

Pimicikamak Okimawin Onasowewin – A Step Towards Decolonization?

by

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## **Abstract**

This thesis is about Cree people who many refer to themselves as Ininew and whose original language is Ininewin. The main focus of this thesis is to generate dialogue on the colonial legacies that affect the Ininewak at Pimicikamak today in the area of community governance and the community's creative responses to colonialism. First this paper provides a synopsis of the colonial history of Pimicikamak, making reference to the First Written Law (Pimicikamak Okimawin Onasowewin) and how this is a step forward to decolonization. Pimicikamak Nation's government is recently new. It empowers the four councils: the Elders Council, Women's Council, Youth Council, and Executive Council to make and amend laws as direction from its citizens. Modern written Pimicikamak customary law is subject to acceptance by consensus of a general assembly of the Pimicikamak public.

This thesis will also discuss methods of the current colonial-derived governance system to provide a critique of the mechanisms that continue to raise havoc on Indigenous peoples. As well, this thesis will discuss the concepts of self-governance and suggest that in order to decolonize and liberate Indigenous people from the colonial entrapment that binds them to a governance system foreign to their own, there must be a committed, intellectual awareness and comprehension of the roots that continue to undermine Indigenous peoples, including Pimicikamak. This awareness is needed to visualize and comprehend centuries of systematic displacement and to acknowledge that the current colonial system still represents its history.

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I am very happy to share in the excitement of completing this endeavor with my partner Michael. Your encouragement to complete this thesis is comforting and rewarding. I am looking forward to living in good health with you. Kinanâskomitin!

### **Dedication**

To the future leaders of our nation

### **In Memoriam**

To my Uncle Ralph who was a great hunter, trapper, fisherman and activist  
To my Great, Great, Great Grandfather Chief Tapastanum who envisioned `the good life` for the  
Pimicikamak People  
To my friend Dave Brophy – For teaching me humility

## Chapter One – Introduction

### Background – First Words

Canada's history is embedded in colonialism and paternalism. The reserve systems were designed and implemented and are now considered homeland too many. Within this paradigm, the Canadian government removed children into concrete institutions called residential schools with the aim of removing their Indigenous identities and replacing them with European traits and ethics. Mario Blaser, Harvey A. Feit and Glenn McRae (2004) state:

In this new situation of asymmetry, the colonizers have repeatedly imposed their cultural forms on relations with Indigenous peoples. Thus, under the 'custody' of the nation-states, Indigenous lands and resources, and even their children, have been susceptible to seizure either in the name of the greater good, for an abstract 'all', or for their own presumed benefit. (p.3)

In these colonial times, Indigenous people are subject to inadequate services, such as housing, education and water, while being constantly bombarded with intolerance by many people in this settler society. Indigenous people's direct and indirect submission to the Canadian Settler State over the past 150 years continues to be reinforced and this does not imply that Indigenous peoples no longer fight for their lands, autonomy and freedom. It is important to note that there are many Indigenous peoples currently fighting wars within the boundaries of colonial Canada and against the state's agenda to undermine their existence as nations.

The colonial agenda is meant to conquer Indigenous peoples. The battle that surrounds Indigenous peoples is complex and to define the situation is not an easy task. Indigenous people in the country now known as Canada are divided politically, culturally, socially, economically and experientially. Indigenous peoples, more specifically, the Indigenous peoples

who are defined under the Department of Indian and Northern Affairs infamous Indian Act, are encouraged to perpetuate governing structures deemed fit by the Canadian state. The internalization of the Indian Act as a governance tool has fashioned institutions that possess very limited to no authority or autonomy to make decisions within many Indigenous communities. The late Dr. Harold Cardinal (Cree) in his work strongly stressed the problems with the Indian Act.

Theoretically, the *Indian Act* was created to implement Indian rights as outlined in the treaties with the crown. The Indian Affairs department was set up to administer and fulfill the terms of the treaties. However, the authors of the Indian legislation were men who grew up in the imperialist, colonial era of the nineteenth century, and the act faithfully reflects their environment... The Indian Act never at any time reflected the spirit or the intent of the agreements between the Indians and the Canadian government (p. 114).

Cardinal voiced this critical element, in his 1969 book *The Unjust Society* arguing that Indigenous people in Canada should not utilize the Indian Act as a means of governance but as a tool of leverage to shame the Canadian State (p.119). His work set a precedent and inspired numerous people to rebel against the Canadian State in a political climate that advocated moving towards equality. These 1970's environmental activists, including Indigenous peoples, mobilized against projects such as the Mackenzie Delta Pipeline in the North West Territories and in Quebec many activists sought to stop initial hydro development in the north. In the late 1980's to early 1990's there were mobilization campaigns against Quebec Hydro and the Great Whale Project. Harvey Feit (1982) illustrates.

Native peoples have increasingly sought to stop and/or prevent these developments, because aspects of such developments conflict with their interests, particularly as hunters, and because they have been undertaken without their consent and participation. They have been using legal means, and particularly recourse to claims for legal recognition of their 'aboriginal rights' to accomplish this goal (p.376).

