ABORIGINAL PARTICIPATION IN CANADIAN HYDROELECTRIC DEVELOPMENT: POLITICAL ECONOMY AND PUBLIC POLICY

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Summary Cooperation in planning activities between governments, provincial hydro-electric Crown Corporations, and aboriginal peoples is a well-known trend in current Canadian hydroelectric development. Cases from Canadian economic history teach us that native communities were excluded from participation in hydroelectric development, even when their life was largely changed due to its negative effects. New forms of public debate assure the aboriginal peoples new opportunities for participation, but at the same time, as many critics note, they easily become instruments of control in the hands of the government. Our research is oriented towards comparing different stages of hydroelectric development in terms of aboriginal participation, and we will try to show why modern practices of deliberative democracy are (or maybe why they are not) different than before.

Keywords participation, power, empowerment, hydroelectric development, resource/ environmental policy, aboriginal peoples, public policy, Canada

1. Introduction

The tendency to perceive the aboriginal peoples[1] as entities that are completely distinct and separate from non-abo-riginal population has led some political economists to deduce that it could be possible to develop autonomous and self-sufficient aboriginal economies and political systems. Many scholars tried to

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[1] *Indians* form the most heterogeneous group of all the categories, with a wide range of separate languages and cultures across Canada. The term is derived from Christopher Columbus' mistaken belief that he reached India. The Indian Act separated Indians in terms of legal distinction – to some of them the document gave a status recognized by federal government, while the rest are called "non-status" Indians. The *Inuit* of the Canadian Arctic have a separate origin and history, representing a later migration to Canada. They are closely related to the native populations of Alaska and Greenland. It is a relatively homogenous group with a common origin and a single language across the entire Ca-

explain this "separation", documenting what has been referred to as the "domestic mode of production", "mixed economy" or "dual economy" in native communities. Usher (1976, 1992) denies the separateness of the two different economic worlds and highlights that in the North there are two modes of production: a "domestic" and a "capitalist" one; "the capitalist mode has been superimposed on the pre-existing domestic mode, but the latter survives in modified form. The two coexist not as isolated, unconnected enclaves, but rather as interrelated parts of a larger social formation, that of industrial capitalism on the frontier". Usher concludes that, even though industrial capitalism is dominant, the domestic mode of production and the distinctive character of aboriginal societies continue to reproduce themselves.

A similar story of integration of two different "economic worlds" could in some sense be brought in connection with the field of political participation and the concept of deliberative democracy. When, hypothetically, the aboriginal peoples are invited to participate in the hydroelectric development policy, they automatically accept the capitalist concept of modern development. Consequently, even though the democratic procedure of participation is ensured, they can participate only in the core of the "westernized" way of development,

which has a different logic than the aboriginal economic system. If we follow Usher's idea, the capitalist domination exists, but at the same time there also exists an internal operational logic of the modern aboriginal development.

The main purpose of the present paper is to show possibilities for aboriginal participation in the Canadian hydroelectric development policy.[2] "The fact is that we have to differentiate between aboriginal participation in economic development as active participants in economic/developmental activities and their participation in formulation of particular development policy." Hessing and Howlett (1997: 9) point out that "policy-making in the *resource and environmental policy* is largely about the struggle between different societal actors attempting to establish, maintain, or increase their share of the material wealth created by human activity, wealth generated to a great extent by resource extraction and use".

Generally speaking, the process of modern development of Canadian hydroelectricity cannot be exercised without cooperation with the aboriginal peoples. Many hydropower projects in Canada are built in areas inhabited mainly by natives – for this reason, governments must care about the future development of aboriginal communities. Many communities do not oppose the hydroelectric development, being aware that they might benefit from it (Fortin, 2001: 47). The Canadian Environmental Assessment Act (federal legislation requiring an environmental assessment

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nadian Arctic. The *Metis* emerged as a group during the fur trade era. They are descendants of male fur traders of French-Canadian origin and native women (particularly Cree), although it is generally accepted in academic circles that the term Metis can be used to refer to a combination of any aboriginal and European lineage (McMillan, 1995).

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[2] According to Hessing and Howlett (1997), Canadian hydroelectric development is a determinant of environmental/resource policy, and will be presented in the core of it.

for any new hydroelectric projects) presupposes public participation in the development process (*ibid.*).[3]

Until now, some important steps towards collaboration between the aboriginal communities, hydro companies, and governments have been made, but one important question is still open: Does the collaboration of aboriginal peoples in the process of hydroelectric development really signify their next step in socioeconomic development, or does it, as many scholars point out, continue the common thread of what the dependency theory states.[4]

2. Theorizing aboriginal participation

2.1 Participation between power and empowerment

Many scholars who presuppose the participation of the public in modern development policies have dealt with the following important question: How is it possible to determine participation as *power* and participation as *empowerment* (as transformative potential)? This seems to be a crucial question, especially with regard to modern explanation of participation in public policies.

The conventional definition of participation treats power as a *commodity* which is largely concentrated in the hands of experts – in deliberative spaces it is dispersed in some way among the participants. Conversely, the poststructuralist approach perceives power as an *effect*: "... an action, behaviour, or imagination brought into being in a specific context as a result of the interplay of various communicative and material *resources*" (Kesby, 2007: 2815). The possessor of power is "simply better positioned" (*ibid.*) to successfully manipulate the resources. Producing constant effects requires a constant reproduction of resources.

Scholars usually make the distinction between empowerment[5] as a *process* and empowerment as an *outcome.* Those who use a transformative approach in this context, treat participation as an isolated concept, questioning "the way in which participation alone can be empowering without attention to outcomes" (Luttrell et al., 2007: 4). Sole attention to the process is more oriented towards a focus on organizational capacity-building or inclusion of previously excluded powerless groups. When attention is oriented mostly to outcomes, this "leads to a focus on economic enhancement and increasing access to economic resources" (*ibid.*).

Kesby (2007: 2823) notes that empowerment is best understood as "con-

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[3] In several provinces, environmental assessments for hydro projects are also required, and in many cases they also include public consultations.

[4] Dos Santos (1993: 194) points out that by dependence we mean "a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected". The relation between two or more economies presupposes a form of dependence in which "some countries (the dominant ones) can expand and can be self-sustaining, while other countries (the dependent ones) can do this only as a reflection of that expansion".

[5] The empowerment concept has also been a subject of critique. Perhaps the most patent is that by Oliver de Sardan (1992), who pictures it as a populist approach. Friderich et al. (2003) state that the term has been widely used by organizations which assure that minimization of injustice, real structural change or redistribution of resources have not been carried out.

tinuous performance" (*ibid.*) – performance rather than idealized achievement. Participatory approaches open up participatory arenas and "within these arenas, local frameworks that normally position individuals are circumvented by the deployment of resources such as 'free speech', 'peer equality', 'collaboration', 'facilitation'" (*ibid.*). Finally, participatory approaches have to ensure discussion on "controversial issues, mediation of issues, and the contribution of people whose voices would normally be marginalized" (*ibid.*).

2.2. Participation and democracy: classical view and deliberative turn

Debates about the degree of public involvement in the political process have been an important part of different forums, from classical Greek concepts of direct political participation to the current electoral practices. As Hessing and Howlett (1997: 106) point out, modern liberal practices of representative democracy "assume that the concerns of constituents will be relayed down the field of political action by elected representatives, assisted by lobbyists and media exposure, passed as appropriate legislation and enshrined in law". The traditional approach to public participation presupposes an important role of citizens in the core of the electoral process.

Other approaches presuppose a more limited role of the public. An elitist approach, for example, assumes that *general public is apathetic and focuses on the electoral process, not on the policy process.* Modern democratic states more or less limit direct public involvement – the latter is, in a way, necessary, because "the increased scientific and bureaucratic complexity of much public policy-making has created a 'knowledge gap', se-

parating the general public from a technocratic elite composed of activists and experts" (Hessing and Howlett, *ibid*).

