International Journal for Peace and Justice

MAURO INSTITUTE FOR PEACE & JUSTICE AT ST. PAUL'S COLLEGE

OOCHINEHWIN: Assessing Indigenous Peacebuilding Around the Keeyask Hydroelectric Project Through the Lens of Aboriginal Rights and Community Member Concerns

Peter Kulchyski

Introduction

> *I wish they didn't start it, let's put it that way. They didn't, they don't need it, ok? There's no need for Keeyask Dam. [Another dam] is already producing the power that they need, Kelsey's already producing the power, Long Spruce. Why do they need these dams in the first place?* (Tommy Nepetaypo, Former Chief of Fox Lake Cree Nation)

Northern Manitoba, part of the Canadian subarctic, has a long and storied history (in Eurocentric historical terms) through its central involvement in the fur trade. But over the last 150 years it has largely dropped off the map and become something of a colonial backwater. Since the early seventies, when the province and its Crown utility Manitoba Hydro began a major reconfiguration of the hydrology in northern Manitoba to build and operate a series of hydropower generating stations, it has played a critical role in the provincial economy. This reconfiguration involved rerouting one river (the Churchill) into another (the Nelson) in order to increase the flow on the latter and then building a series of dams, first in the seventies and eighties, and then in a second wave in the last

two decades. These developments have had an enormous, largely negative, impact on the Indigenous communities – mostly *Inninewak* (Cree) – along all the bodies of water involved. The following article was originally written in 2014 as a presentation to the Manitoba Clean Environment Commission as part of its assessment process on the environmental and social/cultural impacts of the proposed Keeyask generating station, which has since been built. The author worked with members of the Concerned Grassroots Citizens of Fox Lake (a Cree Nation, itself called the *Makeso Sahahikan Inninuwak*) located in Gillam, Manitoba near the site of the then proposed, now completed, dam. The statements from community members – all of whom were speaking for the public record and wanted their names attributed – were gathered as part of formal CGCFL presentations opposed to the project.

The Concerned Fox Lake Grassroots Citizens[1] (CFLGC), a local Indigenous people's advocacy group based in Gillam, Manitoba maintained that the power produced by the Keeyask Project was not needed by Manitobans; export markets may not need the power it will produce for some very long time, if ever; the value of Indigenous culture has long been underestimated by non-Aboriginal peoples and hence the value of the

[1] What follows is (as noted) adapted from a report written by the author and submitted to the Manitoba Clean Environment Commission about the environmental and social impacts of the proposed Keeyask Project. In the spring of 2013 an elder and traditional harvester from Gillam, Noah Massan, decided that his views were not being accurately represented through the consultation processes established by Manitoba Hydro and his band, the Fox Lake Cree Nation. Working with Agnes Pawlowska, then a graduate student who had met him during her work for a brief period with the Fox Lake negotiations secretariat, he established the CFLGC group, consisting of himself and a small group of elders, harvesters and knowledgeable band members.

impact of the project has been likewise underestimated; other models of economic sharing are available and look far more promising than the partnership model being advanced; the Keeyask Project has significant local environmental impacts of a nature that severely reduce local harvesting opportunities; and, a cumulative assessment of all the many past projects is needed before the impact of this one could be properly assessed; such a cumulative assessment remains urgent.

To better understand these objections to the Project, this article examines the role and value of traditional harvesters and hunting in remote northern Indigenous community life, explores the place of Indigenous traditional knowledge in assessing such projects and in its own right; discusses the ethical relations that underscore the impact communities like the Fox Lake Cree Nation or Tataskweyak Cree Nation are now experiencing in relation to the Project; looks at issues around governance and local decision-making; and raises a few other issues that have emerged from local voices critical of the Project. Meaningful peacebuilding in this context would involve a process that takes the aforesaid factors into account to genuinely accommodate the concerns of local Indigenous peoples. But it also means drawing from peacebuilding concepts that emerge from the rich Indigenous, in this case *Inninuwak* (Cree), ethical and philosophical worldview. The accumulated weight of this examination supports the conclusion advocated by the Concerned Fox Lake Grassroots Citizen's that the Keeyask Project should not have been built. Sadly, the CFLGC's warnings to the Manitoba Clean Environment Commission have not been heard and already many of the predictable negative outcomes on the economic, social and environmental level have occurred.

The Integral Nature of Hunting

If an Aboriginal right is a "practice, custom, or tradition integral to the distinctive culture" (Van der Peet, 1996) of the particular Aboriginal group, a compelling case can be made that, regarding *Makeso Sahahikan Inninuwak*, the most integral practices are those associated with hunting, trapping, fishing and other forms of traditional harvesting. Scholars have long characterized northern Indigenous peoples as "hunting peoples" (Brody, 2000). Hunting (and here the term is used to imply hunting, trapping, fishing, berry and root gathering, and other forms of harvesting) was and is the generative activity that was and is the foundation for the culture, and from hunting other distinctive elements of the culture developed. While hunting has evolved and changed, Indigenous hunters are still very much a part of the contemporary economies, using new technologies and integrating their activities where possible with market demands for fur or meat.

For many years hunting cultures were stereotyped as "primitive" or "savage" and thought to represent an early, outdated form of society that did not deserve to be called "civilized." However, in the last half of the twentieth century a reappraisal of hunters, lead internationally by now renowned anthropologists like Marshall Sahlins (1972), Richard Lee and Eleanor Leacock (1992), among others, took place. Hunters were seen to have created their own form of an "affluent society," appreciated for the degree to which it was sustainable and generally egalitarian. This, of course, accords with what *Makeso Sahahikan Inninuwak* and other *Inninuwak* have called *mino-pimatisiwin* or the good life,

a life in balance, a life in which ethical goodness is conjoined with pleasure and contentment. These views influenced a generation of anthropologists and other scholars in Canada, who began to advocate for the ethical, ecological and legal rights of hunters as hunters (Asch, 1997; Brody, 2000; Feit, 2013; Mills, 1994; Usher, 1982 etc.). Their views -- that northern hunters were not a vestige of some forgotten past to be modernized out of existence, but rather that hunting had far more to offer as a way of life than had been previously recognized -- have come to be accepted as the scholarly consensus.