Although Feit's work is derived from the Cree in northern Quebec, for the purpose of this research project attention is focused on the Cree in Manitoba. The battle is similar and ongoing since the 1970's. It continues against an increased hydroelectric generation stations on the Nelson River.

The main focus of this thesis is to generate dialogue on the colonial legacies that affect the Ininewak<sup>1</sup> at Pimicikamak today in the area of community governance and the community's creative responses. First this paper provides a synopsis of the colonial history of Pimicikamak, making reference to the Pimicikamak Okimawin Onasowewin<sup>2</sup> and how this community-driven constitution entitled; "The First Written Law" is a step forward to decolonization. The First Written Law provides the Pimicikamak nation with a framework for how future laws ought to be made. Pimicikamak Nation's government is recently new. It empowers the four councils: the Elders Council, Women's Council, Youth Council, and Executive Council to make and amend laws as direction from its citizens. Modern written Pimicikamak customary law is subject to acceptance by consensus of a general assembly of the Pimicikamak public<sup>3</sup>.

This is an attempt to envision a concept of Ininew law and place a Western concept of law into a framework to assert sovereignty. The Pimicikamak concept of law asserts sovereignty within a defined territory, alongside Canada, the Province of Manitoba and the province's corporations. The demand for a nation-to-nation recognition stems from the 'spirit and intent'<sup>4</sup>

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<sup>1</sup> Plural for Ininew (Cree) people

<sup>2</sup> Cree term for First Written Law

<sup>3</sup> [http://en.wikipedia.org/wiki/Pimicikamak\\_government](http://en.wikipedia.org/wiki/Pimicikamak_government)

<sup>4</sup> Spirit and intent in this context refers to the unwritten agreements made at treaty signing, a sign of good faith.

through the numbered treaties (Treaty 5) and the Northern Flood Agreement. The aspiration of a nation-to-nation existence has been the main assertion in Treaty implementation discourse.

This thesis will also discuss methods of the current colonial-derived governance system to provide a critique of the mechanisms that continue to raise havoc on Indigenous peoples. As well, this thesis will discuss the concepts of self-governance and suggest that in order to decolonize and liberate Indigenous people from the colonial entrapment that binds them to a governance system foreign to their own, there must be a committed, intellectual awareness and comprehension of the roots that continue to undermine Indigenous peoples, including Pimicikamak. This awareness is needed to visualize and comprehend centuries of systematic displacement and to acknowledge that the current colonial system still represents its history.

This thesis is about Ininew whose original language is Ininewin. In my own decolonizing journey, I attempt to use the term Ininew to reflect how many Cree people refer to themselves in northern Manitoba; this reflects one example of strength – to reclaim an original name. To articulate this concept I make reference to Taiaiake Alfred and Jeff Corntassel (2005). In their article “Being Indigenous” they state:

Far from reflecting any true history or honest reconciliation with the past or present agreements and treaties that form an authentic basis for Indigenous-state relations in the Canadian context, ‘aboriginalism’ is a legal, political and cultural discourse designed to serve an agenda of silent surrender to an inherently unjust relation at the root of the colonial state itself (p.598).

This concept of *aboriginalism* presented by Alfred and Corntassel distinguishes one of the root causes of the colonial termination of Indigenous peoples. In a conversation with Pimicikamak Council Advisor Tommy Monias, he explicitly expressed that I was from Pimicikamak and I am Ininew, not a ‘Cree’ or an ‘Aboriginal’. The conversation with Tommy left me contemplating the

continued experiences Indigenous peoples now endure. Again in their article, Alfred and Corntassel's articulation mirrors the Pimicikamak experience, they state:

The acceptance of being 'aboriginal' is a powerful assault on Indigenous identities. It must be understood that the aboriginalist assault takes place in a political-economic context of historic and ongoing dispossession and of contemporary deprivation and poverty; this is a context in which Indigenous peoples are forced by the compelling needs of physical survival to cooperate individually and collectively with state authorities to ensure their physical survival (p.599).

The assault Alfred and Corntassel address in their article remains ongoing; for example Indigenous people continue to be bombarded with assimilation tactics that include corporate intimidation, divide-and-conquer, bureaucratization, and enforced legislation. In my conversation with Tommy Monias about Pimicikamak history, I consider myself fortunate that I seized the opportunity to communicate with teachers who reiterate concepts of being critical of the colonial tricks of the Canadian State.

### **The Question; the Quagmire**

The Pimicikamak Nation is unique in its approach to asserting sovereignty. Pimicikamak lawyer Colin Gillespie argues:

Pimicikamak is both an Indigenous people and an Indigenous nation. These are reasonably well-defined concepts. The term "nation" has two related meanings: "a large body of people, associated with a particular territory, and sufficiently conscious of its unity to seek or to possess a government peculiarly its own", and "an aggregation of persons of the same ethnic family, speaking the same language or cognate languages". In the second sense, one might speak of the Cree nation, for example. Self-evidently, Pimicikamak is a nation in the first sense. It is also a "people" in the (singular) sense of "the entire body of persons who constitute a community or other group by virtue of a common culture, history, religion or the like." More particularly, the Pimicikamak people are Indigenous, in the sense of "originating in and characteristic of a particular land" (p.11).