The classical theory of democracy that is common to Dahl, Eckstein, Schmitter and Sartori refers to a political method or set of institutional arrangements at the national level. Elections, as mentioned, are the most important determinant where the majority can take control over their leaders. Responsiveness of leaders to non-elite demands (or control over leaders) is largely assured through the sanction of loss of office. In some way, the decision of leaders can also be influenced by a group of people who make pressure during the inter-election period. Participation in the core of the classic democratic theory is perceived "... so far as the majority is concerned" (Pateman, 2007: 128), participation is "in the choice of decision makers (*ibid.*)". The function of participation is largely protective – protection of the individual from arbitrary decisions by elected leaders and protection of the individual's private interests (*ibid.*). As Pateman points out, the level of participation by the majority "should not rise much above the minimum necessary to keep the democratic method (electoral machinery) working" (*ibid.*).

Deliberative democracy (or discursive democracy) as a modern concept understands democracy and participation in the sense that the "public voice" in policy-making has to be the main indicator in determining the core of what is democratic. As Fung and Wright (2007) state, deliberation holds a transformative potential. In this sense, the redesign of democratic institutions is needed and some innovations have to be added, if a society wants to transform traditional institutions and attract public – es-

pecially affected public from its lowest levels (p. 157). Fung and Wright (2007: 169) propose the principles of empowered deliberative democracy: practical orientation, bottom up participation and deliberative solution generation. This means that the focus goes towards specific, narrower problems, and at the same time agents of policy action have to be aware of misleading from broader conflicts.[6]

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[6] Deliberative democracy can be understood as one of political variants of participatory democracy. From a general perspective, it creates opportunities for political members of a group to make an understandable contribution to decision-making. There are other versions of participatory democracy: anticipatory democracy, consensus democracy, non-partisan democracy, grass-roots democracy, sociocracy.

Direct democracy can also be counted as one of political variants of participatory democracy. An abstract definition of **direct democracy** could state that "the population as a whole votes on the most important political decisions" (Budge, 2007: 194). Or, more practically, the body of adult citizens "vote directly on most of the matters on which, in representative democracies, the Parliament votes" (*ibid.*). In a way, direct democracy is opposite to representative democracy, which assures sovereignty of the people on the basis of elections. Deliberative democracy introduces elements of both direct and representative democracy (Guttman, 2004: 1-63).

The concept of **consociational democracy** is being developed by the well-known political theorist Arend Lijphart. This type of democratic governance presupposes that the representation of different groups is ensured, and it is often used as a "tool" of investigation in deeply divided societies for managing conflict. The main determinants of consociational democracy are government stability, power-sharing, avoidance of violence, survival of democracy. Lijphart (1977) identifies

There is "a strong tendency in deliberative democratic theory and practice, to treat deliberation as involving generic, individual citizens in dialogue about the common good" (von Lieres and Kahane 2007: 132). Some scholars express a critical stance towards the dynamics of political deliberation and state that this *process is mostly dependent on power relations.* In this sense, marginalized groups "are less likely to participate in deliberation and their perspectives are less likely to influence outcomes" (*ibid.*). The complex legacies of colonization have left the aboriginal peoples at the bottom in the context of wellbeing, economic status, education, housing quality, and health outcomes (*ibid.*).

2.3. Public participation in Canadian resource/environmental policy: trends over time

Debora L. VanNijnatten (1999) defines three different waves of participation in the Canadian environmental policy: the first era from the early 1970s to the mid-1980s, the second era from the mid-1980s to the early 1990s, and the third period to the end of the 1990s. During the first period, Canadian policy-makers did little in terms of opening up their closed decision-making process. The regulatory framework was largely based on discretionary executive powers.[7] Concerns about environmental

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four important characteristics of consociational democracy: grand coalition, veto, proportionality, segmental autonomy.

[7] Compared with the United States, the Canadian framework was more "fragmented vertically", with the provinces administering federal as well as their own regulations with little national oversight. Canada was also slower than the United States in responding to demands for improving policy mechanisms.

degradation throughout the 1970s led to additional regulations and enlarged bureaucracy to incorporate them. *The Environmental Assessment and Review Process Guidelines*, set up by the federal government in 1973, improved opportunities for public review just a little – in this case also the discretion right of federal officials was the most important tool. The Environmental Assessment Reviews were established in most provinces – public involvement in public hearings was treated as "optional"[8] (VanNijnatten, 1999).

During the second period, Canada opened up its policy-making process and started with employing *multistakeholder consultations* (MC) with an aim to improve decision-making and minimize conflict among different policy interests. Additionally, some *alternative dispute resolution techniques* emerged – Canada incorporated them into a statutory law and other policy initiatives. The MC mechanism joined together multiple levels of government, different administrative agencies, industry and environmental interest – all this with the purpose of reaching consensus on how to balance economic and environmental requirements. The main idea of the MC was that the mainly traditionally strong

interest of the industry sector would be minimized (VanNijnatten, 1999).

In the core of the third period, two significant developments in environmental policy occurred: firstly, some environmental protection tasks were transferred from public to private institutions and what has become known as *voluntary pollution prevention initiatives* (VPPIs). Secondly, there was the increasing "intergovernmentalization" of environmental policy-making – the transfer of environmental decision-making responsibilities to cooperative federal--provincial institutions.[9] VPPIs were introduced and had the same function as environmental Regulations – to exert intensive pressure on corporations to act in accordance with modern environmental standards. VPPIs usually involve voluntary pollution control measures by industry, voluntary efforts by industry to meet the government's pollution reduction challenges or negotiated performance agreements and memoranda of understanding between companies and government. It is well known that intergovernmental institutions have a long tradition in Canada – especially a lot of intergovernmental collaboration has been set up in the environmental policy sphere, mainly through the *Canadian Council of Ministers of the Environment* (CCME) (VanNijnatten, 1999).[10]

Additionally, new forms of public administrations (boards, commissions,

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[8] In 1977, Mackenzie Valley Pipeline Inquiry, headed by Justice Berger, provided an opportunity for local residents of northern regions to make comments on the proposed pipeline and established the royal commission as an "input mechanism". Such inquiries were ad hoc in nature, advisory bodies with discretion – for these reasons, officials mainly acted according to their interpretation. Studies from this period suggest that the environmental policy in Canada continued to be made "behind closed doors" throughout the cooperation between industry and government.

[9] Both changes have caused additional concerns about declining democratic values in the policy process.

[10] The fact is that intergovernmental relations have been dominated by interactions between federal and provincial executives – there is always a potential "danger" that decisions are accepted behind closed doors.

and tribunals) have offered more institutionalized means for public involvement into public policy. Environmental task forces, round tables, land-use planning commissions, and other advisory instruments have been created by governments in various provinces. All these bodies operate as spaces for public participation in project assessment activities or in the core of public hearings where, for example, a particular hydroelectric Crown Corporation applies for a license for operation (Hessing and Howlett, 1997).

Previous hydroelectric developments in Canada largely encouraged aboriginal interest groups to participate in hydroelectric policies, but the federal government, provincial governments, and provincial hydropower corporations have been the main obstacles which prevented aboriginal communities to become an integral part of the development process. Aboriginal communities and organizations used the "bottom up" approach[11] in many hydroelectric projects: Great Whale and La Grande in the core of James Bay development, or Grand Rapids and Churchill River Diversion projects in Northern Manitoba. Public participation in the core of new hydro development projects, as Wuskwatim in Northern Manitoba, or Eastmain 1-A in James Bay, is organized as a "top down"

process and results in organizing *invited spaces*, as new, and largely institutionalized opportunities for participation.[12] As we will see later on, the idea of invited participatory spaces can be assessed mainly from two different angles: firstly, as a big potential for real participation; secondly, as an appropriate "tool" of control of participation in the hands of the government.