Hence, when there is discussion of Aboriginal rights in the context of *Makeso Sahahikan Inninuwak* one of the meanings at its core is the protection of hunting and related activities. Hunting was not a "sideshow" to the discussion of the Keeyask project; rather, it was or should have been seen as critical. It is noteworthy that as well as being protected as an Aboriginal right, hunting is also specifically protected as a treaty right (see the promise in Treaty Five that the Indigenous signatories could continue their "avocations" of hunting). This does not exhaust Aboriginal rights -- Aboriginal languages and Aboriginal spirituality deserve particular mention as other features that would have to be seen as integral -- but certainly belongs near the centre of such discussions. And hunting should have been a critical element in the assessment of the impacts of the Keeyask Project on *Makeso Sahahikan Inninuwak* and on their Aboriginal and treaty rights. The legal doctrine of Aboriginal rights should serve as itself a peacebuilding mechanism because it ensures legal respect for Indigenous views; but too often, as in the case of the Keeyask project, it remains a secondary concern in which the "game" of a public hearing process is "rigged" in favour of the proponent.

Among the many hunting and fishing stories that was gathered by the CFLGC research team, Thomas Nepetaypo's story is interesting for its stress on what is now called by the United Nations "intangible cultural heritage," the knowledge or practices or language/symbols that are not objects but are critical to a way of life:

> It was interesting what, how grandpa handled the water and the river and all that. You learn from this. My dad was like that too, he could read the river, like the palm of his hand, and how to stay safe. So, we were doing that a few times. And then I crossed that river, I don't know how many times, and I walked with an old guy named Judah Frank, was a trapper, towards Gull Rapids, towards Butnoe but we had to walk further to the Gull Rapids, where the trapline was. And I stayed with him a few times in this cabin out in the bush. And all that is gone.
>
> He had to move his, his cabins are gone, they weren't, they were flooded. They didn't, Hydro never really cared, when they build the roads, they bulldoze everything down, with no compensation. The old man never got a cent for what he lost out there. In fact, his son just died not too long ago. He was the only son he had too. But that's where my mother sent me to learn to live off the land. You see, I lived with old Judah Frank. And I remember him taking me across the tracks to Kettle River to go check the nets....
>
> We didn't, Gull Rapids was too far back then. And we had five sacks of fish, man that was the hardest work I ever did, pulling it up the hill. And I had to tell him, "well push it, I can't do this by myself!" (laugh). He had a pole (laugh). It was fun, it was a learning experience for me. The only way I got away from the

> old man was sneaking away. I went back home (laugh). I asked my mother, "will you let me back in? I can't do it anymore, I think I've learned enough for now!" (laugh). Cuz that's where I was most of the time. That's how I got to learn what value I had in my mind and what we were losing.[2]

Another elder, Noah Massan emphasized that trap lines were family affairs, not merely the activities involving a single individual:

> That's another thing too, back in '60s if a guy had that trapline, everybody trapped there like a happy family. Happy family. You know everybody, cuz everybody lived off the land….They asked each other, these old people, "I'm gonna go catch something", you know. She was like "go ahead," you know, everybody was just like a big happy family in the trapline.

This was also eloquently emphasized by Nancy Beardy:

> My dad was a hunter for our family, whoever wanted things, eh? That's the kinda life we had, we lived off the land. And whoever came and got something it's, if they wanted something, like if we were short of lard or something, whatever, you know. Whatever. If we had fish, they'd come and ask if we had fish. They killed a sturgeon one time. Got a big sturgeon, holy, was he long.

---

[2] This was one of eight interviews conducted with Fox Lake Cree Nation members on behalf of CFLGC: varying from intensive, four or five hours per day discussions over two weeks, to one or two hour-long interviews. As well, research for this article involves observation and informal discussion with community members in other northern Manitoba hydro affected communities, especially Tataskweyak, by Kulchyski, over a period of more than ten years. All interview subjects agreed to allow their names to be used, and their comments are on the public record.

> Oh, and we saw, I seen the movie and it was those sharks. I said, "Dad, how come you're killing those sharks?" And the thing that I miss too is when we used to go pick berries, like it was a family thing. And my late mum, and my grandma and all like the family would take pans and stuff with them to make bannock out in the bush and uh make tea and we'd pick berries, and we'd make the jam outside and it was like a family picnic thing. That's what I miss too.

The traditional value of sharing, so key to the worldview of hunting cultures, is highlighted here and is one of the intangible cultural features that each new wave of development modernism erodes (Kulchyski, 2005).

The language of the Joint Keeyask Development Agreement (JKDA) says very little about Aboriginal or treaty rights such as hunting rights, though buried far into the document is a clause that indicates that the JKDA is not intended to "alter" "Aboriginal or treaty rights" as "Nothing in this JKDA is intended to alter aboriginal or treaty rights of any of the Keeyask Cree Nations or other Aboriginal peoples recognized and affirmed under section 35 of the Constitution Act, 1982 (Canada)" (Joint Keeyask Development Agreement, 24.3.1)[3]

The language of the clause is worded in this manner – not "intended to alter" – so as to protect Manitoba Hydro's interest, rather than "not intended to diminish," which

---

[3] We will not follow Manitoba Hydro in calling these communities Keeyask First Nations but will respect their self-designations. There is no such thing as a Keeyask First Nation, but rather an agreement that four First Nations have each independently signed with Manitoba Hydro; that agreement does not merge these distinct Nations into a single unit and should never be taken to do so. This is a widely held view even of the First Nation's leaders who supported the Project.

would protect the First Nation's interest. This is because, by not "altering" treaty rights, there is no way that the JKDA will be taken, understood or classified as a treaty in the manner, for example, of the Northern Flood Agreement that was negotiated during the first wave of hydro power developments in the seventies. If the language instead were "will not be taken to 'diminish' treaties," it leaves open the possibility that the positive elements of the JKDA could be interpreted to add to the treaties and could thereby be constitutionally protected. The language is also an absurdity. The JKDA cannot but alter Aboriginal and treaty rights since it has an impact on the cultures of the signatory communities.