Parallel to this definition, Pimicikamak (1996) asserts that the Creator gave the nation the power to govern itself, its lands, its people, and its traditional resources since time beyond memory (p.1). Through a renewed sense of identity, through such means of asserting self-determination, Pimicikamak continues to face obstacles to its own freedom. An outcome of struggle in the face of severe impacts from hydroelectric development on their traditional territory, the First Written Law and other subsequent Pimicikamak initiatives aim to shape an alternative future for the Pimicikamak Nation. Twelve years following the implementation of the Okimawin Onasowewin, it is time to review the history of the law and its implementation, and to assess whether the original vision of the Elders is being achieved.

Questions to be addressed include; how is the Okimawin Onasowewin affected by its historical context as an outcome of struggle for treaty implementation? How does the law reflect traditional conceptions of governance? What new initiatives might be necessary to fulfill community aspirations for decolonization? My hypothesis is that despite the influence of Western language and structure on the First Written Law, the spirit of traditional governance is slowly emerging through the implementation of the cultural principles held by Pimicikamak peoples. The Indian Act has been in our lives for over 130 years and to implement a new governance system there is a need to create a space in the community so that the people can talk about colonization and decolonization. The First Written Law is written in a legalistic language, which is inaccessible to the majority of the citizenship, thus leaving many citizens of the nation without input for ratification. An educational campaign is needed in the community

so people can become involved in its councils and its laws. But the law is clearly a step in the right direction for the community.

## **Position of Researcher - Where I come from**

My father's roots stem from Pimicikamak (Cross Lake) and my mother's roots stem from Kinseao Sipi (Norway House). I spent my childhood living in both territories surrounded by my nuclear and extended family and we are Ininew. My granny told my father that we are descendants of Tapastanum who signed Treaty 5 in 1875 on behalf of the Cree at Cross Lake. A major part of my childhood involved witnessing both my parents complete University Degrees, and at the same time I am very fortunate to have experienced summers on Playgreen Lake near Kinseao Sipi at Sandy Island and at Whitefish Island where my grandpa had his fishing cabin. At a young age my cousins around my age and I had responsibilities of collecting firewood, bailing out the boat and keeping the camp litter free. From the time I can remember in the spring and fall my father and my uncles would go waterfowl hunting. Upon their arrival, my grandmother, mother and aunties would gather and drink tea and begin to pluck the geese and ducks to prepare them for consumption. A successful hunt would result with family in the neighbourhood receiving some of the bounty. I often visited with my grandmother; one of the things she taught me was to clean fish. It has been a few decades since I have had the opportunity to procure fish and help with the preparation of traditional foods given that I relocated to an urban environment. The urban environment I now occupy has made such opportunities increasingly rare.

My roots stem from territories where people have endured the devastations of hydroelectric generation. I am a product of the hydro development in northern Manitoba. Through an intergenerational perspective I only received a minuscule fraction of knowledge related to the land and water. I can remember family stories of when people lived comfortably

utilizing the resources within their vicinity. When the rivers became flooded due to the dams my parents had to learn new skills in order to survive, which brought us down south to Winnipeg. The loss of use of the river for time-honoured activities such as conveying traditional knowledge to the young people has resulted in many people having to relearn the skills that are valued by older generations.

### **Writing Back**

As Indigenous people *write back*<sup>6</sup> their histories, it is important to be reminded about how history is traditionally written regarding Indigenous peoples. The late scholar Howard Adams (1999) asserts that since contact Indigenous peoples have been written out of “official” history. He states, “White academics, primarily historians and anthropologists, have owned the Indigenous past for too long” (p.26). In addition, as articulated by Gerald McMaster and Lee-Ann Martin (1992), “Indigenous peoples have been subordinate in official history, and the denial and erosion of Indigenous history by the newcomers has affected lasting damage, rendering Indigenous peoples all but invisible” (p.12). Indigenous peoples were subjected to colonial rule by deliberate means of assimilation and Eurocentric dominance. Furthermore, in reference to governance; Indigenous people were not permitted to adapt their original governing structures to reflect their realities due to the implementation of the Indian Act.

Frances Able (2007) describes the totality of the Indian Act in regards to governance. She states:

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<sup>6</sup> See Introduction Linda Smith (1999) *Decolonizing Methodologies: Research and Indigenous Peoples*: New York: Zed Books

Indian Act inverts the normal balance of power and influence in a democracy, under which the executive must do the will of the electorate. The Minister of Indian Affairs may regulate who will preside at meetings of *elected* representatives, what sort of notice should be given, and the nature of a quorum. The elected band council is subject to this authority and furthermore must make by-laws that are consistent with Cabinet-issued regulations... One might say that the full array of executive powers in Canada are brought to bear on Indian reserves, but the check that comes on these powers through the legislature is absent. Even the legislative branch of Band government (the Chief and Council) is subject to federal executive oversight and authority (p.10).

