demonstrates recent biological ancestry and relationships that must be documented for conferring tribal membership" (89).

Her discussion on the complex benefits and risks that tribes weigh in using genetic parentage tests builds on previous scholarship about blood and blood quantum in Native American studies—such as Circe Sturm's *Blood Politics* (2002), Melissa Meyer's *Thicker Than Water* (2005), and Kēhaulani Kauanui's *Hawaiian Blood* (2008)—from this genetic angle. Following such critical analyses of blood quantum histories and laws, TallBear reminds us that we can never assume that "tribal and federal understandings of blood and reasons for instituting blood rules are in sync" (58), but rather, we must closely investigate how tribes situate such technologies and ontologies within their own needs and understandings of membership. In a similar vein, the book's conclusion offers some examples of "alternative mechanisms for Indigenous governance" over scientific research, beyond the limited provisions of law. In this section, she highlights promising recent developments such as the ethical guidelines issued by the Canadian Institutes for Health Research and critiques of the Genographic Project written by Asociación ANDES, a Peruvian NGO, and offers suggestions as to how such work could be applied much more broadly for the benefit of indigenous peoples. TallBear's analysis illustrates that greater indigenous governance and engagement in scientific projects is not only a matter of preventing exploitation and abuse, but also of enabling new forms of innovation that could be productive to all involved. Overall, *Native American DNA* is a generative book, certain to become a key text for teaching and researching issues of science, race, and indigeneity today.

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Negotiating the Deal: Comprehensive Land Claims Agreements in Canada. By Christopher Alcantara. Toronto: University of Toronto Press, 2013. 200 pages. $60.00 cloth; $24.95 paper.

There are currently twenty-four modern treaties in effect in Canada, also known as comprehensive land claims agreements. Further agreements await ratification or are under negotiation. Although individual agreements and the history of their negotiation have been described and interpreted, there has been little comparative consideration. Only a few pages of J. R. Miller's *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (2009) are devoted to modern treaties, for example. Yet modern treaties encompass approximately 40 percent of Canada's landmass, primarily in the north, in

three provinces and three territories. Christopher Alcantara's comparison of four attempts to negotiate modern treaties—two completed and two incomplete—is a significant contribution towards filling this gap.

Alcantara's intent is not to write a "normative critique" of the modern treaty process, but to arrive at "a social scientific explanation of modern treaty settlements versus non-settlements in Canada" (121). In other words, he is not reviewing questions like the fairness or equitability of the treaty process, but only assessing those factors that lead, or do not lead, to the completion of treaties. In his own words, he does not attempt to apply value judgments to "the phenomena, actors, and processes under examination" (146, n7).

Yet a value-free narrative is easier to assert than attain. For example, his comment that "although federal officials constantly proclaim that they want certainty, the evidence seems to suggest that more often than not they benefit from uncertainty as negotiations languish" (149, n19) will surely earn endorsement from Aboriginal representatives and protests from the federal officials. A generalization of this type represents a personal assessment that goes, in my opinion, beyond the author's own non-normative objectives. Indeed the very subject of indigenous-state relations—a relationship founded on dealings between parties with very unequal power bases—is so infused with inequities that it would probably be better for commentators to declare their values and biases openly than assert a value-free stance that in fact is elusive.

More substantively, Alcantara's essential thesis is that an Aboriginal group is more likely to conclude a modern treaty when it meets four criteria: the group has compatible goals with government; it uses minimal confrontational tactics; it maintains group cohesion in relation to the treaty negotiations; and it is perceived positively by government (121). Conversely, incompatible goals with governments, a history of confrontational tactics, a lack of Aboriginal group cohesion, and negative government perceptions "will likely prevent an Aboriginal group from completing a modern treaty" (121). This assessment is based upon a comparison of four sets of negotiations: those involving the Labrador Inuit and the Kwanlin Dun First Nation in Yukon (both successful) and the Labrador Innu and the Kaska Dena in Yukon (neither successful to date).

The criteria selected are reasonable, and consistent with what one might deduce from a course in negotiating skills. For example, acceptance by each party of at least some of the other party's objectives is intrinsic to reaching agreement—any agreement. Confrontational tactics, whether used within or outside the negotiating room, while sometimes useful for dislodging parties from entrenched positions, will usually have a polarizing effect that will run counter to the ultimate goal of reaching an agreement. As well, group cohesion is important both for articulating a consistent position at the negotiating table, and for showing that the negotiators have the support of their constituents.

Finally, as earlier alluded to, the relative bargaining strength of the two parties to the negotiating process is markedly unequal, hence the importance of positive government perceptions of the Aboriginal party. For all these statements the converse is, necessarily, also true. What is most valuable in Alcantara's work is his examination of these factors in the contexts of the four claimant groups.