The Value of a Trap Line

A trap line is a defined region in which a trapping family harvests for subsistence and for the market. In Manitoba, these are often specific areas within a First Nation's Resource Management Area. While at one time *Inninuwak* were dispersed in large family groups across their whole traditional territory, today they are concentrated in geographically and numerically small communities, travelling out to their trap lines. The development and adoption of motorized transportation has somewhat offset the concentration of people - by using snowmobiles, motor boats and pick-up trucks they can access hunting grounds and trap lines on daily or weekly rhythms of hunting life. While at one time children and young adults were able to walk from their cabins in the early morning to check and set snares and small traps at quite early ages exposing them to the trapping lifestyle, now as a result of previous hydro development related impacts, it is more the case that some faster form of transportation is needed to cover the longer

distances trapping families need to traverse in order to access traplines. Yet adult hunters can still regularly go out, do a circuit of trap checking and setting, and return home the same day or with a single overnight stay.

Often it is the case in remote northern Indigenous communities that the trapping families are the local social bedrock of community life (Kulchyski, 2005), offering safe spaces as they tend to have more stable families, and people knowledgeable about the language, culture and land base so central to community self perception. They are the traditional knowledge holders, but they are also so much more - the healers, the moral compass, the strong voices, and the source of pride in community life. This in some ways parallels the value of farming families to southern rural communities, though farmers get far more respect from policymakers than hunters do (and even that is inadequate when compared to agribusiness operations). Unfortunately, policy frameworks in many fields – health, education, social assistance, and especially resource development – work very much directly against the interests of hunters (Kulchyski, 2005). The twentieth century has in its marrow a hidden story about the survival of hunting peoples against extraordinary odds, and systemic ignorance of and bias against Indigenous hunters and against Indigenous culture itself. Despite this, Indigenous hunters have taken the tools of modernity and used them to support their craft; they have made a virtue of remoteness and isolation; they have in many places -- the Mackenzie Valley in the seventies, the Big Trout Lake people in 2009 -- successfully defied huge governments and corporations that find their continued existence inconvenient.

However, we cannot be sanguine about their continued survival. The Fox Lake Cree Nation at Gillam (and Bird)[4], is a case in point. Up to a mere few decades ago they were a remote community using occasional wage work with the Canadian National Railway Company (CN) to supplement subsistence hunting and gathering and commercial trapping and fishing. Slowly, with the construction of the Kelsey Dam to support the Thompson mine, then the Kettle Dam, then the Long Spruce Dam, then the Limestone Dam – all part of the original Churchill River Diversion project -- with all the transmission lines, worker camps, roads, access roads, quarries, dikes, transformer stations and the concomitant influx of non-natives, the *Kitchi Sipi* / Nelson River became polluted with silt, unpredictable and damaged beyond recognition. The territory was and is a damaged land, which in turn affected the fish and animals that hunters rely on.

And yet, some hunters and trappers continued making their patient rounds, continued to engage in modern forms of the "practices, customs and traditions" of their parents and grandparents and great grandparents by maintaining a direct link to the land as a source of sustenance. The traplines endangered by the Keeyask and Conawapa projects are among the last of the traplines in close proximity to the communities of Bird and Gillam that most Fox Lake Cree Nation citizens call home. It is precisely, as the trap lines are reduced in number to a very few, and the very last vital bases of a culture are

[4] There are two separate locations where most First Nations' members live, in a former construction camp at a place called Bird (about a half hour drive from Gillam) and in Gillam itself, as well as of course in Thompson, Winnipeg and elsewhere.

now threatened, that their value increases exponentially – a phenomenon that is not captured or reflected in the Keeyask environmental assessment process.

When the late Noah Massan's trap line, Jack and Christine Massan's trap line, and the late Frank Beardy's trap line are made unusable by these projects including Keeyask, the province of Manitoba and the world will have lost something irreplaceable. Flying hunters out to wherever the moose go, flying trappers out to some area they have little direct knowledge of, setting up culture camps in the bush for the young people, while worthwhile ventures, will not and can never mitigate that loss. Traditional trappers will not thrive in the temporality of institutionally organized bush planes. Intergenerational knowledge of these specific pieces of land will be lost. While culture camps and bush camps are useful devices to pass some traditional cultural learning and healing on to children, they do not replace being at the side of a parent and learning the old way, by watching and doing, by being bored or tired enough to listen to stories, by establishing their own embodied connection to their land.

A trap line that can continue to be passed on from one generation to the next into the future indefinitely is a sustainable base for Indigenous cultural survival. A hydro dam that may, with luck, in a future generation or two, generate some profits to be managed by a small local elite, is not. A hydro dam that, again with luck (and assuming current economic trends do not hold, a very questionable assumption) may generate windfall profits that can be thrust into the winds of a barely functioning international capital market has a certain value to the people of Manitoba. But so does the survival of *Makeso Sahahikan Inninuwak* culture. The latter is constitutionally protected. The former, and

there is no kind way to articulate this, is part and parcel of one dominant but largely undesirable human attribute, rapaciousness. Once these trap lines are lost, they will be gone forever.

Aboriginal Traditional Knowledge Research

It is notable that the three community partners each prepared their own traditional knowledge studies separately from each other for the Manitoba Clean Environment Commission. They vary remarkably in quality. The reports produced by Fox Lake and York Landing are very strong documents that deserve a wide audience. They relate in some detail the impacts of past Manitoba Hydro actions on their lands and their communities, frequently using quotations from community members; they also honestly convey a sense of how agonizing the decision to work with the partnership must have been. The voices of the people from these communities do appear in direct quotations in these reports, those voices give them a strong value for this process and beyond. However, it should be noted that the elders and knowledge holders connected to the CFLGC from Fox Lake felt strongly that what they were saying was being filtered, that their views were not being reflected in these reports. The report conducted on behalf of the Cree Nation Partners (the Partners were the communities of Tataskweyak and War Lake; the report was prepared by outside consultants) does not reach the standard produced by the other communities and will hardly sustain the attention of those who are

paid to read it; it is a bureaucratically structured and oriented document and there are no community voices to be found anywhere in the report.[5]