The Indian Act took away the freedom of religion and customs, and restricted their mobility and ability to organize. The Canadian state regulated many aspects of Indigenous people's (if not all) lives through this legislation; it can be described as having totalitarian elements to assimilate and disenfranchise (Kulchyski, 1992, p.179-181). The goal was to completely eradicate Indigenous peoples from their histories and culture disallowing the opportunity to develop culturally within contemporary Canadian society. An example of this would be the Indian reserve system and residential schools. Yet, subversively according to Peter Kulchyski (1992), "Native people effectively subverted a piece of legislation whose explicit intention was totalizing. In order to totalize, the State was forced to define and marginalize. The sign of difference, the legal demarcation of Indian status, was reinvested by Native People as having a positive value (p.180)."

This thesis attempts to document an alternative story that the majority of the population may not have the privilege to study. Due to the bleak and dismal content in mainstream education systems on Indigenous peoples and their histories, it is important to take into account that this project aims to share my community's endeavors to decolonize by incorporating Ininev perspectives into a governance system that recognizes unwritten, customary and sacred laws founded on inherent rights. This thesis will probe an Indigenous

constitution entitled 'Pimicikamak Okimawin Onasowewin' that has been produced by the Elders in Pimicikamak, a community that has been under the Indian Act rule for 130 years.

## **The Rationale**

In my attempt not to follow in the detrimental footsteps of past government, health, environmental and other researchers who have inappropriately probed, tested and appropriated Indigenous knowledge for intrinsic, monetary and academic benefits, my role as a researcher is to take into account that regardless of my demographics and subject position I am aware that many Indigenous people are often suspicious of being studied. Progressive students and academics that engage in research activities in Indigenous communities are required to be knowledgeable of the communities they are studying. In Linda Smith's (1999) book:

*Decolonizing Methodologies: Research and Indigenous Peoples*, she describes research as, "one of the dirtiest words in the Indigenous world's vocabulary. When mentioned in many Indigenous contexts, it stirs up silence, it conjures up bad memories, it raises a smile that is knowing and distrustful (p.1)." Research is often conducted in a fashion that excludes Indigenous voices and Indigenous people's ability to take ownership of their knowledge. My research goal is to assist in creating awareness of the political history and resistance in my home community.

The ability to become aware of the research and what types of knowledge that the academe can produce has allowed me to be critical and nurture learning at its full capacity. My research and learning endeavors include making space for Indigenous people to talk about the battle, a battle that attacks the western assumptions that continue to plague Indigenous

nations by mind-sets that are detrimental to our well-being. These mindsets include the postulation that Indigenous persons were subjugated and must continue to assimilate into the mainstream ideals. The University of Victoria's manual entitled *Protocols & Principles for Conducting Research in Indigenous context (2003)* outlines the roles and responsibilities researchers must follow when conducting research in Indigenous communities. The manual states:

Researchers are knowledge brokers, people who have the power to construct legitimizing arguments for or against ideas, theories, or practices. They are collectors of information and producers of meaning, which can be used for or against Indigenous interests (2).

This research project is meant to probe a constitution and to contribute to the ongoing political discussions in Pimicikamak. In order to foster a respectful relationship with the key knowledge holders in my community, the information that I produce stems from my drive to assist my community in our decolonizing process. I chose obtaining a Master's degree to challenge myself to articulate the complexities in my community in a scholarly fashion.

A great amount of time is spent negotiating and accommodating a western legal discourse which essentially takes away meaning to time-honored methods of governance. As well, time is spent defining concepts of what is '*traditional*' into compartments that are rendered unable to change or evolve. During Hugh Brody's (1981) initial research in northeast British Columbia as a geographer he subtly challenges the reader to leave pre-assumptions of the 'mythical' native person behind. He introduces the reader to Joseph Patsah.

You think immediately about the word traditional, which so quickly and easily blinds the eye with mythical images that prevent your seeing gun scabbards hung ready for use by the door, the sharpness of the axes, the bags of dried meat, a box of new beaver traps – the means of satisfying present-day cultural and economic needs. To look for and find

the traditional at Joseph Patsah's home is to imply that it is an intriguing relic that does not serve real life – and that is far from the truth (p.3).

The Pimicikamak are modern people. They live in community that resembles a modern town with modern conveniences. Many people in the community rely on the food the land and water provides and utilize the Northern or Family Foods store for other necessities. Thankfully in Native Studies students are taught not look for the '*relics*' and appreciate the study that the Pimicikamak people are alive and well.

### **Data Collection – The Process and Method**

Through initial contact with the Pimicikamak Cree Nation Education Authority, I met with my Education advisor and explained my research project. It was then suggested that I communicate with Mervin Garrick, the Government Liaison. He was ecstatic to learn about my research topic and supported my endeavor. He provided me with a list of people with whom I should communicate concerning community governance and the First Written Law. My initial goal was to develop a relationship based on mutual respect and to ensure broad community support for the project.

