Aboriginal Canada: Treaty 3
Reading

• Peter Usher’s 2003 Wiley Lecture from Canadian Geographer
People and Land in the Canadian North

- Usher’s work on Treaty 3
- The industrial economy, colonialism had damaging effects on the Aboriginal peoples of the North
  - Actions
  - Attitudes
- Usher a geographer, painfully aware of the role geographers have played in this
Griffith Taylor’s Canada (1947):
The Eastern Arctic lands:

– “though these are very interesting, they can hardly be called important, since today there are barely 100 white folk living therein”
Attitudes

• L-E Hamelin’s 1960s book
  – Title: Canadian Nordicity
  – Subtitle: ‘It’s your North too’
Usher

• Resource management in the Canadian North has been transformed since 1970
• The old regime: First Nations communities had their lives, lands disrupted, damaged
• The new regime: First Nations gradually being taken more seriously, “development” becomes a partnership
The Old Regime

• The North was C20th Canada’s resource frontier
• Diefenbaker’s “Northern Vision”
• ‘Roads to Resources” programme
• The North a vital symbol of Canadian identity, national purpose, claims of sovereignty …
Treaties pre 1930

• Practice of requiring the First nations to surrender land to the Crown in return for small reserves, some rights of use, limited compensation

• Reality: legalised a gradual encroachment onto traditional lands, resources of First Nations
Aboriginal Occupancy of the Land

- Not designed around the neat boundaries and clear limits characteristic of European property law
- Complex, subtle, multi-stakeholder use of land
- Traditions of occupancy not written down
  - Oral traditions, understood by the elders
- Very complex cartography, mapping is required to embrace it
Travel
Occupancy
• Via travel
• Via habitation
• A fish feast at Grassy Narrows, 2006
Treaty 3 (1873)

- Anishnabe of NW Ontario, SE Manitoba surrender 160,000 km²
- 1887-1957 18 dams alter all of the major rivers in the area
- Waters are international, so key development decisions were federal
• Lac Seul, 1920s
Treaty 3

- Lac Seul, NE Ontario
  - Dam floods marsh, meadow, muskrat, moose, wild rice, ducks, hay, pasture, houses, gardens, villages, beaches, graves
  - Boreal forest is preserved for commercial logging
  - The game-rich natural river lands are destroyed for Aboriginal use
  - Alien flow regimes disrupt what remains
Treaty 3

• Disruptions to Indian’s traditional resource base accompanied by social and cultural disruptions
• Residential schools disrupt aboriginal families, cultural life
Treaty 3

• Displacements of Kenora-region Indians began in the 1920s
• Moved to suit industrial developments, dams
  – Some never adjusted, still homeless in Kenora in the 1970s
• Grassy Narrows moved for a hydro scheme in the 1960s
Treaty 3

- Chlorine-based pulp bleaching on English & Wabigoon Rivers discharges mercury into a waterlogged landscape
- Mercury can also leach from waterlogged vegetation
- Mercury bio-accumulates in the food chain
  - Anishnabe exposed to mercury
The Effects of Mercury

• To cause real harm to people through environmental exposure, mercury has to be made soluble

• Discharge mercury into freshwater creeks and lakes
  – Anaerobic bacteria in the mud change it to methyl mercury (soluble)
  – It can then bio-accumulate through the food chain
The Effects of Mercury

• People who eat fish
  – Are at the top of the food chain
  – Are most at-risk for mercury poisoning
  – Especially babies

• Mercury is likely to hurt the more traditional aboriginal families
Minamata, Japan

- Mercury-tainted industrial sewage from Chisso Corp fouled this creek in the 1950-1960s
- Contaminated the fish eaten by local people
Chisso chemical complex
• Lame with Minamata disease, bringing home fish for dinner
Eugene Smith

- Helped photograph the victims of mercury poisoning at Minamata 1970-72
- The effects of Mercury become known as Minamata disease
  - 56 deaths by 1970
  - 200 deaths by 1975
特別講演会「水俣病 新たな50年のために」

緒方正人　中原八重子　柳田邦男　田口ランディ
原田正純　最首悟　上條恒彦　平田オリザ

Minamata Disease
A New Beginning for the Next Half Century

2006年4月29日(祝日) 日比谷公会堂
午後2時30分 - 5時(1時30分開場)
入場料:当日1500円 先行1000円 全席自由
Japan continues to remember this environmental disaster.
Treaty 3

• All the main Treaty 3 rivers contaminated with mercury by 1970
  – From Dryden Chemical Co plant on Wabigoon River
Treaty 3

