeholder saliency mean particular stakeholder perspectives are seen as requiring reconciliation with those of other salient stakeholder groups”. Aboriginal communities are dealing with stakeholders from national and supranational bodies that approach Aboriginal interactions from different perspectives. These stakeholder groups will be identified in the next part of this paper.

We believe that conflicts between these stakeholders can be reconciled if they use a decision making logic that reconciles their interests in the short and long term perspectives. This belief is consistent with Janczak’s (2006) empirical findings. According to Janczak (2006), a given group uses logic of action at a given moment. The choice of this logic of action is made at the beginning of the decision-making process and, then after, the chosen approach is utilized throughout. Also, Janczak’s (2006) findings did not identify a clear indication of determining factors leading to the choice of a given logic, but they suggest that each manager uses a preferential approach when making decisions. This means that if different stakeholders in the Aboriginal community environment have a framework to decision making that they accept as legitimate, the likelihood of using this framework and its results will be higher. This could therefore reduce the potential for conflicts.

FRAMEWORK FOR ABORIGINAL APPROACHES TO THE GLOBAL ECONOMY

To build the framework for Aboriginal approaches to the economy, we have revisited the literature on conflict negotiation and strategic responses to the challenges of the environment. Drawing on Thomas (1988), Oliver (1991) and Anderson et al. (2003), we have identified in Figure 1 five potential positions, each with three related tactics, that Indigenous communities can adopt when facing a conflict between respect for their values and the adoption of external values and practices and/or submission to external forces. The models of Oliver and Anderson build on Thomas’s (1988) model on conflict-handling modes.

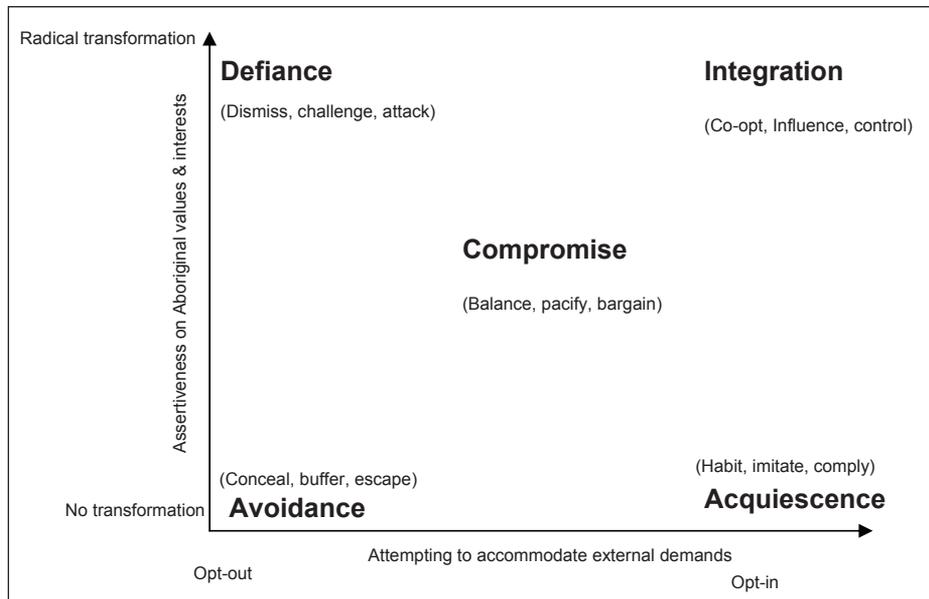
Anderson et al.’s (2003) model identifies four extreme categories in two dimensions. The first dimension is the degree to which a community opts into or out of the external system that has values and practises different from its own. The second dimension addresses the nature of this opting in or opting out. At one extreme the community can accept the external system ‘as is’. At the other extremes it can

transform or adapt the system in some fashion, resist the system's inroads, or even overthrow it through revolution.

Oliver's (1991) model has identified five different approaches to conflict, including acquiescence, compromise, avoidance, defiance, and manipulation. Each of these approaches is associated with three tactics. However, in Oliver's model, a manipulation position replaces the collaborative position which corresponded to the win-win situation in Thomas' (1988) model.