I received a Certificate of Approval from the University of Manitoba Human Research Ethics Committee in September of 2007. I then interviewed 6 individuals. During the interviews, I followed the following interview guide I developed, which consisted of eleven questions:

- 1) From your recollection of oral history and your life experiences what is Cree governance to you?

- 2) From my understanding, the First Written Law has four councils. Have you participated in any of the councils? What do you think will increase the participation in community politics?
- 3) From your understanding what is the history of the First Written Law?
- 4) What is different about the Indian Act and the First Written Law?
- 5) In your opinion, what do you think the leaders in the community, not just Chief and Council can do to improve the community?
- 6) What is your opinion on how the community can foster nation building?
- 7) The Indian Act has been in our lives for over a century. How do we become less reliant on this legislation?
- 8) What is the responsibility of the government of Canada and the Province of Manitoba to the people of Pimicikamak?
- 9) What do you think the responsibilities are of a young person in Pimicikamak in regard to self-government?
- 10) How do we become a strong healthy nation once again?
- 11) What are your dreams and aspirations for our youth now and for the next generation?

This research project is a qualitative study that involved interviews, participation in the field, observation and analysis of literature and other supportive materials including government documents and Hudson Bay Company archives. The primary sources include digitally recorded interviews with people at Pimicikamak and archival items such fur trade journals and account books. The interviews were in-depth, in-person, and open-ended that took place at the interviewee's homes as per their request and at the local coffee shop;

Cistêmâw (tobacco)<sup>8</sup> and a small monetary gift were offered to each participant. The interviewees also had the option of remaining anonymous.

The concept of anonymity noted by Dawn Martin-Hill (2008) is viewed as *dehumanizing* to many Indigenous people, including the Lubicon Cree where her work is situated. It is important to have the option of remaining anonymous due to potential conflicts that may arise. A few people who wished to be anonymous with whom I conversed advised me that people may be afraid to speak up due to the political nature of my topic. To say the least, I respect their wishes and was grateful that they took the time to talk. The interview process took approximately eight months that began in September 2007 to my last interview in March 2008. The arrangement of interviews depended on the interviewee. I aimed to have eight face-to-face interviews. One interviewee asked if I could email the questions beforehand. Before we could set a time to meet, my informant emailed me the responses. Whenever possible and particularly for initial meetings, face-to-face interviews were preferred to telephone interviews. Two interviewees requested not to be tape-recorded. My research participants represent the major groups in Pimicikamak, including Elders, youth, men, women; citizens who follow traditional ways of being and those who follow the Christian faith. All these groups have something to contribute to the research. My goal was to interview people who are both involved and who are not directly involved with Pimicikamak politics, including the elected leaders, from the youth, women's, Elders and executive councils. The utilization of interviews as a research tool allowed me to distinguish the uniqueness and complexity of ideals of the

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<sup>8</sup> I was advised by my father to give tobacco to my interviewees. Through my research experience, it became apparent that offering tobacco is an Ininew/Anishinabe protocol when requesting someone perform a task of significance, in this case, participate in my research for my Masters thesis.

community. I sought guidance from a few key informants to assist in ironing out the interview questions, and through that dialogue it became increasingly evident that research needs to be carefully fostered simultaneously with the researcher and the community. I was able to connect with the Cross Lake First Nations Communication Coordinator during March of 2007 at a teachers meeting at the Middle School in Pimicikamak. Coincidentally the Communication Coordinator happens to be my paternal grandfather's brother. After a passionate conversation about our future aspirations for the community, it was evident that I had support from a family member and it was stressed that my work is important. Within this conversation, it also became apparent that my work was lacking an understanding of what increasingly became a major theme in the data collection: that I could not communicate in the Ininew (Cree) language (this will be discussed in detail in Chapter 4). Although I felt ashamed that I could not communicate in my great uncle's first language, it reminded me that the Church and the Canadian State almost succeeded in eradicating Indigenous language; it also reinforced the notion that it is crucial that we teach ourselves and teach each other how to communicate in our original languages. It has become an ongoing effort to learn to converse in Ininewewin. As a product of modernization and assimilation, not knowing my Indigenous language, which I was never taught to be fluent, has been described as an '*Act of Love*'. Apparently, in the 1980's my parents were convinced that I would 'excel' academically if English were my first language. As a post-product of the residential school system, loss of language is an intergenerational effect among others. During my data collection phase, I was constantly reminded that I could not communicate in Ininewin. My uncle reminded me that if I wanted to learn to communicate in Ininewin, it was surely possible, and then he compared me to the adventurous non-Indigenous

teachers who quickly picked up the language upon moving to Pimcikamak. If I did speak and understand Ininewin, I cannot say that my results would be the same.