2.4. Participation and civic engagement in rural areas

The fact is that the majority of modern hydroelectric projects in Canada take place in rural areas. Therefore, it is necessary to devote attention also to problems and challenges which face many rural communities in the Canadian north and in other rural areas.[13] In many cases, the relationship between government and rural communities[14] is

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[11] Petitions, protests, and civil disobedience are common to it. This means that at this elementary stage public participation is relatively passive, just a response to some kind of political survey. We can talk about public recognition of some environmental issues. The low level of public involvement can become more serious and escalate to some kind of letter-writing campaign or community petitions or to non-violent or violent protesting (Hessing and Howlett, 1997: 116).

[12] The role of government administrative agencies is important in this context. The fact is that they are quite independent in organizing activities related to the incorporation of public interest.

[13] Dukeshire and Turlow (2002: 3) agree that "little research has been conducted concerning rural communities and the policy-making process".

[14] After World War II, the modern Northern economy of Canada was dominated by large-scale industrial resource development activities (Simpson et al., 2005: 5). The Western capitalist economy neglected the structure and way of operating which are typical of the aboriginal subsistence economy. The following statement might be radical in a way, but in many determinants it is possible to agree with what Simpson et al. state: "Canada's modern day Northern economy looks much the same today as it did when Canada was a colony of the British Empire in the late 19th century. The only significant difference

burdened with the community's perception that the government does not understand rural issues and imposes policies and programs that could negatively affect rural areas. Many residents of rural areas are often critical that governments do not adequately provide necessary resources (e.g., financial support, educational programs). As Dukeshire and Thurlow (2002: 4-5) state: "Rural community members often perceive government priorities and programs as detrimental to their community's health and sustainability".

Proper understanding of the policy-making process can help individuals and community-based organizations to decide in what manner they want to be involved in a particular policy issue. Public policy-making is often a very complex process, which is not always understandable to all individuals (*ibid.*: 2). Local aboriginal peoples had many difficulties in understanding the whole process of hydroelectric development policy – in many cases local communities had to ask independent experts for help.

If a particular rural community wants to be active in policy-making, an access to adequate resources is an important step for continuing political action. Important resources are sufficient funding, government training programs, education and support of important persons and leaders to rural initiatives. In a case when corporations and professional organizations are important policy players, they usually have an important advantage over the rural communities in terms of money and expert knowledge (*ibid.*).

is that today the southern industrial heartland of Canada, rather than Britain, controls and profits from development of the resource rich Northern Canada hinterland" (*ibid.*).

Lack of information might also limit activities in the core of policy issues. Authors (*ibid.*) underline that many government programs have offered numerous sets of information but, at the same time, it was often difficult to interpret them. The latter might be used as a useful strategy by government agencies in the context of a particular development project – on the general level they produce a lot of information, but as complex sets of knowledge. Many individuals (including representatives of the aboriginal peoples) often complain that this is often done intentionally – some individuals and groups may leave public hearings due to complex explanations.

2.5. Public participation in Canadian public electric utilities

Provincial hydroelectric corporations[15] and provincial governments usually issue licenses for operation of hydroelectric utilities through the system of public hearings. The main goal is to get public acceptance for operating a particular utility, while a positive public opinion about a particular project is a key indicator for maintaining legitimacy (Cruikshank, 2006: 5). Many aboriginal communities throughout Canada have been involved in that kind of participation – it seems that the process of cooperation between indigenous communities and hydroelectric corporations is always a kind of "compensation game".

[15] Crown Corporations represent a third type of organizations that narrow the gap between the government and the private sector. The "third sector" also shapes non-governmental organizations (NGOs), and quasi-governmental organizations (QUANGO's). Public agencies can properly evaluate how to engage public interest in the sense that they satisfy their social responsibility.

In this context, the minimum goal of local aboriginal communities is to obtain through the "negotiation" system some kind of compensation – new employment opportunities, new schools, compensation in money, or a long-term share in a project, etc.

Susskind (in Cruikshank, 2006) enumerates a set of important rules when project proponents are dealing with the affected public. Firstly, *fairness of the process* is important in the sense that social norms and standards of a community are properly incorporated. For example, the question of incorporation of aboriginal traditional knowledge into the modern mega-development projects divide scholars. Secondly, *ensuring meaningful public input* refers to the notion that provincial hydroelectric Crown Corporations are in the hands of provincial governments. This means also that the government's responsibility regarding proper incorporation of interests is responsibility towards voters. A resident of a province is then an individual included at the same time in three different roles: voter, stakeholder and customer – the tripartite role of the public in relation to the public utility. Thirdly, if a hydroelectric corporation wants to establish a correct relationship with a local community, it has to satisfy something that can be called the "well-being of a host community". The latter can be done especially in the sense that a corporate actor answer to conditions of a local community in terms of compensation/mitigation, meaningful input, and a high degree of fairness in the process. Finally, *high-quality technical advice* takes an important place in this context. But technical information has to be presented in an understandable form to the general public – anyhow, it is still possible that com-

plex presentation and numerous sets of different information serve as useful tactics to cover some important negative aspects of a proposed project.

2.6. Important policy actors and interests in Canadian resource/environmental policy
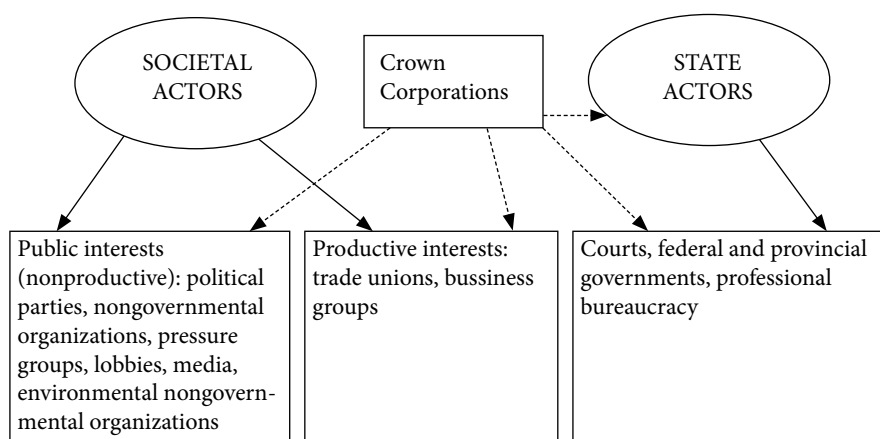
The main division of policy players generally reflects the relationship between the **state** (federal and provincial governments, courts, legislative bodies) and **societal** policy players (political parties, non-governmental organizations, lobbies, media). **Crown Corporations** act in the name of the government, but at the same time are quite independent in their activities. They largely represent public interest, but their interest can also be understood as productive (market) oriented.

In the modern era of Canadian hydroelectric development, especially provincial governments play an important role in determining policy issues. In fact, they have two "extended hands": government administrative agencies,[16] which carry out many functions of environmental/resource policy (for example public hearings), and hydroelectric Crown Corporations.[17] Administrative

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[16] *Government administrative agencies* have a special task of advising ministers and are one of the central actors in initiating policy discussions and dominating the agenda-setting process. These agencies have become very sophisticated in recent years. They operate on quite a large scale, they are well funded, and at the same time they possess the power of introducing certain policies and implementing them, and finally, they are the central policy players in the context of many policy debates (Hessing and Howlett, 1997: 110).

[17] The role of hydroelectric Crown Corporations is described in this part separately be-

Figure 1. Policy actors and interests in Canadian resource/environmental policy (adapted from Hessing and Howlett, 1997).

SOCIETAL ACTORS	Crown Corporations	STATE ACTORS
Public interests (nonproductive): political parties, nongovernmental organizations, pressure groups, lobbies, media, environmental nongovern-mental organizations	Productive interests: trade unions, bussiness groups	Courts, federal and provincial governments, professional bureaucracy

government agencies on the provincial level are very important in creating resource and environmental policies, and they determine which actor and issue can become part of the official policy agenda-setting. Such a provincial agency in the province of Manitoba is the *Clean Environment Commission* (CEC),[18] the main role of which is to provide for the public opportunities for participation in environmental assessment and decision making, and is also offering advice and recommendations to the government.[19]

cause they are a unique kind of policy players acting between productive and public interest.