Although the proponents insist that the traditional knowledge they extracted inflected all elements of their research and project design, it is hard to see substantive evidence that such is the case. The studies regarding animal and fish populations do not show any strong use of elders' knowledge. Paul Nadasty's (2004) book *Hunters and Bureaucrats* demonstrate the way relations between scientists and Indigenous elders often do not in practice reflect the broader social value placed on Aboriginal traditional knowledge; it is in fact the rare scientist who can retrain her or himself in the protocols of this form of research. Hence, while traditional knowledge studies were developed there seems to have been little meaningful use of them through the Environmental Impact Statement produced by Manitoba Hydro. During the hearings, when asked about his community's study, George Neepin of the Fox Lake Cree Nation, who as formal partners supported the project, stated that the knowledge was not used in any extensive way by Manitoba Hydro in designing the project. This bodes ill for the prospects of seeing

[5] The one representative Indigenous voice directly quoted is that of Joseph Keeper, a very respected -- indeed legendary for his earlier strong opposition to Manitoba Hydro -- elder from the community of Norway House. Although Mr. Keeper certainly deserves our respect and attention, it is unfortunate that we do not hear voices from Tataskweyak or War Lake because elders like Michael Garson Sr. and Christine Garson, and traditional harvesters including Mr. Spence, Ms. McIvor and Ms. Mazurat among others who presented to the Clean Environment Commission (see November 14), have a great deal of traditional knowledge to communicate. If it was communicated, such knowledge cannot be found in the official report that was produced on behalf of the Project proponents.

traditional knowledge used in an active and affirmative manner in monitoring and managing the overall project.

Today's Communities Are a Result of Yesterday's Actions

Through both research and observation, and a study of work completed by both the proponents and some of the interveners, it is possible to say a few things with certainty about current social conditions. Based on both observation and discussion with many community members in both places, Tataskweyak at nearby Split Lake and Fox Lake Cree Nation at Gillam are troubled communities, evidencing very dire social and economic circumstances. Community members who have lived through the post dam decades directly tie these circumstances to the variety of negative impacts of previous Manitoba Hydro projects.

To illustrate this, I will draw from my own observations. In the spring of 2012, I made two visits to Tataskweyak at the invitation of a coalition of community members who had engaged in an uprising that temporarily shut down the band office and the Keeyask negotiations office. I found that the existing shortage of housing was exacerbated by the very poor, low cost housing that had been built in the recent past to meet the overwhelming demand, houses (actually trailers though Manitoba Hydro likes to refer to them as "mobile modular units," a veritable model for how bureaucrats place layers of language over poverty) were built on foundations of plywood. Eight homes were found to have e-coli in the tanks that supplied them with water; this was the spark that led to the uprising. An additional home was so infested with cockroaches that it was a danger to public health and had to be destroyed. Several homes were being used despite

the extensive presence of black mold. Children were playing with mouse droppings in the temporary classrooms being used (also trailers) because the school had been damaged in a fire. In early spring, there were homeless people gathered around the fire that had been built and sustained by the local protesters. A palpable sense of impoverishment and of frustration pervaded my conversations with local people. Although these conditions are confirmed by quantitative research it is very difficult to convey the overall sense of despair with numerical data. On the ground Tataskweyak felt like a hopeless and devastated place. The hopelessness was only aggravated, according to many local people I talked with, by the fact that elected leaders' time was taken up with endless negotiation sessions on the Keeyask Project being held in Winnipeg, while little direct attention was being given to a series of local social crises.

While the Fox Lake Cree Nation citizens at Gillam have also experienced severe impoverishment due to the impacts of Manitoba Hydro, the community does not appear to be in as dire straits as its neighbor. However, the circumstances of Gillam create in some ways an even more socially debilitating impact. First Nations residents live side by side with a large permanent community of well-off Manitoba Hydro workers, who reside in large suburban style homes, landscaped neighborhoods and give the appearance of any relatively affluent southern suburban social landscape. The *Makeso Sahahikan Inninuwak* at Gillam invariably live in substandard trailers, often immediately adjacent to affluent houses of Hydro employees. Johnny Beardy explains what life is like in his home:

> And uh, today this is how I live, I got a burnt element there [on the stove top], and uh, burnt knobs, and I don't know, 20- or 15-year-old of dirt there. And I got no

> water tap, can you look at this: see. I got cold water, but I don't have no hot water. See no hot, I don't shower or anything. This is where I get my hot water. See? I'm, I'm heating it up, I got stove on every morning. I wash like this. I heat up, I put in the tub, and I sponge bath every morning. For two years, nobody wants to help me in my home. And I ask, when I ask help in the band office, "you're on your own." How can you say that when my name is on the roster and money goes in there for me too?

Conditions in the community of Bird are arguably as bad or worse; in 2012 a band office in the community was so infested with mouse droppings that it was considered a health hazard and many people refused to enter. The Manitoba Hydro employees enjoy subsidized electrical rates, while local Indigenous people pay higher rates than even borne by Winnipeg ratepayers. The same employees often enjoy the use of company vehicles and other company equipment. The (by northern standards excellent) public facilities of Gillam are designed to service their needs; often for example local Indigenous children cannot pay swimming pool fees. In every element of its social fiber, the community of Gillam treats its First Nations residents as second-class citizens, and this is immediately visible to anyone who drives through the two adjacent communities. In many ways, poverty located immediately next to affluence is even more socially debilitating than a poverty that only experiences itself (Fanon, 1996; Sahlins, 1972). The story of Gillam in this regard is an echo of the story of another Cree community, Grand Rapids, where a dam was built in the sixties: Hydro wealth set against a backdrop of Aboriginal poverty.