As Indigenous scholars *write back*, there has been a movement to self-examine and self-critique the processes and to document such positions, outlooks and concerns that they as researchers endure. The responsibility to remain genuine to our communities and the aspirations to be involved in an institution that has deep roots in perpetuating colonialism and imperialism often leaves the researcher sorting out the dichotomies and the adversarial tendencies researchers traditionally have created in the past. Linda Smith (1999) articulates this;

At a general level insider researchers have to have ways of thinking critically about their processes, their relationships and the quality and richness of their data and analysis. So too do outsiders, but the major difference is that insiders have to live with the consequences of their processes on a day-to-day basis for ever more, and so do their families and communities (p.137).

The 'expert' role that is assumed in research has its roots in history; it is a history of being studied and the people who are being studied have every right to be cautious. The interviews were transcribed and copies were made available to my informants. Dissemination of results will be comprised of academic presentations and papers and there has been discussion of using the research to assist in the development of school curriculum that is reflective of Pimicikamak history and the contemporary issues Indigenous peoples face.

Prior to ethics approval, research consisted of preliminary discussions with citizens of Pimicikamak, including community-based participatory research, which included attendance at community events, meetings, presentations and a guided tour of Pimicikamak territory by boat. My research led me to find family and make new friends in a location that I considered my

home. As mentioned preliminary research has been from a participant observer perspective. I made it clear that I was a Native Studies Masters student whose research interest lay in Indigenous governance and our community's endeavor to eradicate the Indian Act as a tool of governance. I have attended various meetings and educational presentations regarding Pimicikamak Okimawin Onasowewin and the ongoing resistance to the corporate invasion of Pimicikamak lands described as mineral extraction, hydro development and logging. Verbal support for this research comes from the Pimicikamak Education Authority and from the Pimicikamak nation via the Chief and Council as of 2006.

Since I started graduate studies, part-time employment included an internship at the Manitoba Museum in the Archaeology department, where I received hands-on basic training on analyzing artifacts recovered at Sipiwesk Lake, which is in Pimicikamak Territory. This project gave me the opportunity to learn about the artifacts that were made by the ancient ancestors<sup>10</sup>. I was mesmerized by the skills my Pimicikamak ancestors portrayed when making the ceramic pots and stone tools, the richness of Pimicikamak history became increasing apparent when my trainer Teija Dedi and I cleaned and analyzed a ceramic pot that appeared to be made by a young child. Up until then, I could not fathom my roots or the period prior to the fur trade, since the Pimicikamak people did not come into the literature until the early 1700's. The realization that my roots stem *long* and *far* into Pimicikamak history was empowering and I came to the conclusion that for myself, and perhaps for other young people, it is important to know your history. Our history is in the land (literally).

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<sup>10</sup> I use the term ancestors to honour the people who once resided at Sipiwesk Lake. It is uncertain that the artifacts belonged to the descendants of Pimicikamak.

The Sipiwesk Archaeology Project took the Manitoba Museum Archaeology Department to Otter Nelson River School where we presented our western knowledge on Pimicikamak Sipiwesk Lake findings and gave the children an opportunity to touch, and play with replica tools and artifacts. The artifacts that were recovered at Sipiwesk Lake are in the process of being repatriated to Pimicikamak, which still needs to be negotiated by Pimicikamak and the Historical Resources Branch of the Province of Manitoba. It is important to note that the Sipiwesk Archaeology project is a partnership with the Province of Manitoba, The Manitoba Museum and the Northern Flood Committee in Pimicikamak. The Elders initiated this project and their vision was to recover as many artifacts before they are lost forever due to flooding by current Hydro development projects such as the Jenpeg Generating Station. It is important to reflect on this internship as a methodology as it allowed me to witness the determination of Elders in my community as they saw the importance of conserving pieces of our history for future generations. Being a part of this process gave me the opportunity to meet new friends and extended family. Part of my internship at the Manitoba Museum allowed me to spend time at the Provincial Archives of Manitoba. The goal of the project was to produce a multifaceted report that included archival data.

The archival materials reviewed mostly included records, Hudson Bay Company Archives and *The Beaver* magazine. I thought it would be important to include a glimpse of Pimicikamak history through the lens of the HBC since this appears to be the first written record available on Pimicikamak.

The spring and summer of 2006 were phenomenal. Through much self-critique, I was able to piece together a thesis topic that reflected my community's determination. The

endeavor that I took on was inspired much by the Indigenous political climate of that specific time. Through my observation of the debate of the proposed Waskwatim dam at Nelson House, the land reclamation dispute at Six Nations, the AFN Election and The Treaty Chiefs gathering at Edmonton in 2005 it became increasingly obvious to me how the Canadian State continues to remain imperialistic. I was able to finally comprehend a different way of thinking that included influences of socialism, and a personal commitment to foster self-determination in attempts to envision Indigenous liberation. This intrinsic or internal process needed to happen before I could continue this work. I had to figure out what lead me to the academy and what was my sole purpose. Being a part of the ongoing progression to make positive change in Indigenous communities for a master's thesis at initial thought sounded pretentious, because the end result is validation from one of the oldest institutions of the western world. In a presentation by Neal McLeod (2008), a Cree academic, he offered a reflection that a Masters or a PhD is minimal in comparison to being immersed in the Cree language and knowledge of Cree philosophies according to many Cree Elders. Knowledge and wisdom comes from years of lived experience plus the ability to identify and communicate in an Indigenous language. Keeping it in mind that I am in the 'Western' sense a 'researcher', it is a responsibility to remain academically up to date in the Western and Indigenous research methodologies paradigms.