Figure 1 incorporates the positive aspects of the Oliver (1991) and Anderson et al. (2003) models. It has retained, with minor modifications, the two dimensions in the Anderson et al. (2003) model — Aboriginal assertiveness on its values and interests and its desire to adjust to external demands. Also, it has retained Oliver's (1991) five categories, manipulation, acquiescence, compromise, avoidance, and defiance, except that manipulation has been replaced by integration, which corresponds to "collaboration" in Thomas's (1988) model. Oliver has identified theoretical and empirical examples of the four categories we have retained. The integrative category is well illustrated in Thomas's original model and in Anderson et al.'s (2003) model of regimes of accumulation. The objective for the model illustrated in Figure 1 is to help decision makers understand where an Aboriginal community may be coming from and how to respond to the community to gain a positive outcome in a conflict situation. This paper develops each of these five categories on more detail.

Figure 1: Aboriginal Approaches to the Global Economy.



Acquiescence is a response to the external demand whereby the Aboriginal individuals and communities give in to pressures that strongly hold that the solution to economic problems is participation in the dominant economic paradigm, i.e., the classic modernization perspective. This response can take three forms. These are habituation, imitation, and compliance. Habituation refers to unconscious or blind acceptance of the external demand. Imitation refers to either conscious or unconscious mimicry of the community to global trends without discernment. Compliance is a conscious obedience to external values, norms, or requirements.

Compromise is a position associated with a community that tries to be pragmatic by negotiating between its values and interests and those of the external demands. The solution which may be only partially satisfactory for both is sought through three approaches: balancing, pacifying, and bargaining. Balancing refers to an approach that seeks to accommodate multiple external partners (e.g., playing one off against another) in response to their demands. Pacifying is a strategic approach of a community that tries to meet a minimum of external demands. Finally bargaining is the approach of a community which makes an effort to extract some concessions from the demands and expectations of external partners in return for concessions made by the community.

Avoidance refers to a community's attempt to preclude the necessity of conformity to external partners by concealing its non conformity, buffering itself from the external system, or escaping from external expectations. Concealing intention involves disguising nonconformity behind a façade of acquiescence. Conformity is therefore apparent, but not real. Buffering refers to an Aboriginal community's "attempt to reduce the extent to which it is externally inspected, scrutinized, or evaluated by partially detaching or decoupling its technical activities from external contact" (Oliver, 1991, 155). Finally, escape refers to the community's exit from the domain within which the pressure is exerted. It may also be the result of the community's modification of goals and activities to avoid the necessity of conformity.

Defiance is resistance to an external system under the form of dismissing, challenging, and/or attacking. Dismissing, or ignoring external rules and values, results from a deficient comprehension of the rationale behind the external system and the consequences of non compliance. Challenging is a strategic approach adopted by Aboriginal communities which go on the offensive in defiance of pressures from external organizations. Through the challenging approach communities contest rationalized rules and norms, making a virtue of their insurrection. Attacking differs from challenging in the intensity and aggressiveness of the Aboriginal community's approach to resisting pressures from external demands. Aboriginal communities adopting attacking options as indicated by Oliver (1991, 157) "strive to assault, belittle, or vehemently denounce" external organization's values and their representatives. In this way, their approach is intended to both opt out of the external regime of accumulation and to reduce the likelihood of future pressure to opt in.

Integration is "intended to actively change or exert power over the content" of

the external expectations, values, and norms. To these ends, three strategic intentions can be used: co-opt, influence, or control. Co-optation acts on the sources of pressure from external systems to opt in and may involve an attempt by a community to persuade an external organization to play a certain role in the community or on behalf of the community. For example, as part of the process of negotiating the Mackenzie Valley Pipeline agreement, the Aboriginal groups have been successful in convincing the multinational oil companies involved to put pressure on the Canadian government to settle a longstanding land claim (Anderson et al., 2006). Influence is generally directed toward globalization's values and beliefs, including the definition and criteria of acceptable practices or performance. For example, the performance in an Aboriginal community may be assessed not only in terms of profit, but also in terms of employment, education, and service to community. Finally, control is a specific effort to establish power and dominance over external organizations that are applying pressure on the community. This can be achieved through the community control over its land and resources; it can also be a considerable force in the very different dynamic playing out in the current round of Mackenzie Valley Pipeline discussions from those present during the first failed round in the 1970's (Anderson et al., 2006).