While the most common refrain in response to this circumstance is, as for example enunciated by Manitoba Hydro spokesperson Glenn Schneider in the film *Green Green Waters*, to the effect that "all Aboriginal communities are poor, its just a sad fact," experienced researchers know that the north contains two distinct kinds of poverty. One is the sort described by Johnny Beardy. The other is a poverty vis-à-vis western living standards that is alleviated by a strong connection to the land and traditions of the Indigenous Nation. This is a modern form of the "affluence" found in traditional hunting cultures. I have an Inuit friend from Nunavut who is a respected artist. He lives in a house that is crowded and substandard, with older furniture and few amenities. But he is one of the wealthiest people I know; he eats organic meat he has procured for himself; he drinks pure water that runs directly from glaciers, he is his own boss, he is respected in his community. He is a hunter and an artist, and the intellectual demands of hunting are such that this confluence is not unusual. In the eyes of many non-Indigenous Westerners, he is perhaps poor. From an Indigenous perspective, his wealth does not take the form of excessive cash, bling, the latest technological wonders, a large house and such. It takes the form of time, quality of life, of community ties and of a rich cultural heritage. There are many communities across the mid- and far-north which statistically look somewhat better than, say, Split Lake, but still appear as poor (Kulchyski, 2016). And while there is material poverty there, there also exist in these places – Poplar River in northeastern Manitoba is a good example – a form of wealth that western society has not fully learned to acknowledge, appreciate, or measure.

The poverty that exists in Split Lake and Gillam is not solely the result of systematic federal underfunding that can be found across most Aboriginal communities. Manitoba Hydro's war on the *Kitchi Sipi* / Nelson River has reduced the opportunities for well-being in these communities. Ironically, the Keeyask Project in effect proposes to destroy the last vestiges of the community's own strength, the last pockets of well-being that still circulate among the remaining land-based people, to "alleviate" the very poverty its previous actions created. There is little reason to suspect its current approach will have any more positive impact than its previous approaches.

Ivan Moose discusses the initial attraction of Manitoba Hydro's activities to the Fox Lake Cree Nation:

> Then that explosion came. Man, they set up a camp, then, and more booze started coming, even though the bar wasn't very big at the time. Booze started coming, people bringing in booze, and our boys starting to quit school at 16, just to go to work on short-term jobs. Things changed drastically around '70, '71 things really changed. My friends started quitting school to go to work. And then you got introduced to the camp, because the hotel there, the big bars.
>
> Alcohol, they all went crazy. Ain't nobody's fault, I guess, I guess we had a choice, we could've made a choice back then, but I guess the excitement and the thrill of everything that hit you. It was all that money you never had, you didn't know what to do with it. We had to spend it somewhere, and there was a bar there and there was other stuff, whatever drugs were back then.

Another seemingly small but momentous example might be useful to demonstrate the particular way hydroelectric development has impacted Indigenous communities. For an Indigenous northern child, one of the compensations for not having the latest iPad or other consumer gadget in the summer is instead having a glorious place to go swimming in the nearby pristine lake or river. There, other children laugh and swim, families gather for picnics, and anyone can go swimming as the fancy takes them, even while still wearing your pants if you do not have a swim suit. This element of childhood has been stolen from the children of the communities along the *Kitchi Sipi* / Nelson River. For Fox Lake citizens, the swimming place was at nearby Landing Lake, eventually so damaged by the increased float plane air traffic that it became too polluted to use. Mitigation of this situation, for example in Nelson House, involves taking a bus to the Thompson swimming pool, or in Gillam using the local pool, which is too expensive for many First Nations citizens to afford. In a swimming pool, the richness of the experience is lost; one abides by the rules and hours, class differences appear among the children and much of the joy that was attributed to being in the bush, and among community, is obviously leeched out of the experience. This is not a result of the so-called "normal" poverty in Aboriginal communities; it is a direct result of Manitoba Hydro's actions. It is impossible to mitigate a stolen childhood.

The stories of Manitoba Hydro's impacts can be found throughout *Ninan*, and the studies conducted by Fox Lake in relation to the impacts of previous projects and in relation to the Keeyask project, though Jack Massan also spoke to CFLGC researchers about the subject:

> My deal with Manitoba Hydro, it was the construction workers that were doing most of the, all the, all the stuff. But it was Hydro that hired all these people to come here, eh. Yeah, most all the construction workers that were doing all the, all the abuse and everything. But I guess it was Manitoba Hydro's fault cuz they were the one's that hired them and brought them over here and paid them to do this…

Christine Massan provides a description of overall treatment of local people by Hydro's workers:

> I want to, uh, talk about, a little bit, until very recently, how badly treated Fox Lake members and, uh, the Métis that worked with Manitoba Hydro [were]. It was not easy, I mean they were called out and made fun of, a lot of racist jokes and pictures and that would be put up on the job site. And, uh, Manitoba Hydro had their own, uh, what do you call them, sort of like a counsellor.
>
> He would come in from Winnipeg and work with some of them. And then, uh, I was hired as a Community Liaison Officer, so I did a lot of, uh, the work with trying to make things better for everybody. And I heard some pretty horror stories about things, jokes, pictures, uh, people putting things in a coffee room, say with a sticking a feather in a little doll or something.

The most horrifying story we heard, in a litany of horror stories, was told to us by Nancy Beardy, who specifically said that she wanted people to hear about this, to know what happened to her, in the hopes it would not happen again. Indigenous women were

subjected to racial and sexualized degradation. They were targeted and sexually exploited and assaulted.

> I was 14 by this time, eh. And that following year we came to visit and that's what happened to me when those guys attacked me. I was 13 when we came back and then that was my birthday that year and then that happened. I was 14 that year and that happened. There was three of them in that vehicle. Sometimes I think that I can see them. That's why I turned to drinking so much at such a young age. Cuz I feel so much hurt went by.
>
> It's just amazing I went, that I'm still here sometimes because of what I did after, trying to commit suicide so many times. And um what really hurts me was when those guys grabbed me and beat me up, they raped me and must have knocked me out, I don't know cuz I was fighting back. And um. For them to, like not even to acknowledge it, like not even to let people know what happened out of, um, out of this community and like higher, higher states of Hydro I mean. They, they covered it up, they seem like they did cover it up.

The issue of sexual assault has gained attention over the course of 2018 as very damaging reports from the Keeyask Camp emerged in the news media. Nancy Beardy, who specifically wanted to use her story as a warning to others, was not heard.

Another small but telling point in this regard that emerged from the interviews of the CFLGC researchers came from the fact that Manitoba Hydro was not the first non-Native institution to affect the people of Fox Lake. For many years before Manitoba Hydro's presence, the dominant company in the region was CN (Canadian National, a

railway). The community of Gillam owes its presence at the current location in large measure because of being a railway stop on the rail line to Churchill. Aboriginal workers found employment with CN over many years and adapted their seasonal rounds to the wage work they could regularly acquire. The town they established, "on the other side of the tracks," was actually on CN land. It is very striking that no one who spoke about the CN experience harbors the kind of deep and lasting angry feelings that are often directed towards Manitoba Hydro; CN did not build a legacy of hatred in its relations with the local people in the manner that Manitoba Hydro quickly established and continues to maintain.