[18] Special attention will be given to its public hearings later in this paper.

[19] As a rule, this is done at the request of the minister of conservation who can ask to review any potential environmental impacts presented by the proposed developments. The CEC is established under the *Environment Act* (1988). The Commission serves as an important agency in the following activities: public hearings, investigations and mediation (CEC Website, 2008).

In some cases in the Canadian hydroelectric development, **courts** have also played an important role as state actors. A lot of conflicts between the Canadian state and the aboriginal peoples are known especially in the field of property rights. For example, in the case of the Great Whale project in James Bay, Quebec, Justice Malouf recognized that rights of James Bay Cree derive from time "immemorial", while the Court of Appeal later stated that the indigenous population had no right to the land. Due to the latter reason, the Court in Quebec played an important role in the sense that it did not recognize James Bay Cree as policy players equal to the Crown Corporation of Hydro Quebec and the Government of Quebec.

Crown corporations[20] are a kind of exception to the above-mentioned divi-

[20] In the 1970s, there was a kind of "quiet status quo" regarding the operation of federal crown corporations. The main criticism had to do with the ineffective operation of corporations. Some of them were related especially to the economic role and prominent position

sion. Provincial hydroelectric companies are under the provincial government jurisdiction, but at the same time they are largely independent in terms of economic activities. Crown Corporations are wholly or partly owned by federal or provincial government, and structured like private or independent enterprises. Their main goal is to provide regulatory, advisory, administrative, financial, and other services or carry out goods and services to the public (Ferfila, 1994: 118). Crown Corporations enjoy a greater freedom from direct political control than government departments, insofar as they are not subject to budgetary systems or direct control of the minister in the same way as government departments. Due to the fact that our research is focused on Quebec and Manitoba, two provincial hydros will be presented: *Hydro-Quebec*[21] is a kind of special example among the Crown Corporations – it is the leading producer of renewable energy and a major North American distributor of electricity, supplying

it to 3.5 million customers (Hydro-Quebec Website, 2008). *Manitoba Hydro*[22] is a Crown Corporation similar to Hydro-Quebec, but much smaller in size and number of workers. In a way, its position is unique because it is the sole commercial provider of electrical power in the province of Manitoba (Manitoba Hydro Website, 2008).

In the core of the Canadian resource/environmental policy, two main sets of societal interests are expressed: *productive interests*[23] – the process of producing marketable commodities from resources, and *public interests*[24] – related to non-

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of crown corporations in the Canadian society, while some argued that Ottawa did not possess real power to control them (Canadian Encyclopedia, 2008).

[21] Because of its huge economic potential, it cannot be neglected as an important policy player. In the 1960s and 1970s, the company built numerous hydroelectric projects and consequently it largely increased its generating capacity. Several hydroelectric projects on St. Lawrence River and the massive James Bay Project account for much of the company's hydroelectric generating infrastructure. With the opening of the power market in 1997, Hydro-Quebec gained access to its transmission system to the entire North American market. The James Bay Project is of special importance to Hydro-Quebec's development.

[22] Manitoba Hydro is regulated by the Provincial government. In 1997, the Nisichawayasihk Cree nation had begun negotiations with Manitoba Hydro regarding the development of a 200-megawatt hydroelectric power dam at Taskinigahp Falls on Burntwood River within the Nelson House Resource Management Area. The nine year process of negotiations resulted in the signing of the *Project Development Agreement*. Members of the band in fact voted for the acceptance of the mentioned document. Manitoba Hydro and the Nisichawayasihk Cree nation became official business partners (Manitoba Hydro Website, 2008).

[23] *Production-based interests* are largely connected with market-driven resource extraction processes and grouped around industrial organizations (businesses and labour unions involved in mining, energy, fishing, or logging activities). Their main interest is to accumulate profit generated from these activities. Their ideological core can be explained in the sense that all social benefits and those of a private company have to be a subject of the free market (*ibid.*).

[24] *Public interests* usually refer to widespread public interests in environmental integrity – this is usually the basis for initiation of environmental organizations. The "new environmental" paradigm represented by contempo-

market aspects of resource and environmental use. Hessing and Howlett (1997: 108) state that the main clash exists

> between public and productive interests. However, the dominant discourse has been developed by productive interests, centred on the idea of the exploitation of publicly owned resources for private profit. This exploitation has been carried out largely by private companies, and thus business is a prominent societal actor, which plays an active role in agenda-setting. Because most of this exploitation has been carried out on public land, however, the state has also been closely involved in this process.

The term *public* is widely used in a sense that is represented by non-state actors who are not holders and representatives of productive interests (Hessing and Howlett, 1997: 78). The role of government officials and industrial corporations has been visible in resource and environmental agenda-setting throughout the Canadian history. At this stage, the role that non-market actors play "remains much less obvious" (Hessing and Howlett, 1997: 112). Public participation has to be an important determinant if a certain policy process wants to be "democratic". Consequently, the role of the state in this sense would be legitimized, and it can be recognized as an "independent arbitrator" of different competing interests. In the resource/environmental context, public participation assures that one policy issue appears on the policy agenda, but at the same time it ensures that this issue is also incorporated into the later part of a policy process (*ibid.*).[25] As the authors add:

> Increased public knowledge about environmental problems, and the emergence of a more diversified economic base, have also contributed to the mobilization of the Canadian public. The ecological dimensions of resource policy are now considered to have not only economic but also significant aesthetic, social, health, community, and political consequences (p. 113).

Aboriginal involvement in hydro-electric development can be understood in at least two ways: firstly, they act as *environmentalists* – in preservation of their natural environment; secondly, as *development advocates* – they want to be a part of the business environment. These two types of interests are often in mutual opposition. Many struggles in aboriginal communities can be explained by this distinction of interests.[26] As we will

rary environmental organizations also represents a material interest even with the groups that are not directly connected with productive interests (*ibid.*).

[25] Hessing and Howlett (1997) enumerate the following representatives of non-productive interests: the media, political parties, pressure groups, and environmental non-government organizations (ENGO).

[26] The Cree, to which our presentation is oriented, are an aboriginal nation of North America. Their "territory" encompasses the field from the Rocky Mountains to the Atlantic Ocean in Canada and the United States. Their ancestral Cree language was once the most widely spoken in northern North America. They are the largest group of First Nations in Canada with over 200,000 members. The Quebec Cree nation calls its homeland *Eeyou Istchee* – Cree for *Land of the People.* The Cree assumed the living patterns of those with whom they came into contact, so that there were two major divisions: the Woodland Cree, also called Swampy Cree, or Maskegon, whose culture was essential-

Figure 2. The "power cube": levels, spaces, and forms of power (source: Gaventa, 2006: 25).
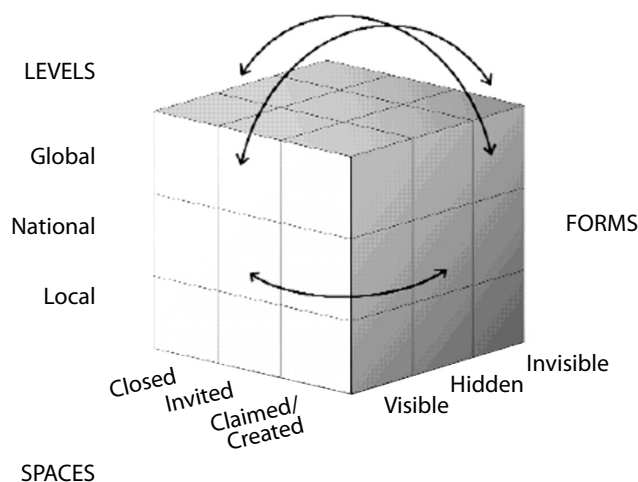
see later in the case of the Wuskwatim project, the Nisichawayasihk Cree nation was divided regarding the issue of support to the project.