The relation of litigation to the successful negotiation of a treaty is an important area of discussion. In the history of land claims negotiations, the importance of legal decisions has often been pointed to. It is difficult to imagine the Nisga'a Final Agreement in the absence of *Calder*, the James Bay and Northern Quebec Agreement without *Gros-Louis*, or the Mackenzie Valley Dene negotiations without *Paulette*. Many other cases could be cited.

In this regard, Alcantara emphasizes the context in which litigation occurs. Here he cites Christa Schultz, saying that the Canadian government's 1973 decision to negotiate the settlement of Aboriginal title claims, following the Supreme Court of Canada's 1973 decision in *Calder*, was not so much a result of *Calder* per se, as an outcome of Aboriginal peoples' organization and mobilization in the 1960s and 1970s. He remarks: "In essence negotiation policies emerge only when significant Aboriginal mobilization occurs *before* positive judicial decisions" (145, n1). Further, Alcantara points out that litigation, while affecting the framework in which negotiations take place, does not explain why some groups, and not others, have been able to conclude agreements. Thus both Inuit and Innu obtained an injunction against Inco in Labrador, but "only the Inuit were able to capitalize on the judicial outcome" (148, n16).

Generally, he views the Aboriginal case law as somewhat supportive of Aboriginal rights and title, but as often overshadowed by other imperatives: "government incentives to negotiate come from judicial decisions and a growing awareness of rights, while stronger disincentives come from institutional structures like the constitutional division of powers and the nature of the federal comprehensive land claims process. . . . structural and economic imperatives seem to trump the influence of rights" (29).

Further, he shows that litigation not only may be uncertain in its result, but also elicit a hostile governmental response. In particular, Alcantara gives the example of a First Nation on Vancouver Island that was cut off from negotiating a provincial "Interim Treaty Agreement" because it chose to sue the provincial government on an unrelated issue. It seems that the Province of British Columbia will not negotiate with a group that is suing it (130).

In this context I would like to correct a remark by the chief federal negotiator for the Nunavut Inuit land claim, Tom Molloy, whom Alcantara quotes as saying that "unlike a great many other Aboriginal peoples worldwide, the Inuit did not have to resort to litigation to have their rights acknowledged" (61, citing Robert McPherson, *New Owners in Their Own Land: Minerals*

and Inuit Land Claims, 2003, 270). In fact, even though their claim had been accepted for negotiation, Inuit did litigate in *Hamlet of Baker Lake v. Minister of Indian Affairs* (1978)—a case that challenged uranium exploration on lands subject to the Inuit claim. Molloy himself elsewhere recognizes *Baker Lake* as important, as this decision indicated how Aboriginal title and rights were to be established as cognizable at the common law (see Tom Molloy and Donald Ward, *The World Is Our Witness*, 2000, 118–19).

Alcantara concludes by suggesting that his framework might be used to examine other intergovernmental negotiations in Canada. As examples he suggests federal-municipal and provincial-municipal negotiations, and, most interestingly, federal-territorial. Certainly the circumstances of intergovernmental and Aboriginal land claims negotiations are very different. Land claims negotiations are about land and resource ownership, jurisdiction and self-government, and they occur in transcultural contexts that raise broad issues of history and colonization. Municipal and non-Aboriginal regional governments, by contrast, negotiate with senior governments in a more culturally homogenous and far more specific context.

Territorial governments may carry some Aboriginal concerns into their dealings with the federal government, due to the Aboriginal composition of their populations (approximately 25 percent in Yukon, 50 percent in the Northwest Territories and 85 percent in Nunavut). However, the territorial road map appears generally to follow the provincial norm. Federal-territorial issues are as diverse as those between the federal government and the provinces, and are resolvable as directly or with as much difficulty as federal-provincial disputes in general. The devolution of natural resources from the federal to the territorial governments is probably the major exception to this generalization.

In this regard, I question the emphasis Alcantara gives to Yukon's "administrative legislative control rather than constitutional jurisdiction over its lands and resources" (147, n4). It is true that "public real property" in Yukon is vested in the Crown in right of Canada, as the Government of Canada does not recognize a Crown in right of Yukon. Nonetheless, the administration and control, including the right to dispose, of public lands is tantamount to ownership—and much of the wording of Section 19 of the *Yukon Act*, describing the powers of the Yukon Legislature in relation to natural resources, is taken from Section 92A of the *Constitution Act, 1867* wherein the same powers are defined for the provinces.

Negotiating the Deal is an important contribution to our understanding of the negotiation of land claims agreements in Canada. It raises many questions that deserve further examination and points to many further areas of research.

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