Willie Ermine's article "*Ethical Space: Transforming relations*" provides an argument that reconciles the Western and Indigenous research paradigms. These would be based on participatory consciousness and personal experiences with human, natural, and supernatural relationships found in Indigenous learning traditions. He states:

Practices of knowledge production were reminiscent of all other experiences with colonialism and imperialism in the West's drive for dominance and where Eurocentrism

was imposed as the appropriate and only vision of the universal... Eurocentrism, as a privileged and established consciousness, is the undercurrent that undermines and engulfs any attempts to build bridges for the effect of cross cultural understanding and ethical relations between Indigenous Peoples and the West. (from: [http://www.traditions.gc.ca/docs/docs\\_disc\\_ermine\\_e.cfm](http://www.traditions.gc.ca/docs/docs_disc_ermine_e.cfm))

Through much contemplation of my own 'decolonization' process, and on research in Indigenous communities, especially in my own community this project requires much more than an ethics approval.

A friend, Chris Standing, an individual who is immersed in Ininew/Dakota knowledge encouraged me to not to see the world in dichotomies and adversaries. He advised me to listen to my heart and show compassion to everyone. He reminded me that my role in the academic world is to teach people who do not understand and to teach a different way of understanding and to encourage people to look outside the box. I was reminded to remember where my roots come from and to learn to communicate in my ancestors' language. I have been fortunate to have many teachers in both in and out of the academy.

In this journey/ *pimipiciwin*, there are a lot of people who possess gifts in a variety of areas. Often through my paid work in research, I tend to find myself negotiating with research dialogue that still remains imperialistic and based in what Leslie Brown and Susan Strega (2005) have characterized in their Introduction of *Research as Resistance* anthology, as the "centre/marginal relationships and other binary hierarchies (p.10)." Their endeavor to disrupt positivist agendas and their attempt to create a space for researchers who are budding out of the traditional western research methodologies is beneficial to the movement that is attempting to encompass concepts of decolonizing research. Academic Research in Pimicikamak is not the first and probably not the last. I had been a part of an archaeological

project that as mentioned was initiated by Pimicikamak Elders. They have invited anthropologists and other researchers into our territory. I witnessed the Executive, Women's, Youth and Elders council contribute to a research study on hydro development titled "*Green Green Water*" an American-based documentary. I witnessed first-hand, leaders from my community reaching out and educating the mainstream public on hydro development and the effects it has caused in our territory. I also witnessed people diplomatically working with non-Indigenous peoples to create an international awareness of the effects of hydro development. This thesis theoretically attempts to avoid following in the colonial legacy of research as previously discussed earlier in this chapter. I am ready to bear the consequences and take responsibility if this thesis does not adequately addresses the Pimicikamak experience in a truthful manner.

This endeavor, this thesis, is an attempt to share a fresh scholarly opinion, a thought, and a dream to provide an alternative vision of my community. I saw the importance to maintain a balance that is rooted with acquiring wisdom, taking action, taking responsibility for our actions, quit laying blame for our inaction, being kind and practicing respect and humility.

The importance of attaining an education is that it enables us to receive information from a local, national and global perspective. By acquainting ourselves with our history, we are able to learn, mature and develop our own opinions to make us mindful and compassionate citizens. As we grow, we can transmit our values and knowledge to the younger generations, allowing us to be teachers and role-models. I encourage the young people today to stay in school and finish grade twelve. It is also important to illustrate and emphasize our own Indigenous philosophies; languages and worldviews are equal and just as important. As a young

person, my endeavor to address the ignorance, racism, injustices in and around my ancestors' territories will not only add to the ongoing decolonial discussion, it will perhaps inspire future generations of freedom fighters from my community. Ekosi.

### **Thesis Breakdown**

Chapter two provides the reader with a socio-political historical background of Pimickamak. I attempt to provide both primary (archival) and secondary sources to outline major points in Pimicikamak history including a description of the First Written Law. It begins with an explanation of the historical context of the importance of gathering knowledge that may not have gained recognition outside of the territory.

Chapter three will provide an analysis of the outcomes concerning the First Written Law and how the nation-to-nation relationship Pimicikamak strives for remains to be accepted by the Province of Manitoba, Government of Canada and Manitoba Hydro. This chapter will discuss the colonial legacy that hinders respectful relationships.

Chapter four will address the key themes in the data collection that were emphasized in the interviews such as the importance of education and knowledge gathering, Ininew language preservation and how vital the land and territory is to Pimicikamak people. This chapter will stress that it is important to envision a governance structure but without the will and voice of the people the aims and objectives remain to be fulfilled.

Chapter five will synthesize the quagmire that was addressed in the previous chapters and provides thoughts on the future.