3. Research model: using Gaventa's power cube

Gaventa (2006) expands Lukes' original idea of three dimensions of power with channels of possible participation in the policy process.[27] Into the Lukes (1974) concept, he introduces additional dimensions: *spaces* and *levels*. In the context of the term "spaces", there are different explanations, but for our purpose the

most common is the term "policy space" – to examine the moments and opportunities where citizens and policy-makers come together (Gaventa, 2006: 26), as well as "actual observable opportunities, behaviours, actions and interactions (...) sometimes signifying transformative potential" (McGee, 2004: 16). As Cornwall (2000) points out, those spaces are not neutral categories, but are shaped with power relations – power can enter into space and at the same time space can be surrounded by it.

In the case of *closed spaces*, it is necessary to point out that decisions are made behind close doors without the desire of decision-makers to broaden boundaries for other policy players. *Invited spaces* are those where people are invited to participate by different kinds of authorities – governments, supranational agencies, or non-governmental organizations. Many civil society efforts are oriented towards opening up such spaces through the core of greater public involvement. Invited spaces are

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ly an Eastern Woodlands type, though their environment forbade them maize cultivation and made them rely wholly on hunting; and the Plains Cree, who, living on the northern Great Plains, became bison hunters (McMillan, 1995; Dickason, 2000; Phillips, 2001).

[27] Gaventa (2005) adapts the original model of different expressions of power from Vene-Klasen and Miller (2002).

imagined as spaces in which individuals and groups are invited to participate. The "invitation" usually comes from national government, supranational body, or non-governmental organizations. Such spaces are more or less regularised and institutionalized, some norms or rules of discussion are valid and could also be closely connected with the idea of participatory government (Soja, 1996; Gaventa, 2005). Last but not least, *claimed/created spaces* are claimed/created by less powerful policy actors from or against the power holders (Gaventa, 2006: 26-27). Such spaces occur as a result of public mobilization or are "created by social movements and community associations, to those simply involving natural places where people gather to debate, discuss and resist, outside of the institutionalised policy arenas" (Cornwall, 2000; in Gaventa, *ibid.*).

As mentioned, Gaventa (2006) adapts Lukes' (1974) vision of the three dimensions of power to his power cube. *Visible power* means that this level includes the visible and definable aspects of political power – the formal rules, structures, authorities, institutions and procedures of decision-making. Strategies connected with this level are usually trying to change the "who, how and what" of policy-making, aiming to change the policy process so that it will be more and more democratic, and, consequently, it will especially serve the needs and rights of the people. In the context of *hidden power*, certain powerful actors and institutions maintain their power or influence by deciding who can participate in the process of agenda-setting and what kind of issues can become actually interesting for decision-makers. *Invisible power* shapes the psychological and ideological boundaries of participation. Significant prob-

lems and issues are a given form of the decision-making table, and at the same time shape the minds and consciousness of the different players involved.

Furthermore, at this point, the concept of three faces of power is expressed in more detail. In the first face of power, A participates in the making of decisions that affects B, even if the latter does not like the decision itself or its consequences (Birkland, 2007: 66). From the pluralist perspective, the definition of problems and the determination of policy agendas are in some sense the outcome of a process of competition between different groups (Truman, 1951; Dahl and Lindblom, 1953; Dahl, 1958, 1961). The power of influence usually becomes a part of policy agenda and is more dispersed than concentrated. Early versions of pluralism accepted the definition that power and influence were not distributed equally, and policy-making was seen as something which is open to freedom of speech and public debate (Parsons, 1995: 125). What is typical for the political system is that the policy process is driven by public demands and opinions (Dahl, 1961). From the 1960s to the present the notion of public policy, as framed by pluralistic politics, has met a lot of criticism.

In the second face of power, A prevents B's issues and interests to become part of the agenda, or to become policy, even when an actor really wants to expand these issues (Birkland, 2007: 67). A very important contribution to the mobilization of the bias theory was made by Bachrach and Baratz (1970),[28] who agree

[28] Lukes (1974: 18) states that the Bachrach and Baratz concept can be understood also as "anti-behavioural", while Dahl's view takes "no account of the fact that power (...) may

that the pluralist case has failed to appreciate the extent to which those with power could exclude issues and problems from the agenda. A non-decision making will involve a narrowing of the issue for the real decision-making and policy community in this sense advocates "safe policy issues", which could be manipulated by a political community with values, myths, political institutions and procedures (Parsons, 1995: 141). The second face of power necessarily involves *decision* and *non-decision making*. Decision-making is a result of the exercise of power and possibly understood as a "choice among alternatives and modes of action" (Bachrach and Baratz, 1970: 39). On the contrary, non-decision is perceived as "demands for change (...) suffocated before they are even voiced; or kept covert; or killed before they gain access to the relevant decision-making arena..." (*ibid.*: 44-45).

The third face of power, according to Lukes, can be explained as "tough control", where the powerful actor manipulates with the powerless actor's interests (Napier-Moore, 2007: 2). In this context, Lukes (2005: 27)[29] explains that A "exercises power over *B* by influencing, shaping or determining his[/her] very wants". Napier-Moore (*ibid.*) states that indoctrination, acculturation and socialization

are parallel processes whereby the third dimension can be understood. As Lukes (*ibid.*) explains, the third face of power is the "most insidious" of all three – Napier-Moore (*ibid.*) poses it in a Marxian context,[30] where real interests are hidden from the powerless actor. At the same time, Lukes (1974) responds to his critics and explains that freedom to act is an important concept in this debate, the latter is an opposition to the Foucaultian view that both actors do not act freely – the powerless actor "is not able to willingly comply; he or she has no choice" (Napier-Moore, *ibid.*). Within the third dimension of power it is important to determine how much of people's "own sense of superiority or inferiority [is seen] as 'natural'" (Just Associates 2006: 10)? As Napier-Moore (2007: 8) states: "Processes of socialization, acculturation and indoctrination shape normative ways of thinking". There are more indirect means by which power is expressed – for example, psychological adaptations to the position of being without power. The sense of powerlessness may manifest itself as "extensive fatalism, self-depreciation, or undue apathy" (Gaventa, 1980: 17). Anyhow, quietness in a community, its static stance towards changes, seems to adopt a style or habit which could be explained, in Gaventa's terms (*ibid.*: 208), as "the culture of silence".

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be exercised by confining the scope of decision-making to relatively 'safe' issues (...) the model provided no *objective* criteria for distinguishing between 'important' and 'unimportant' issues arising in the political arena" (Bachrach and Baratz, 1970: 6).

[29] Daugbjerg (1998: 45) is doubtful regarding Lukes' (1974) definition of the third face of power and adds that "the exercise of third face of power is more a matter of degree than type".

[30] In the context of the third face of power, Lukes (1974, 2006) speaks about a "false consciousness" – this is, in a way, a Marxist understanding (not in a strict manner) of the opposition between people's "real interests" and ideological blindness.

4. Aboriginal participation in hydroelectric development: from exclusion to partnership (application of Gaventa's power cube)

4.1. Visible power in invited spaces: the Manitoba environmental hearings

Establishment of invited spaces in the sense of greater participation of minority groups in public policy-making is a modern trend throughout Canada and abroad. The main goal is to create a direct participation of groups "from the edge" and other interest actors, so that they can freely debate about important policy issues. The first dimension of power in a pluralist democracy introduces transparency and inclusiveness, while at the same time decisions are made in public spaces where the proper and correct rules are established (Just Associates, 2006: 9). Instruments such as policies, laws, constitutions, budgets, regulations, conventions, agreements, and implementing mechanisms are important factors ensuring that procedures can be democratically carried out (*ibid.*: 11).