- Fish from Clay Lake on the English River were 3-5 times more contaminated with mercury than those from Minimata, Japan.
  - 33 times the safe limit set for Canada
  - The world’s highest mercury levels in freshwater
  - Mercury reaching arctic waters
  - Will take a century to clean up
Treaty 3

• Closure of commercial fishery, collapse of fishing tourism in 1970
• No-eat orders to anglers 1971
  – Closure of non-commercial fishery in mid 1970s
• Destroys ½ the income of the local reserves
The Pulp Mill

• Dryden Chemical Co tries to reduce mercury releases
  – Argues that it would cost too much to eliminate the chlor-alkali process
  – Ontario makes no attempt to get the company to pay for mercury cleanup, or compensate the Indians
  – Mill continues to get fresh government grants

• Local Tory MPP is also minister of natural resources in early 1970s
Tourist Fishing

- Local tourist fishing operations resist attempts to close the fishery, especially those owned by American interests
  - Removing ‘do not eat’ signs
  - Insisting that Indian guides not mention mercury and eat fish twice a day with tourists
- American Tourists still fishing unwarned in 1973
Treaty 3

• Minamata disease evident in Grassy Narrows, Whitedog
  – Shows up first in deformed fetuses
  – High rates of stillbirths there by 1972
• Elevated mercury found in all Indians tested
  – Several with blood levels above 200 ppb
Inquest on Indian promised

Solicitor-General John Yaremko told the Legislature yesterday there would be an inquest Jan. 26 in Kenora into the death of a band member of the Grassy Narrows Indian Reserve, near Kenora. The death of Thomas Strong, 42, was officially listed as a heart attack, but band members became concerned when, according to a spokesman, they were told the man had 10 times the safe level of mercury in his system. Mr. Strong, a guide, had consistently eaten fish from the heavily polluted English River system.

Winter projects group set up
Mercury poisoning urged as verdict in guide's death

Special to The Globe and Mail

KENORA — The foreman of a coroner's jury yesterday suggested before the inquest had ended that if the jury brought in “a certain verdict” it could have serious effects on this Northwestern Ontario area's Indian population.

Officials decided not to call off the inquest when informed of the jury member's remarks. Instead, the jury was reminded to “forget your pre-

acute coronary thrombosis—which was defined as congestion of the heart.

Mr. Seymour said that if the jury—which did not begin deliberating until four hours later—brought a verdict suggesting that Mr. Strong's death was not due to mercury poisoning, residents of the reserve would continue eating fish with a high mercury content.

“Of course if we bring in a certain...
Thomas Strong inquest 1972-73

• Mainly non-native Kenora coroner’s jury concludes that Strong died of heart disease
  – With 224 ppb of mercury in his system

• Some witnesses suffer from mercury poisoning
  – Bill Fobister of Grassy Narrows, speech impediment

• Government claims that mercury levels are low, but recommends
  – Annual testing of Indians
  – Autopsies on deceased Indians
Globe 8 May 1973

• Grassly Narrows people have 2-6 times the acceptable amount of mercury in their bodies

Five Indians taken to Winnipeg for mercury tests

Tom Keesick, acting chief of the reserve, said the Winnipeg tests and warnings from Ontario health officials have failed to stop many reserve residents from eating mercury-tainted fish. The danger, he said, “is just not getting through.” Many of those fishing yesterday are working as guides for a tourist lodge, he added.

The band council will hold a special meeting tonight in an attempt to gain mass support for a protest to MLAs about the pollution and a lack of government help in dealing with it. Mr. Keesick said Indian leaders hope all reserves in the Kenora area will take a joint approach to the problem.

The tests on the five Grassly Narrows residents are being carried out by a medical team through the outpatient department at Winnipeg General Hospital at the request of the Department of National Health and Welfare.

Eighteen Indians from Grassly Narrows and the nearby White Dog Reserve are to be tested during the next month. The two reserves, 50 miles north of Kenora, are on the English and Wabigoon river system, which have become polluted with mercury. Residents of the reserves have known of the danger for three years, but have continued to catch and eat fish from the river.

Those being tested in Winnipeg all have mercury levels of 100 to 300 parts per million in their blood. A level of 50 ppm is considered by authorities to be dangerous to a person’s health.

Dr. Peter Connop of Thunder Bay, director of the federal Health Department’s medical services branch in Northwestern Ontario, said yesterday that “extensive testing” being done in Winnipeg is to complement tests already done on the reserve, which showed that many residents had very high mercury readings.

“It’s a further medical examination, but much more extensive. When you do that kind of a survey (the one on the reserve), you skip some of the important detail, so this will fill in the gaps.”