Every community has its own story and its own specific reasons when the cycle of real poverty takes over. In Canada, for many Indigenous communities, decades of federal government perfidy have been a key causal factor in reducing communities from traditional forms of wealth to real poverty; the other key driver of such a transition has been resource development. Resource development everywhere in the north comes with heralds of modernism and bright promises of well-being, and almost invariably leads to impoverishment, an impoverishment that can no longer be leavened with glorious moments out on the land following the footsteps of one's ancestors. The continuing story of Manitoba Hydro does not deviate from this latter pattern.

Governance From the Outside In

It is very rare in this day and era to find anyone from outside Indigenous communities who is prepared to criticize the elected leadership of an Indigenous Nation. This itself has in general been a positive historical development and is a result of the

years of struggle of many First Nations to assert their capacity and their right to make decisions for themselves. In the contemporary moment Aboriginal self-government is rightly seen as a desirable and critical goal among First Nations in Canada, and in the years that First Nations will transition towards forms that reflect that goal, elected community leaders must be respected as legitimate representatives of their people. The CFLGC, of course, is a local based organization and is free in a democratic context to air grievances and opposed views, which the Fox Lake Cree Nation to their credit fairly acknowledged. Further, where the consultants, lawyers and advisors to a Nation's leadership have misled them or not adequately provided them with the broad information base required to make decisions, there is room for criticism aimed at promoting discussion.

In fact, although it is now an "era of self-government" as a desirable paradigm, local government decision-making powers are frequently over-ridden by outside interests. Most commonly and frequently, the federal government has responded to its systematic underfunding of First Nations by putting those that find themselves in financial difficulties into receivership. Federally appointed auditors have become the new Indian agents exercising outside control of communities. However, there are several ways in which the historic and contemporary interests of Manitoba Hydro have also led to interference in local governance.

Most prominently and specifically related to the Fox Lake Cree Nation, the creation of the municipality of Gillam has historically and continues to mark an extraordinary intrusion into the abilities of the Fox Lake Cree Nation to build and govern

a community. Gillam was created as a local government district in the mid 1960s specifically to facilitate hydro development; it was one of the largest such districts in Canada. Before and after the creation of Gillam a small vibrant community of Indigenous people lived across the tracks and in houses scattered through the present core of the municipality. Although in the 1950s an Indian Agent walked with the Chief from the railroad to the river, then along its shore and finally back to the railroad, effectively promising that the enclosed area would be classified as a reserve (so I was told separately by Tommy Nepetaypo, Ivan Moose and Noah Masson), this never happened. Many of the original homes around the tracks were destroyed to suit the needs of Hydro and its non-Indigenous workforce. As well, a new governance structure gained control of the whole local area, passing zoning laws and establishing restrictions that made it difficult for the *Makeso Sahahikan Inninuwak* to construct the community they desired. Yet, whenever Manitoba Hydro wanted or wants a zoning law changed, an area of land to build a suburb on, or any other regulatory allowance, the municipality with alacrity acts in their interest. Jack Masson referred to this noting, "That's another thing is Manitoba Hydro can build houses wherever they want, and us, living in trailers like this, and we can't build no houses. Manitoba Hydro got everything that they want, they just build."

While relations may have improved in more recent decades, the creation of the municipality was part and parcel of Manitoba Hydro's involvement in the region, as with Grand Rapids creating a comfortable living zone for its workers, and from the First Nations perspective, was no more or less than a "land grab" that took place on traditional territory. It is still the case that local Indigenous leaders struggle with the municipality,

which does not want to allow lands to be granted reserve status within the boundaries it claims control of. A community divided by class status (house or trailer, Hydro employee or First Nation's citizen) finds that division articulated in the presence of two governance structures, the municipality and the First Nation. While there are benefits to the Hydro-municipality presence – paved roads, a swimming pool, excellent quality local public facilities – this continues to severely restrict the Fox Lake Cree Nation's ability to improve the well being of those of its people who live within municipal boundaries. In the earlier era, for example, the school that was built expected it would only enroll non-Indigenous students. The local First Nations children were still expected to attend distant residential schools, and it was only the determination of parents that forced the issue. Local amenities were designed for Manitoba Hydro employees, with Indigenous peoples only reluctantly "allowed."

In the process that has led to the current agreements on the Keeyask Project, Manitoba Hydro has established another intrusion in local government through the widespread use of confidentiality clauses (24.2.1 of the JKDA). While confidentiality clauses may be required for a select group of leaders on a narrow range of financial issues, local transparency and accountability have been negatively impacted in a manner that must be of serious concern. For example, in 2015 there was an elected band councilor from Tataskweyak, Solange Garson, who could not serve on her Band Council because she steadfastly refused to sign a confidentiality agreement with Manitoba Hydro regarding the KCN Partnership. Interestingly, the creation of the Cree Nations Partners (the distinct First Nations of War Lake and Tataskweyak negotiate together as part of the

Keeyask Partnership Agreement) itself has a significant impact on Tataskweyak citizens to monitor spending by their governments. Previous to the Cree Nations Partners, reports on spending funds acquired through compensation and implementation agreements were a mandated element of local governance. By creating the Cree Nation Partners under a regime of confidentiality, this degree of local reporting ceased, and much less transparent management of funds in part leading to the uprising of 2012 became the norm. Finally, among the Fox Lake Cree Nation, research reports into the social impacts of Manitoba Hydro have been so constrained by confidentiality agreements that in one case a university-based researcher cannot publish or use the data she gathered and community members, news media, the general public, and even members of the First Nation cannot see the draft report.