We can look, for example, into the structure of the Manitoba hearing process. Environmental assessment in Manitoba is a process carried out under the supervision of the Environment Act (1988) and accompanying regulations. Current legislation presupposes for public and private developments that all potential negative effects must be published before construction works and operations start. The responsibility of the Minister of Conservation is to convene the hearings. The *Clean Environment Commission* (CEC) is the main body that conducts the hearings. It consists of a full-time Chairperson and part-time Commissioners appointed by Order-in-Council. Hearing panels consist of three Commissioners (Sinclair, Diduck, and Fitzpatrick, 2002: 5).

At the hearings, the Commission receives presentations from the project proponent, the general public – both supporters and opponents – and various government departments responsible for reviewing the proposal. Public presentations are usually limited to 30 minutes or less. Presenters can be questioned by fellow participants and by the hearing panel. The Commission assesses the evidence and prepares a report containing advice and recommendations to the Minister, who can accept or reject all or part of the recommendations (*ibid.*: 5-6). Participants are treated as persons or organizations which have applied for, and been granted, funding under the *Participant Assistance Program*,[31] or which have applied for it, but have not been granted, and which express the desire to be given the status of participant. Furthermore, participants are persons or organizations which request the status of participant, and are specified in such a way by the Panel for all or only part of the proceeding, and on such conditions as the Panel considers appropriate (CEC Participants Handbook, 2008: 10).

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[31] The Participant Assistance Program (PAP) is confirmed by the Minister of Conservation and regulated by the *Environment Act*. This act provides funding or other assistance to individuals or organizations to ensure their participation at public hearings. Finally, the Minister of Conservation decides if the Participant Assistance Program will be applied to a particular project and hearing. In July 2003, the Commission's Participation Assistance Committee decided to support activities of 11 participants with the sum of 876,438 Canadian dollars (Reports on Public Hearings, 2004: 11).

In his research *Assessing Public Participation in Canadian Public Electric Utilities*, Cruikshank (2006) makes some important conclusions regarding public debates in hydroelectric projects. His findings in the *Wuskwatim case* show that the provincial Crown Corporation Manitoba Hydro "perfectly aligned with best practises with regard to the *timing of public engagement* (...)" (*ibid.*: 37). In some previous hydroelectric developments, the inclusion of aboriginal communities intentionally started later in the process, so that they would not have enough time to influence particular projects. Regarding the *fairness of the process*, the author concludes that it is possible to define it as "perceived to be fair" (*ibid.*: 36). Cruikshank (*ibid.*: 39) assesses *input opportunities* as "perfectly aligned with best practices". Generally speaking, this means that channels for different interests were more or less open. Regarding the last determinant – *provision of technical information* – Cruikshank states the following: "While the alignment to best practices in Nelson House was excellent, the inconsistency of information provision across other publics means that overall, provision of technical information about the project aligns only generally with best practice" (*ibid.*: 40).[32] The latter means that the

informing of the interested public applied largely to only one aboriginal community. It is true that the Cree of Nelson House are intensively included in the Wuskwatim project, but at the same time they are also co-proponents of the project (with Manitoba Hydro).[33] Due to

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sources are available. The Crown Corporation in is this case "at least aware" (p. 17) of introducing some best practices. When the relationship can be defined as *misaligned*, it means that few resources are on disposal. The Crown Corporation is not focused on methodology issues. In the case of a *severely misaligned* relationship, no resources are available, and the Crown Corporation advocates an "antagonistic" position regarding the methodology.

[33] The NCN community is an official co-proponent of the Wuskwatim project. But not all members of the community agree with that kind of "modern partnership". For example, an opposition group from the community called *Justice Seekers* opposes the project. The group wants the whole process to be more transparent, and it petitioned the Federal Government for a forensic audit of all operations. Justice Seekers also successfully lobbied to have Federal election observers in the June 2006 referendum on the *Project Development Agreement.*

In this context, it is useful to introduce Phillips' (2003) division between the *normative* and *derivative* publics. Normative publics are individuals or groups affected by proposed development projects. If a particular Canadian hydroelectric utility wanted to build a dam in a local community, the company would have to consult the community and offer some kind of measure in response to negative effects (Cruikshank, 2006: 5). Derivative publics (such as environmental NGOs) can pressure the public or try to gain the support of a particular government. When we have a case in which derivative publics are directly impacted by a proposed project, they are in fact the normative public (*ibid.*: 6).

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[32] Cruikshank (2006) uses the following assessment methodology. The relationship between two actors is *perfectly aligned* when, for example, a Crown Corporation throughout the project improves the relationship, gives the community enough time and resources to participate. In this sense, the Crown Corporation follows an internationally recognized methodology. When the relationship is pictured as *generally aligned*, some effort is made to build a correct relationship before the hearing process, and some time/re-

their co-proponent status, it is possible to assume that they have been better informed than other communities.

Similarly, analyzing previous environmental public hearings in the province of Manitoba, Sinclair, Diduck, and Fitzpatrick (2002) have diagnosed some shortcomings: weak and unclear mandate of the CEC; decisions were foregone conclusions; inadequate range of participants; incomplete and inaccessible public registry; costly participation; inadequate pre-hearing activities; unanswered participant questions; lack of transparency and monitoring of decisions; unqualified panellists; lack of resources for technical assistance.

Concepts of power are important in the explanation of such spaces. Lukes' theory of three faces of power is well known. According to the theory, institutionalized invited spaces largely correspond with the main propositions of the first face of power – clearly established rules and open conflict. But it is possible to say that, in some way, it represents the will of governments to control certain actors and select potential issues – which is close to the second dimension of power. Moreover, the process of "positive" passivity and assimilation of the local Cree by the provincial government and Manitoba Hydro is also perceived. The latter is similar to Nye's (2002) concept of *soft power*. When Gaventa (1980) adapted the third dimension of power to a small community of miners in the Appalachian Mountains, he found out that defining the passivity of a community takes a lot of time and, in some cases, is not so visible and easily recognized. Finally, we may add that the concept of three explanations of power is somewhat "fluid" – when we try to introduce also the Foucaultian conception of micro-po-

wer (as a fourth dimension), then explaining fluidity between different concepts is even more complex.

Additionally, in the context of criticizing the concept of invited spaces, no clear *pro et contra* arguments can be made. Why is that? In some situations invited spaces, as defined by deliberative democracy, are useful and add something to better final results, but in other cases they can operate as places for greater control over the included public. The latter is not as visible a determinant as the one just mentioned. When in invited spaces the role of an individual is overemphasized, Habermas (1984, 1990) talks about a "de-skilling" civil society, which results in the decline of public participation.

4.2. Second face of power: manipulating with information

Inadequate (insufficient) information about a particular project given by decision-makers and its administrative bodies fits in the context of the second face of power. This selection process gives to power-holders another tool whereby it is possible to manipulate actors without power. In the case of the *Wuskwatim project*, Kobliski (2004: 6) states that Manitoba Hydro and the co-proponents were "pushing the project too fast without proper and thorough consultation with the people". His negative stance could also be explained as a "*speeding up*" of the process – or something like *"changing the pace" of a particular policy.* Kobliski (2004: 10) also points out that there have been no open band meetings where the people could freely debate the pros and cons of the project, and only small meetings took place with isolated groups. Kate Kempton (2004) adds that Manitoba Hydro firstly denied

that Wuskwatim would have any effect on the operations and impacts of the existing hydro system. Later on, the explanation changed a little, when Hydro stated that "there would be system impacts" (*ibid.*), and Hydro's final message was that the impact "would be minimal, and therefore, could effectively be ignored" (*ibid.*). Modern deliberation presupposes correct communication between proponents and the public. Manipulating with important data is in some sense a strategy of prevailing in a public debate – very similar to what Foucault defines as exercising power at the micro-level (through discourse).

Cruikshank (2006) agrees that in some sense, as mentioned above, that was also some inconsistency in providing technical information. But, as he warns, opponents of a particular project often intensify activities to show its negative aspects. Some publics "come to the process with the intent to disrupt the process and be intentionally antagonistic. These publics take advantage of a lack of transparency (...) to insert misinformation or misinterpretation of public information into the process" (*ibid.*: 65).