Dr. Connop said the Indians will each be given the results of their tests. However, he refused to say whether the results will be used by the government, for any other purpose.

36,152 jobs in 4,334 projects for this year's OFY program

OTTAWA (CP) — There will be jobs for 36,152 young people in 4,334 Opportunities for Youth projects this year, the government announced yesterday.

The number is up from the 29,954 employed in 3,200 projects in 1972.

"The drop is due to increased support from private firms and individuals in the communities, who are providing supplies, funds and facilities to many of the projects," the announcement said.

The 1,300 projects announced yesterday include day-care centres, environmental improvement projects, publications, films, recreation programs, theatre groups, local history projects, and music workshops.

The drop in the number of initiatives and the number of people employed is due to increased support from private firms and individuals in the communities, who are providing supplies, funds and facilities to many of the projects, the announcement said.

The 36,152 jobs are part of the government's $11,000 budget for the Opportunities for Youth program.
Living Conditions

• Reserve residents living in one-room shacks, lack running water, sewerage, heated by wood stoves
• White teachers get toilets, Indians get outhouses
• Lack of education
  – Grassy Narrows 1974: 138 kids in a school built for 60
Living Conditions

- Ontario government restricting Indian access to trapping, fishing
- 12 out of 3000 Kenora-area Indians have paid jobs in 1965
- Lack of phone service, radio communications on reserves
Living Conditions

- Whitedog Reserve 1969, has only two working motor vehicles
- 55-60% of business for Kenora taxis comes from Indian reserves
Living Conditions

• Grassy Narrows:
  – Moved in the 1960s to make way for hydro
  – Housing, school, overcrowded, decrepit by 1973
  – population of 440 is a $52 taxi-ride away from Kenora in 1973
Discrimination

• Kenora-area aboriginal people complain of discrimination, mistreatment in early 1960s
  – Rude treatment by Kenora businesses
  – Police break-up street corner gatherings of Indian youth in town
  – Indians being beaten up by gangs in Kenora

• Canadian Civil Liberties Association finds (1973) serious irregularities in Kenora police interrogations
Violent Deaths

• Grassy Narrows shows a high rate of violent death by the late 1950s
  – 3 members of the Keejik family murdered 1953-60
• 1971-1973: 200 violent Indian deaths in Kenora area, mostly by accident
• Aboriginal kids still dying on the train tracks at Kenora
Violent Deaths in Treaty 3

Figure 3
Winter 1973

- Ontario Government investigates the mercury contamination
- Orders fishery closed
- Orders medical tests
- Observes distress in Grassy Narrows
  - Livelihoods gone, alcoholism, violence, fear
  - And people still eating the fish
Spring 1973

- Ontario Ministry of Health sends out letters to warn Indians not to eat fish
- Informs them of the results of blood tests
- Most letters do not arrive
- Letters are in English
  - Indians speak Ojibway
April 1973

• Ontario Health Minister Dr Richard Potter tells the legislature that Ontario has no responsibility to replace the food supplies of Treaty 3 people lost to contamination
  – His responsibility is to warn, and he has sent them letters about the mercury

• Opposition leader Robert Nixon says the minister should be ashamed of himself
  – Need for broader compensation, better arrangements
Jan 1973, Dryden ON

- Ontario Cabinet holds a town-hall meeting to hear concerns of NW Ontario
- Effects of mercury on Aboriginals raised
- Cabinet spent more time debating a $10 licence fee on snowmobiles
Treaty 3

- The key disruptive changes all involved water
  - Damming, polluting
- Small, isolated, marginal communities of uninfluential people were the worst affected
- Few in government cared
- The 1970s Anishnabe had no means of fighting back
Grassy Narrows FN

• Devastation of local ecology by industrial mercury pollution almost wiped out the Grassy Narrows FN in the later 1970s
  – 20% of the children aged 5-11 taken into care by the CAS in 1975
  – 17% of the band attempt suicide in 1977

• Ottawa blamed for the situation in a 1983 report
Grassy Narrows FN

- 1975 Invites Japanese experts from Minamata to examine the community and its residents
- Experts are shocked
  - Even the cats and dogs on the reserve show the disease
Chief Andrew Keewatin, Nov 1974

“They want to move us. They already have another spot picked out. But there is no damn way we are going to move again just because some white men polluted the water. We’re staying. Whether they feed us or not doesn’t matter. We’re going to die here”.
WELCOME TO
Wabaseemoong Independent Nations