An additional issue of some concern surrounds the levels of voter participation required allowing the partnership agreement to proceed. While historically a majority of voters were required to engage in any major land related project developments among a First Nation, and while the standard deployed during the nearby Wuskwatim project required a majority of voters to participate (meaning that not voting counted effectively as a no), the standard used during the Keeyask project was much lower, a simple majority of voters. One wonders how low the voter turnout would have had to have been before the process lost all legitimacy, but it is clear that compelling questions can be raised about the level of support for this project based on the relatively low standard the Fox Lake Cree Nation imposed upon itself to determine community support and agreement for their approach.

Some Other Local Concerns

Four specific and distinct issues around the Keeyask project often mentioned by local Fox Lake Cree Nation members deserve at least some comment here. The first regards training issues. It is interesting that under questioning senior Manitoba Hydro spokespeople showed no familiarity with the concept of a "racially stratified work force," given that the issue so named has a strong bearing on the success of their efforts to incorporate *Inniniwak* workers. A racial division of labour or racially stratified work force can be used to describe a workforce that reflects and helps entrench social hierarchy based on race often found in society at large. It is a common feature of structural racism, the mainstream individuals gain all the high-status positions while the racially marginalized are employed at the bottom of the work hierarchy. Although the term "racism" has been bandied about in the Clean Environment Commission hearings we have no intention of participating in mere name-calling. It is important to recognize that Manitoba Hydro's workforces have been and remain racially divided. Indigenous workers are employed in the greatest numbers in the most menial work. The major construction supervisory positions, the long-term high-status engineering positions, will continue to go to non-Natives unless affirmative measures are taken. This racial division of labour is structured into Manitoba Hydro itself as an organization and is reflected as well in the construction camps and workforces that exist to build the Keeyask dam. It is distinct from the views of individuals working for and representing Manitoba Hydro, who may and often do hold honorable views and make strong efforts to combat this deeply socially undesirable behavior and ideology.

In the context of a racially stratified work force, Indigenous workers will not be retained – will quit after a short engagement – because the work environment is "toxic;" if Indigenous workers are primarily engaged in low status and demeaning work, the informal mechanisms of insult and abuse can circulate easily despite official policies and cultural awareness training. Ivan Moose was among those who spoke about this issue:

> Maybe make the work site better. If you talk to the current ones that work there,they don't say very much because they're scared of repercussions, what might happen to them at work. They just, a lot of unfair treatment at work but nobody there's nobody there to talk for them. We do have sometimes, where remember that [unintelligible] liaisons, but the liaisons were just seemed to be talking like they're friends to these people.
>
> They need somebody in there that's hardcore, that can say "wait a minute, wait a minute, this is enough! You can't be treating our First Nations people like this!" They got to be treated with respect. Of course, they're going to ask that question, our simple answer is why [don't] you start treating our people with respect when they're on the job site.

Hence, bringing Indigenous workers for a brief time onto a project before they feel compelled to leave is not a standard of success. The numbers provided by Manitoba Hydro as well as evidence from Nisichawayasihk indicate that this pattern appears to have been in place during the construction of the Wuskwatim dam and appears to be continuing with the construction of the Keeyask Project.

An additional issue that is serious enough to discuss here has to do with protections for First Nations' women. The experience of Nancy Beardy, who was sexually assaulted by visiting Hydro workers, should both horrify while not be surprising to us. Aboriginal women remain among the most vulnerable population groups in Canada, and the issue of missing and murdered Indigenous women is the most egregious exemplar of their status and struggles. Non-Indigenous workers a long way from home will take opportunities to "cruise" nearby communities and the worst of them may prey on any single female Indigenous persons they find in Thompson or in Tataskweyak or in Gillam. Women in Fox Lake are concerned as well about the many children of consensual relations who will be abandoned by fathers when the camp boom ends, also clearly an aspect of the previous history. The warnings that were made during the CEC hearings were not attended to. In the early fall of 2018, a CEC report on previous construction camps noted a remarkable prevalence of sexual violence directed against Indigenous women; the report created an extensive media stir. In early winter, 2019, the RCMP reported an increase of sexual assaults apparently directly tied to the Keeyask Project, creating another series of news-media stories. There are local women whose lives are undergoing deeply traumatic experiences because of the Keeyask Project. Manitoba Hydro's response amounts to "wait until the storm clouds clear and carry on with business as usual."

Sacred boulders are a key part of the tangible and intangible cultural heritage of *Inninuwak*. They are "tangible," but the knowledge of them as sacred sites is intangible. Dr. Virginia Petch alluded in her testimony to an archival reference to a sacred boulder

near the site of the Keeyask rapids but could not find it, "There was one site in the historical record that Peter Fidler identifies as an offering stone at the rapids. We searched for that stone and could not find it. And I believe that it probably ended up in the river, very unstable bank at that particular area. That was the only one we were aware of" (November 6, p 2247). There was also reference to a sacred boulder on the Butnau River in the hearings, and our interview participants made mention of a healing ceremony conducted "far off in the bush" at a sacred boulder. These places will become more important to an emerging generation of young *Inninuwak*, particularly as their opportunities to connect with their heritage through traditional harvesting activities become eroded. In contexts where hunting is no longer viable, spirituality in its traditional forms becomes of increasing importance in cultural retention. Dr. Petch does not discuss how intensive her search for the offering boulder mentioned by Peter Fidler was or whether she coordinated her efforts with local elders; and the other sacred boulders alluded to do not seem to have been mapped or otherwise documented. Before the dam and attendant activities, it would have been salutary if some urgent effort had been made to do so. Two great spiritual landmarks, the "footprints" and "*weesakijak*'s seat," were effectively destroyed by the Churchill River Diversion. So, Manitoba Hydro's record in this respect is weak at best, perhaps actually nothing short of appalling.