In the case of the *La Grande* project, the Quebec government did not inform local aboriginal communities – the Cree of James Bay were informed about the project through the media (Rousseau, 2000). The federal government also decided not to intervene, when the Cree asked the federal minister to take action. The federal cabinet approved this position and labelled it as "alert neutrality" (Feit, 2001). The Quebec government did not want to allow the Cree to participate in the public sphere on the basis of their "Cree-nes" – it refused to recognize the different form of their political status (Rousseau, 2000: 145). In earlier periods

of Canadian hydroelectric development, the democratic procedure was clearly understood as a Schumpeterian perception that the role of the public in determining certain policies is always in the core of elections. At this point, it is necessary to answer the question if maybe the Schumpeterian position is, in a way, an antithesis to its primary definition?

The economic benefits of modern hydroelectric projects are often presented by government officials and hydro companies' representatives in terms of economic development: job creation, profit, new additional infrastructure (schools, houses). Many examples show that there is an important difference between real socio-economic benefits of a particular project and ideal explanations presented at public hearings and other debates. Documents from the *Grand Rapids* (Northern Manitoba) hydroelectric project (from the early 1960s) report that the local economy was "in good condition" prior to the implementation of the project. Finally, the local Cree got a new place to live; the community was completed in 1964. But this area was rocky and poor for hunting, trapping and gardening. A thin layer of topsoil prevented the establishment of proper sanitation facilities, and as a consequence health problems appeared very soon. As a result of various causes, many families moved away from Easterville in 1966 (RCAP, 2006: vol. 1, part 2, ch. 11).[34] Similar facts of destructing the tra-

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[34] The story of marginalization was not over – a dramatic decline of important animals was documented after the flooding; many negative consequences had been recognized in the family structure; parents reported lack of control over the behaviour of their children, as well as long periods of using alcohol by many adolescents (RCAP, 2006: vol.

ditional way of life have been expressed by Niezen (1993) in the context of the *La Grande* project in James Bay (Quebec). The Project was begun in the late 1970s and was presented by the Quebec government as having only minor environmental consequences. The community of Chisasibi near the mouth of La Grande River was most visibly affected by externally imposed change. Niezen (*ibid*.: 511) writes that "Chisasibi's high rates of alcohol and drug abuse, family violence, suicide, and juvenile crime" had been in "contrast with" a predevelopment way of life (*ibid*.).

Manitoba Hydro and the Nisichawayasihk Cree Nation (NCN) community had assured throughout the project that their cooperation was based on equity. Many scholars assume the opposite. For example, Manitoba Hydro decided to borrow money to the NCN community; Hultin (2005) underlines that consequently the financial risk would be one third of a nearly 1 billion dollar price tag. One of main arguments in the core of the Wuskwatim project was that potential new jobs are important gains in the light of the project. But the nature and quality of jobs are important determinants in the context of a community's economic development. In his research, Hultin (2005: 16) states that "... more jobs are going to be available in the summer season than in the winter. As well, during the busy season, the workforce could

reach 540 workers, but drop off dramatically for the slower periods with a maximum of 370 workers..." Mere inventing of new deliberative spaces for participation, as shown, is often useless activity. Many determinants in the context of participatory democracy have to be reconstructed. For example, an idea of invited spaces presupposes a "top-down" operation – provincial governments and consequently government administrative agencies control the entire process of public hearings. Fung and Wright (2007: 169), as mentioned, propose the "bottom-up" approach – in this sense, all operation activities have to start from the bottom.

The Chief and the Council of the NCN community explained in many ways the importance of introducing the concept of *traditional knowledge* into hydroelectric development in the context of the Wuskwatim projects. The low-head design chosen for Wuskwatim would create the least amount of flooding of any hydroelectric project ever developed in northern Manitoba. According to them, the traditional knowledge has been used also for the location of the construction camp and access road, and in the development of an access management plan to protect the resources and sacred places around the Wuskwatim dam (NCN Website, 2008). In contrast to this, Widdowson and Howard (1996, 2006) negate the usefulness of incorporating traditional knowledge in environmental assessment and public policy. Their argument lies on the assumption that using this concept is false because of its "spiritual component and unscientific reasoning" (Widdowson and Howard, 2006: 1). The incorporation of traditional knowledge into public policy more generally "results in incorrect as-

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1, part 2, ch. 11). In this case, a dependency theory can give the right explanations of relationship between the Cree band and the government. According to Loney (1987: 73), this was "a direct and inevitable consequence of the destruction of their economic base by the Province of Manitoba and by Manitoba Hydro with the acquiescence of the Government of Canada".

sumptions since spiritual beliefs cannot be challenged or verified" (*ibid.*). Finally, the authors agree that the main reason for promoting this concept lies in the intent of political and economic forces to get money for development projects from state funds and to carry out unsustainable development (*ibid.*).

4.3. Levels of participation: creation spaces of participation from the bottom

The majority of important alliances in the context of the Wuskwatim project were set up on the provincial level. But for example, the members of the Pimicikamak Cree Nation (PCN) in Cross Lake, Manitoba, have been strong opponents to the proposed Wuskwatim project. The community decided to find support abroad and got the attention of Robert F. Kennedy Jr. and the American Natural Resource Defence Council. The complaints of the PCN community culminated in a motion to the provincial CEC in July, 2003 to expand the scope of the Wuskwatim review to include an environmental impact assessment of all existing Manitoba Hydro facilities related to Nelson River and Churchill River Diversion, as well as to other similar future projects. The CEC denied the motion, but this was not the end of opposition by the PCN.[35] The community

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[35] The PCN community is not directly affected by the Wuskwatim project. According to Phillips' (2003) differentiation mentioned above, the PCN is a derivative public. As Cruikshank (2006: 36) notes, Manitoba Hydro tried to work with the community to develop an NFA implementation agreement, but the PCN left the negotiations in 1997. As a derivative public, the community used the strategy influencing the debate in the sense that they asked for a revision of all hydro-

began travelling to the mid-western US to find support (Criukshank, 2006: 33--34). In an interview (Natural Resources Defence Council, 2004), Chief John Miswagon of Northern Manitoba's Pimicikamak Cree commented on the reason why the community decided to find outside support:

> Americans consume 35 per cent to 40 per cent of the power that Manitoba Hydro produces, and most of it is sold to Xcel Energy for resale to its customers in Minnesota. American utilities and companies buy it because it's so cheap, but it's cheap because the costs of all of the catastrophic environmental and social harms have not been meaningfully addressed at this end of the production. There has been virtually nothing spent on the remediation and mitigation of the conditions on this end. In this way, the power exported to the U.S. is subsidized power, subsidized at the expense of the boreal forest, of our homeland, of our lives and our culture.

When we have some sort of invited spaces we assume, activities for gaining international support are not so visible. Maybe the clearest example of strong international support is that of Great Whale in Quebec where the Cree, because of non-cooperation strategy by the Quebec government, decided to act internationally. At first they set up an alliance with the Kayapos from Brazil, who had great success in drawing public attention to activities against the destruction of Amazonian rainforests (Rousseau, 2000: 338). The Cree found attention also in the Eu-

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electric projects in Manitoba – in a different space of the debate they wanted to introduce their will and place their own interest.

ropean Parliament, the Vatican, the International Water Tribunal, the Barcelona Olympic Games in 1992, and international conferences on human rights and the environment. They also used the UN structure to present their concerns over James Bay II (for example, the 1992 Rio conference and the 1993 Vienna conference on human rights) (*ibid.*: 347). Additionally, the New England states, especially Maine, Vermont, and New York, became central levels of confrontation and negotiation between the Cree and Hydro-Quebec.[36]

The previous project in James Bay, called *La Grande*, was more specific. The Cree started with opposition and created spaces for participation very late in the project. This happened due to the fact that the Quebec government and Hydro Quebec[37] did not inform the Cree com-

munities on time. Consequently, the reaction of the aboriginal peoples was not so visible, and it largely predominated with the role of Courts. The case of the *Grand Rapids Project* in Northern Manitoba (begun in the late 1950s) was a development project where the Chemawawain community, similar as the Cree in the Great Whale project, had no real possibility of making real spaces for participation. At the time when the provincial governments and Manitoba Hydro first established contact about the plans regarding the Grand Rapids Dam, they found a community with more or less no experience in negotiating with the government. The Cree had very few formal dealings with the government and no experience in how to lead complex formal negotiations. Additionally, very few people spoke English (RCAP, 2006: vol.1, part 2, ch. 11).