One can conclude that the combination of the factors characteristic of Indigenous communities would encourage members to think that their ideal response to the external system would be integration. At least for those who believe, "like it or not, Indigenous peoples are firmly integrated into a capricious and changing market [and their] well-being and survival depends on how well they handle and negotiate this integration" (Bebbington, 1993, 275). He goes on to say that the Indigenous approach is not to reject outright participation in the modern economy "but rather to pursue local and grassroots control over modernization ... [and] over the economic and social relationships that traditionally have contributed to the transfer of income and value from the locality to other places and social groups" (Bebbington, 1993, 281). According to Anderson et al. (2003) Canadian Aboriginal communities are choosing to participate in an active way in the global economy. This participation in the global economy has been accompanied by fights for land and other rights in order to ensure participation on their own terms.

However, integration is not the choice of all Indigenous groups. This is true because not all accept Bebbington's (1993) assertion that their well-being and survival depends on integration into capricious global markets. The responses of those who do not accept this assertion include avoidance and even violent defiance. According to Wilkes (2006), it seems that Canadian Aboriginal people have rarely chosen avoidance and defiance. The last two cases, dismissing in the case of Burnt Church First Nation and challenging in the case of the Oka crisis, can be considered defiance. Other protest movements have been observed in Canadian Aboriginal communities (Macleod, 2006; Wilkes, 2006a, b). All these situations and others that were not the object of protest could be analyzed using the framework in Figure 1.

On the one hand, Aboriginal people want to be involved in the decisions dealing with their lives and resources. They adhere to decisions that promote their social, economic, and cultural development and do not accept agreements that extinguish their rights on their resources.

They are open to partnership with external actors if those actors respect their values and traditions. On the other hand, the federal government might have an interest in Aboriginal economic development and the alleviation of Aboriginal poverty. But at the same time, it could want to increase the exploitation of resources for the development of the whole country, including both Aboriginal people and non-Aboriginal people. It may want to establish country-wide norms to achieve this development. Between the Aboriginal people and the federal Government, shared interests could be more numerous than those interests that are not accepted by one of the two parties. Therefore, the negotiation could be easier and the violent conflict avoided. Unfortunately, the passion associated with the moment, and a focus on short-term interests, may lead to a fixation on areas of disagreement rather than to an analysis of negotiable and shared interests and thereby to bad decisions. That is why a framework could be useful.

INTERNATIONAL APPLICATION OF THE MODEL OF ABORIGINAL RESPONSES TO EXTERNAL ECONOMIC DEMANDS

While the models presented above are based on an examination of Aboriginal communities in Canada, the general model is applicable to Indigenous/non-Indigenous economic interactions in other countries. A brief example of this potential international application is shown in the case of Tepoztlán, Mexico.

In 1994 Grupo KS, a Mexican development company, proposed a \$500-million project with Golden Bear International and GTE data services (Leaver and Malkus, 1996) to build a golf resort and technology park (Davidson, 1995) on 900 acres of land near the pueblo of Tepoztlán. The 900 acres chosen for the development project included 462 acres of private land inside the El Tepozteco National Park and the Ajusco-Chichinautzin biological corridor owned by Grupo KS (Wheat, 1996).

The project location was chosen for its desirability as a vacation destination: 50 miles south of Mexico City, naturally beautiful and ecologically diverse. Upper-middle class tourists were also drawn by the dual nature of the community as an indigenous Tepozteco pueblo, where many residents still spoke the Indigenous Nahuatl (Tour by Mexico, 2006), and as a symbol of the Mexican Revolution and peasant land reform (Wheat, 1996).

The Indigenous community of Tepoztlán consisted of a main pueblo (divided into eight barrios) and several satellite villages. The majority of Tepoztlán's mostly-middle-class residents considered themselves to be Tepoztecos (Aztec) though there had been an influx of middle-class Mexicans and expatriate artists (Stolle-McAllister,

1997). Over 90% of the community's children graduated from high school, with a large percentage going on to post-secondary education (Demesa, 2005). The surrounding satellite villages tended to be poor, lacked conveniences such as running water, and depended upon traditional agricultural crops (Stolle-McAllister, 1997), such as peppers and tomatoes. Most of their harvest was sold in traditional markets, such as in Tepoztlán (Demesa-Padilla, 2005). Because of recent economic difficulties in Mexico and the state of Morelos, there was a need for economic development in this area (Stolle-McAllister, 1997).