Finally, the risk of mercury contamination has been seriously underestimated. Minimata disease is a horrendous and debilitating illness and should not be treated cavalierly. Judy DaSilva, who spoke eloquently at the Keeyask hearings of her experience with the disease because of the effluent dumping in Drydon, Ontario, suggests

that the issue is not so far from home as has been suggested. As importantly, and even though the different types of mercury exposure pose different though interrelated public health problems, too little is still known not to treat the issue with enormous caution. As there remains an international scholarly debate about how many parts per million exposure levels are safe, and how long mercury will remain in contaminated areas, a much more purposive undertaking should be engaged to monitor the issue, and human testing must be a component of such monitoring. The precautionary principle would ideally inform our actions – not undertaking an action until we know it is safe – but in its absence a much more robust monitoring regime around mercury contamination must be engaged, rather than a simple public awareness ("don't eat fish") campaign, which is the least expensive and generally ineffective response. One of the elders active in the CFLGC, Noah Massan, ate local fish all of this life. In the public hearings he used a walker, because he suffers from a degenerative nerve disease. It has been diagnosed as Kennedy's disease, which Japanese researchers assure me is often a misdiagnosis for Minimata disease or mercury poisoning. This misdiagnosis is especially common in Canada, where Minimata is not officially recognized. Water quality concerns appear to be an issue all along the *Kitchee Sipi* /Nelson River, and although other pollutant sources have affected the river, most point to concerns around Mercury contamination because of Hydro flooding as a particular source of dread.

Conclusion

As stated at the outset, it is very likely that the Keeyask dam will prove detrimental to *Makeso Sahahikan Inninuwak.* Although a whole host of experts working

with the proponents have testified that the environmental impacts, when balanced by mitigation efforts, will be neutral, this defies common sense and past experience (which Fox Lake Cree have too much of). The combination of dams, roads, dikes, quarries, bipole lines, transformer stations, camps, newcomers, on top of past cumulative effects, can simply not be adequately mitigated. The lands and waters of this region are being irrevocably altered for the worse and this is affecting the lives of local hunting families and therefore their Aboriginal rights. This point was made repeatedly by Fox Lake Cree Nation citizens:

> See, that's another thing, what we're saying. What are we gonna do to help the animals? Like, gotta help the Caribou. How can we help them? Well the best way to help them is, don't do anymore damage to the bush… You know, just, justleave everything, what's, how it looked before, eh. You can't, that's the best wayo help the animals. Yeah, you don't, uh, just forget about all the construction that's doing, that's going on in the bush. (Jack Massan)

The gains to be made through a risk-investment in the dam will be long delayed for the communities who are even now in urgent need of social support, and it is entirely possible that the communities will not gain anything but increased debt from the project, while having invested significant financial resources in it.

Oochinehwin: what is done will return, past actions will affect present actors, you will reap what you sow; a form of *karma* perhaps in a Bhuddist or Hindu epistemology, or the return of the repressed in a Freudian framework. But the *Inniniwak* version does not need buttressing: "the belief that a negative action against an animal, a person or the

land could negatively impact the fate of a person, family members, or the next generation." So it is, so it will be with the Keeyask Project. The fear of the Concerned Fox Lake Grassroots Citizens is that the profit that results, if any, will go to benefit very few people. The jobs, such as they are, will soon be gone. The misery, however, will be widespread. And it will echo down the generations who follow *Oochinehwin*. In the spring of 2023 Noah Massan passed away in the hospital in Thompson, Manitoba. The next week, a huge section of swamp land separated from the banks of the Gitchee Sipi and floated down the river until it struck the Keeyask Dam, blocking some of the generators. Local people and hydro employees were drafted to use motorboats to pull the floating debris off the dam, but as they were doing so the wind changed direction and the debris floated back. The river knew how to mourn for Noah. *Oochinehwin*.

References

Asch, M. (Ed.). (1997). *Aboriginal and treaty rights in Canada*. University of British Columbia Press.

Battiste, M. & (Sa'ke'j) Youngblood Henderson, J. (2000). *Protecting Indigenous knowledge and heritage*. Purich Publishing.

Berkes, F. (2012). *Sacred ecology*. Routledge.

Blondin, G. (1990). *When the world was new*. Outcrop.

Brody, H. (2000). *The other side of Eden*. Douglas and McIntyre.

Brown, J. S. H., DePasquale, P. W., & Ruml, M. R. (2005). *Louis Bird: Telling our stories*. Broadview Press.

Cole, P. (2006). *Coyote and raven go canoeing*. McGill-Queen's University Press.

Cruikshank, J. (1990). *Life lived like a story: Life stories of three Yukon native elders*. University of British Colombia Press.

Cumming, P. A. & Mickenberg, N. (1973). *Native rights in Canada*. The General Press.

Fanon, F. (1996). *The wretched of the earth*. Grove Press.

Feit, H., Blaser, M., & McRae, G. (Eds.). (2013). *In the way of development*. Zed Books.

Kulchyski, P. (Ed.). (1994). U*njust relations: Aboriginal rights in Canadian courts*. Oxford University Press.

Kulchyski, P. (2001). Rethinking inequality in a northern Indigenous context: Affluence, poverty, and the racial reconfiguration and redistribution of wealth. *The Northern Review*, 42(1), 97–108.

Kulchyski, P. (2005). *Like the sound of a drum*. University of Manitoba Press.

Leacock, E., & Lee, R. (Eds.). (1992). *Politics and history in band societies*. Cambridge University Press.

McLeod, N. (2007). *Cree narrative memory*. Purich Publishing.

Mills, A. (1994). *Eagle down is our law.* University of British Colombia Press.

Morris, A. (1991). *The treaties of Canada with the Indians*. Fifth House.

Nadasty, P. (2004). *Hunters and bureaucrats*. University of British Colombia Press.

Sahlins, M. (1972). *Stone age economics*. Aldine-Therton.

Simpson, L. (2011). *Dancing on our Turtle's back.* Arbeiter Ring.

Slattery, B. (1987). Understanding Aboriginal rights. *The Canadian Bar Review*, 66(4), 727-783.

Smith, L. T. (1999). *Decolonizing methodology*. Zed Books.

Tough, F. (1996). *As their natural resources fail.* University of British Colombia Press.

Usher, P. (1982). Staple production and ideology in Northern Canada. In W. H. Melody, L. Salter, & P. Heyer, (Eds.), *Communications and dependency*. (pp. 181–194). Ablex Publishing.

Wachowich, N. (2001). *Saqiyuq.* McGill-Queen's University Press.

Wilson, S. (2009). *Research as ceremony*. Fernwood Books,

Cases Cited

Calder. (1973). Supreme Court of Canada.

Sioui. (1990). Supreme Court of Canada.

Sparrow. (1990). Supreme Court of Canada.

Van der Peet. (1996). Supreme Court of Canada.