The *Churchill River Diversion Project*, another hydroelectric project in Northern Manitoba from the 1960s, attracted greater attention on the provincial, national, and international scenes, where the aboriginal peoples could make use of previous experiences (Waldram, 1988: 217). Friesen (1999) additionally found out that the majority of initiatives came from the bottom. The four Christian churches (Anglican, Catholic, United, and Mennonite, formed in 1973) that constituted the *Interchurch Task Force* on Northern Flooding, helped especially the people of Nelson House and other affected aboriginal communities. Due to the fact that the government of Manitoba (supported by the federal government) refused to hold public hearings on the project, the Interchurch Task Force intensively sponsored four days of public hearings, chaired by C. Rhodes Smith, former Chief Justice of the Province of Manitoba.

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[36] The Cree quickly set up alliances with potential adversaries of the Great Whale project, and at the same time lobbied State governors and utilities to cancel their contracts. From 1989, the Cree intensified their activities in the United States, where they organized with their partners and allies press conferences, information conferences, public demonstrations in large cities, public hearings on environmental issues in the three signatory states, colloquia in colleges and universities, and legal proceedings aimed at reopening contracts (Rousseau, *ibid.*). As a result of widespread Cree action in all levels of participation, the Government of Quebec and Hydro-Quebec suspended the project in 1994.

[37] The Quebec government perceives Hydro as a kind of political symbol – hydro power means some sort of political and economic independence from Canada. The latter can be understood in the sense that Hydro Quebec is a sacred cow – something like "if you are against the Hydro your political position is against Quebec" (Hyde, 2000: 2).

5. Concluding remarks

5.1. Deliberative democracy and the question of power

It is necessary to mention three waves of public participation in the Canadian hydroelectric development. In the core of the first period, provincial and federal governments act clearly according to the essence of the "narrow" definition of what has to be democratic. In the sense that "just elections are important", they did not recognize the importance of public participation in defining development policies. In fact, they acted as "neutral blind men" – uninterested in open gates for aboriginal groups. In the second era of hydroelectric development, aboriginal groups gained some expert knowledge and experience from before as to how seriously they could be affected by hydroelectric development. Their activities were performed additionally at the international level. Consequently, their efforts became increasingly visible. Governments in this period were a little more cooperative, but still very passive and uninterested in possible cooperation with the aboriginal peoples. All aboriginal efforts in exerting stronger pressure against the government activities were organized according to the "bottom-up" principle. Many scholars picture the third period as the era of "new partnership". Without any doubt, the new way of cooperation can be seen as an advantage in cooperation between the aboriginal peoples and the stakeholders in hydro industry. On the general level, we are advocates of such cooperation, but many determinants in this story are still undefined.

In what way is it possible to reconstruct the concept of such spaces of participation? It is evident that financial support or additional spaces, and even improved rules of democratic participation, are not factors which can adequately enhance conditions for greater influence of aboriginal groups. The answer is maybe lying in the combination of "old practices" and "new ideas" of deliberative democracy. The fact is that all hearing activities have to be led by an independent body which is not under the supervision of any government. Non-governmental organizations have to determine rules of participation. Governmental actors would operate in the core of the "new conception" as advisors and coordinators of certain activities. At this point, we do not deny the potential of the concept of invited spaces, but incentives have to be largely initiated from the bottom.

Even if democratic procedures are ensured in the process of aboriginal participation, some determinants of deliberative democracy are still insufficient. As mentioned above, many scholars state that the main problem may lie in presenting important information about a particular project to the interested public in a reliable way. Furthermore, modern procedures of participation in the Canadian deliberative praxis determine what kind of information has to be presented. It is also well known that proponents and opponents of a project usually prepare studies which are in favour of their current position. A solution in this case could be that all included interest actors propose an independent research body, which would include all existing studies and separate opinions of experts, and carry out some additional research. The final decision of this body would be obligatory for all actors affected by the proposed project.

5.2. Where do we go from here? Towards the fourth face of power and the birth of micro-politics

Control (gatekeeping) of public participation is usually explained on the macro-level – interest is given largely to the function and operation of different groups acting as gatekeepers. Dahl (1961) and Bachrach and Baratz (1970) offer clear explanations of policy actors and of the process of control of resources, issues and agendas in that respect. Lukes' (1974) definition of power is trickier. His "shaping normality" concept offers different explanations and answers, or as Berenskoetter (2007: 10) states, Lukes' concept of power is more "agency oriented", making it possible to recognize dichotomies between powerful and powerless actors, but his conceptualisation of structure is very "thin". Conversely, Focault's approach focuses on "tracing historically entrenched mechanisms or 'techniques of subjectification'" (*ibid.*). Reflecting on the general level, the difference between Lukes and Foucault is, in some way, even more diffused. Lukes started from the idea that an individual or relations between individuals could mean another move towards studying and developing concepts of micro-politics, in some sense concepts of micro-domination.

In some sense, Digeser (1992) has initiated the idea of the fourth face of power, an idea which might provide additional knowledge concerning the power debate. At this point, it is useful to underline that the Foucaultian concept does not exclude the other three faces of power; on the contrary, it offers a new level of analysis of the power phenomenon. Additionally, in Foucault's view, the first three dimensions largely neglect what he calls "the modern, disciplinary character of power" (Digeser, 1992: 991). Why then a debate about the fourth face of power? In our view, the process of gatekeeping is somewhat easy to define in the sense that, for example, state policy players are recognizable due to their potential in terms of resources, knowledge, etc. When we have some kind of invited spaces, the classical logic of controlling the "main gate" to the policy process is somehow "destroyed". Possible chances for controlling the main policy issue and actors are moved to a particular (controlled) space of participation. The individualization of a particular power relationship is clear, and the process of research interest is moved from the macro-level to the micro-level. Again, the process of domination on the micro-level is never "static"; on the contrary, relations between different players jump between the micro-level and the macro-level of policy. What then is the key issue for future research? The subject of research interest can be called "micro-components of control". The main idea in this context would be that scholars are trying to detect the main "micro elements" that can be used as "tools" for controlling a debate. At this point, the idea of empowerment may become a "proper object of investigation".

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Sudjelovanje starosjedilaca u razvoju kanadske hidroelektrike: politička ekonomija i javne politike

SAŽETAK Suradnja u planiranju aktivnosti između vlada, provincijskih hidroelektričnih državnih tvrtki i starosjedilačkih naroda dobro je poznat trend u sadašnjem razvoju kanadske hidroelektrike. Primjeri iz kanadske ekonomske povijesti uče nas da su starosjedilačke zajednice bile uglavnom isključene iz sudjelovanja u razvoju hidroelektrike, premda im se život uvelike promijenio zbog negativnih učinaka tog razvoja. Novi oblici javne rasprave jamče starosjedilačkim narodima nove mogućnosti sudjelovanja, no istodobno, kako ističu mnogi kritičari, lako postaju sredstva kontrole u rukama vlade. Naše je istraživanje usmjereno na uspoređivanje različitih faza razvoja hidroelektrike s obzirom na sudjelovanje starosjedilaca, te ćemo pokušati pokazati zašto je moderna praksa deliberativne demokracije drugačija nego prije, ili zašto možda nije.

KLJUČNE RIJEČI sudjelovanje, moć, davanje moći, razvoj hidroelektrike, politika iskorištavanja resursa/zaštite okoliša, starosjedilački narodi, javne politike, Kanada