TRADITIONAL LAND USE AREA.
SWAN LAKE - ONE MAN LAKE - WHITEDOG
A New Regime

• In the 1970s, Canada revisited its process of land settlement with aboriginal groups
• The North had many such unresolved claims
• Growing public awareness about potential environmental damage in The North
A New Regime

• Since 1980, the Claims Agreements
  – Greatly enlarge aboriginal land
  – Place it under the control of aboriginal corporations
  – Enhance rights of aboriginal access to fish, wildlife resources
  – Strategies of Co-management partnerships being followed
Grassy Narrows today

- Now known as Zhaaboshkosiwagaang
- Now a community in much better shape, but still has severe mercury issues
- Faced recently with clearcut logging on their traditional lands, the First Nation fought back
  - Instituted a long-running blockade against clearcutting in 2002, still ongoing
  - Finding its voice politically
• Forestry companies spray pesticides to preserve forest for clearcutting
• Spray the best blueberry patches too
• Abandon empty pesticide drums in the woods
Clearcutting

• Isn’t pretty
• But is widespread in the industry
• Urban consumers (like us) are complicit in this
LET IT BE KNOWN THAT THIS SIGN MARKS THE CENTRE OF THE
ASUBPEESCHOSEEWAGONG ANISHINAABE TERRITORY.
FROM TIME IMMEMORIAL THIS LAND HAS BEEN OCCUPIED BY AND
CHERISHED BY ASUBPEESCHOSEEWAGONG ANISHINAABEK.
THE LAND IS INTEGRAL TO OUR IDENTITY AND EXISTENCE AS A PEOPLE.
FROM THIS POINT AS FAR AS THE ASUBPEESCHOSEEWAGONG ANISHINAABEK
HAVE TRAVELLED IS BY DIVINE RIGHT DECLARED ANISHINAABE TERRITORY.
WHAT THE CREATOR GAVE TO THE ANISHINAABE ONLY THE CREATOR CAN TAKE AWAY.
Environmental Sympathisers

- Rainforest Action Network working with Grassy Narrows FN to
  - publicise the clearcutting issue
  - Boycott Grassy Narrows lumber processed by Weyerheuser
  - Raise awareness in S. Ontario, North America generally
  - Pickets new subdivisions in LA
  - Helps blockade highways
Save Grassy Narrows' Boreal Forest
• Steve Fobister, Deputy Chief
AMERICAN DREAM HOME  NATIVE NIGHTMARE
Wake Up Weyerhaeuser
FreeGrassy.org
FREEDOM FOR GRASSY NARROWS
NO LOGGING WITHOUT CONSENT
FREEGRASSY.ORG
Grassy Narrows

- Is still affected by mercury
- Is networking with others
- Premier Wynne agreed to clean up some of the remaining mercury hot-spots
  - But action not taken yet
Treaty 3

• Losses and seizures of land in the colonial past
• Vital issues remain unresolved
  – In the colonial present
  – Grassy Narrows still battling clearcut logging
• The First Nations of Ontario’s NW
  – Are still dealing with colonialism
Indigenous Canadians take their decades-long battle for safe drinking water to the UN

‘Same-old same-old’ from feds, Amnesty International head says

Fighting to clear the poisoned waters

Judy Da Silva, seen in Geneva where she made a presentation to the UN last week, says no government has ever fully acknowledged the 1960s mercury poisoning of her First Nation community.

JIM COYLE

Alex Neve, secretary general of Amnesty International, acknowledged something deeply problematic that makes it very difficult to reliably enforce and uphold these rights across the country. We were really hopeful that we would at least see a

inherent care for tragedy and a severe health crisis in our community.”

Pierre Genest, Da Silva told the Star some progress has been made under the Ontario government of Premier Kathleen Wynne.

“These are actually meeting with us. But it feels like nothing has changed.”

The government is actually meeting with us. But it feels like nothing has changed.”

JIM COYLE
RIVER RUN 2012

PLEASE JOIN US IN TORONTO FOR RIVER RUN 2012, WHERE WE'LL CONTINUE A TRADITION OF COMMUNITY-LED ACTION FOR JUSTICE-FOR OUR PEOPLE, AND FOR THE PROTECTION OF THE WATER, AIR, AND FORESTS THAT GIVE LIFE TO US ALL

MARCH AND RALLY
FRIDAY JUNE 8, 12 NOON
GRANGE PARK
(BEFORE AGO)

GRASSY PEOPLE SPEAK
TUESDAY JUNE 5, 6:30 PM
(DETAILS TBA)

FISH FRY
WEDNESDAY JUNE 6, 12 NOON
QUEEN'S PARK

FREEGRASSY.ORG