The project received very favourable treatment from multiple levels of federal and state government in Mexico (Wheat, 1996), including the governor of Morelos (Stolle-McAllister, 1997) and the head of the state's environmental protection agency. The Mexican federal government saw the project as an opportunity to capitalize on the benefits of the recently signed North American Free Trade Agreement. In addition, the state and federal governments planned to surround Mexico City with a corridor of trans-national high-tech corporate parks that would traverse the state of Morelos (Reynolds, 1997).

What the project needed was local government support. Federal Mexican laws and presidential proclamations dating back to the 1920s mandated local government support for changing land from agricultural to non-agricultural use. To go ahead, the project would need municipal approval to rezone some of the 900 acres from agricultural use to residential and tourism purposes (Wheat, 1996).

In spite of the economic benefits associated with the proposed project and the backing by state and federal officials, a large percentage of the residents of the municipality opposed the project. The local opposition referred to the *imposition* of the project on the Tepozteco community. This notion of imposition was couched in terms of a lack of respect for the right of the community to be involved in decisions regarding local enterprise (Benet, 2005) and the appropriateness and sustainability of that enterprise and the associated construction, grounds keeping and housekeeping jobs (Demesa-Padilla, 2005; Stolle-McAllister, 1997), which neither established a vegetable processing plant for the local farmers (Demesa-Padilla, 2005) nor appropriately employed the many well-educated and professionally trained young people in the town (Demesa-Padilla, 2005; Stolle-McAllister, 1997). Much of the local population was composed of doctors, teachers, and state bureaucrats (Benet, 2005; Stolle-McAllister, 1997).

Furthermore, while GTE's proposed data services facility was consistent with the aspirations of local urban professionals, imposition of the project was not. Beginning as a small organizing committee (the Comité de Unidad Tepozteco, or CUT), a group of Tepoztecos was able to effectively involve large segments of the population by making use of neighbourhood networks organized around *mayordomos* (informal leaders within the *barrios*, or neighbourhoods). Not only was this an effective manner of disseminating information, but the widely held respect for the *mayordomos* also added greater legitimacy to the CUT's concerns and calls for action.

Furthermore, the *mayordomos* were clearly associated with a uniquely Tepozteco identity (Stolle-McAllister, 1997). At this point, though the CUT leadership was acting in defiance of state and federal authorities, their actions could also be seen as attempts at influence and control which are central to integration.

The local government attempted to grant the developers permits to purchase the remaining land and proceed with construction without consulting the *mayordomos*. In response, members of the community barricaded city hall and held the mayor and city councillors hostage. Following a prolonged hold-out between residents of Tepoztlán and state and federal police, a new slate of city officials was elected through the traditional *mayordomo* system (Stolle-McAllister, 1997). These escalating actions by the Tepoztecos suggest a movement away from integration and toward defiance as their values and interests appeared to be dismissed by both the government officials and members of the business partnership.

However, the council that was elected adopted the name: "*Ayuntamiento Libre, Constitucional y Popular*" (Free City Council, Constitutional and Popular), signifying its adherence to national norms (Stolle-McAllister, 1997). Furthermore, the movement continually highlighted Article 39 of the Constitution, both giving their opposition to the project legitimacy and affirming Tepoztecos' desire to be included in the greater nation of Mexico. The Tepoztecos were also fusing both national and local concerns by incorporating Zapata into their rhetoric (Stolle-McAllister, 1997).

By employing *campesino* (farmer) ideology, the doctors, teachers, and state bureaucrats leading the CUT were able to assert control over their land and resources. Given their understanding of, and contacts in, the larger world they were able to address external demands through an integrative approach (refer to Figure 1). Their external understanding and contacts allowed members of the Tepozteco community in general and the CUT in particular to gain favourable press, win support from NGOs, and articulate their assertiveness in terms that were understandable to people not immediately connected with Tepoztlán (Stolle-McAllister, 1997). At the same time, these leaders' intimate connections with the local communicative and prestige networks, and understanding of the importance of uniquely Tepoztecan local identities and practices (Stolle-McAllister, 1997) provided the movement with the local support necessary to push for appropriate and sustainable economic development. This suggests that the ultimate outcome of the project, rejection, was not a foregone conclusion. Rather, if the non-Indigenous parties had acknowledged the local position as being one of integration an acceptable, win-win outcome might have been attained. This in turn suggests the possible value of the framework for making sense of an Aboriginal community's response to a development opportunity and responding appropriately.

CONCLUSIONS

This paper proposed a framework for conflict resolution between Aboriginal people and other partners that, we hope, could be extended to the conflict faced by Aboriginal peoples when dealing with conflicts between their values and those of other communities. The paper has presented two cases of conflict resolutions and two others of unsolved conflicts. In the first case, that of James Bay, the conflict has been resolved to the satisfaction of the parties at the moment of the agreement. But a few years later, this satisfaction was mitigated as the Aboriginal people felt that they had given too much by giving up the right to their resources. This Aboriginal disappointment has been well expressed in the observation that the Cree had hoped that the rights obtained from the agreement would provide sufficient guarantees that they would be able to maintain their society, culture and way of life, and survive as a people (Anderson and Barnett, 2006). But this has not proven to be the case and the Chief affirmed that the Cree had reached a crossroads in its relations with the Quebec and Canadian governments and the Cree people. For him, henceforward the Cree had to demand more than ever the full recognition of their status and rights, and the right to benefit meaningfully from the resources and economic potential of their land (Anderson and Barnett, 2006). The second case relates to the Mackenzie Valley agreement. This agreement avoided the mistake of James Bay and allowed Aboriginal people to be partners with external stakeholders without extinguishing their rights on their lands. The third case related to the Oka crisis and illustrates the reaction of frustrated Mohawks facing the lack of respect of their ancestral burial ground due to an administrative and judicial process beyond their control. The last case, the one of the Burnt Church First Nation, emphasised a refusal by Aboriginal people to submit themselves to rules and norms (fishery limitations) decided by the federal government without their agreement. It has been found that stakeholders to these cases used different logics to decision making at the same moments to satisfy their different group interests.

Drawing on the literature, the paper has proposed a framework with two dimensions: the first focusing on the assertiveness of Aboriginal values and interests and the second on its accommodation to the values and interests of the external partners. Five positions with three tactics each have been identified. Using the framework, the first case could be identified to the compromise position (pacify), the second to the integration position (co-opt) and the two last cases to the defiance position (dismiss and challenge). Use of the model to explain the conflict between the people of the pueblo of Tepoztlán in Mexico suggests that this model may be useful for practitioners in providing insight into the possible sources of conflict between Aboriginal communities and non-Aboriginal organizations working with them. Furthermore, understanding the basis for some of these conflicts at a conceptual level should provide a way to identify more appropriate responses to these conflicts, both for non-Aboriginal organizations and the Aboriginal communities. The framework, if legitimated by different stakeholders, can therefore be used during negotiation to

address existing conflict, prevent additional conflict, or before negotiations, to assess potential conflicts.

From a research perspective this paper provides the initial development of a theoretical perspective on Aboriginal/non-Aboriginal conflict. This perspective provides an important insight into non-economic interests, such as the role of the sacred in business negotiations that need to be considered when entering into business negotiations with Aboriginal communities. However, as it currently stands, this perspective which based on a 2x2 paradigm is a simple package of responses to conflict, packaging combinations of responses based on the particulars of a limited number of situations. Future research needs to address a number of additional issues. From an Aboriginal perspective the reality may be more accurately described in terms of circles and cycles. The structure of the theory could therefore benefit from a more explicit incorporation of Aboriginal perspectives. There also needs to be empirical development and testing of the current theoretical perspective.

NOTES

1. When speaking in general of the original people of a place who have been the subject of colonization and who are usually now enmeshed within a state not of their creation as a result of this process, we will use the word Indigenous. When speaking of Indigenous people in Canada, we will use the constitutionally adopted word Aboriginal, which encompasses the three subgroups of Indigenous people in Canada—the Inuit, the Métis and the First Nations.
2. This is the term that was used in the press. According to Histotica (www.histotica.ca) the term “warrior” denotes a group of natives who often engaged in illegal economic activities, such as black market cigarette and alcohol sales, and who were active participants in the defence of Native Indian rights.
3. Unless otherwise indicated, the account on this dispute has been made thanks to information gathered on www.nben.ca and www.dfo-mpo.gc.ca/media/websites.

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