## Chapter Two - Pimicikamak: The Location Where My Dad comes from

The Pimicikamak Nation is situated in the north central region of Manitoba. The territory includes a region embraced by rivers, lakes and muskeg and lies in the centre of the Precambrian shield. Pimicikamak is located on the shores of Cross Lake, through which flows the Kichi Sipi (Great River), also known as the Nelson River in English. The territory is 750 kilometers north of Winnipeg and has a citizenship of approximately six thousand people who are centred in the modern community of Cross Lake, though many live in Winnipeg, Thompson or other northern communities. Traveling from Cross Lake by vehicle to Winnipeg begins on a gravel road on Highway 374, then continues along Highway 373 and onto the Number 6 where you can travel either north to Thompson or south to Winnipeg. The Jenpeg dam is located on the 373.

The Pimicikamak people's history is rooted in stories, landmarks and relationships among land, people and animals and through the Ininew language<sup>11</sup>. There are various Ininew creation stories and many imply that Wisakecahk, a trickster, created the first people and named them Ininiw<sup>12</sup>. People from Pimicikamak are also referred to as *Nikickonakos* in reference to *Otter people*<sup>13</sup>. A family would travel alone or with other groups of families to hunt and trap their food. Diet included nourishment from berries, roots, moose, rabbit, beaver, fish, waterfowl and other small game. Many local people still participate in hunting and trapping

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<sup>11</sup> Initial research through conversation with Elders, youth and woman in Pimicikamak, thus far, has told me that the Ininew language is what keeps us a strong nation. It is my responsibility to learn my family's language and to teach it to my children/younger generations.

<sup>12</sup> There are many different versions of Cree Creation stories. 'The First People' was retold by Byron Apetagon in Norway House Anthology

<sup>13</sup> See: <http://crosslakefn.ca/history.html?section=history>

activities and many people rely on wild meat as a part of their dietary intake. Many family diets are now mainly sustained by foods purchased at the Northern or Family Foods grocery stores.

Oral history and written literature implies that the location of Pimicikamak was a vital centre of commerce and trade during the fur trade. Many Elders say that the Pimicikamak people have been there since time beyond memory and through Western discourse such as archaeology<sup>14</sup>, there is speculation of inhabitation of families and commercial venture through trade in the territory from 5000 BCE.

In the following centuries after contact (1492), Fur trade moguls with the Hudson Bay Company, established in 1670, capitalily benefited from the various relationships they had with Indigenous peoples in Rupert's Land<sup>15</sup> and it is assumed people inhabiting the Pimicikamak territory are included in this relationship. Through ongoing imperialistic endeavors the British sanctioned the Royal Proclamation of 1763 in areas east of the Pimicikamak territory. The Royal Proclamation emphasizes that, as land was needed by colonizers it was to be surrendered in the form of Treaties. As Peter Kulchyski (1994) explains, the British were reliant on the Indigenous people (Mohawk) as allies in the Seven Year War here in North America, he states, "Aware that their Aboriginal allies were an important factor in the victory and that those same allies were unhappy with colonists trying to grab the land, the Colonial Office also attempted through the Proclamation to reassure its Indian allies by protecting their lands (p.7)". Although, it may be

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<sup>14</sup> The field of archaeology has provided a glimpse of the lives of people now inhabiting the area now known as Manitoba. Archaeological records have shown that the Pimicikamak territory has been occupied by groups of people. The material culture left behind by my ancestors proves that 'we' have been here since 'time beyond memory'. The lakes and rivers where 'artifacts' have been recovered illustrate the dynamic livelihoods for at least 5000 years. Efforts are now being made to repatriate and foster better relationships with museums and Indigenous communities.

<sup>15</sup> The boundaries of Rupert's Land which encompassed Pimicikamak were established in the Royal Charter of the HBC

perceived that the Colonial Office was providing security to their allies, it can be also interpreted that the monarch's prerogative was to affirm its dominating regime in North America.

Law Professor John Burrows (1997) argues that the Royal Proclamation is a part of a treaty between First Nations and the Crown, which stands as a positive guarantee of First Nation government (p. 155). This unilaterally gave the King of England power to take control of Pimicikamak lands through land surrender treaties. The Royal Proclamation and the Hudson's Bay Royal Charter are documents that Indigenous peoples in or around Pimicikamak territory had no control or say over effecting what was to become of **their** territories; it was assumed that the land was open for exploitation and domination. This automatically created an unjust balance in terms of economies and the political relations between fur traders, merchants, missionaries and other settlers. Frank Tough (1996) quotes Arthur Ray's article, *the Decline of Paternalization in the Hudson Bay Fur Trade, 1870-1945*. Ray's claim is that, "The concept of paternalism, and not partnership, seems to capture the historic relationship between the HBC and the Natives (p.9)." Tough then explains, "If a partnership existed during the colonial rule of the HBC, then the current problems of Native communities cannot be traced back to the fur trade era (p.9)." The unequal relationship as explained by Ray and Tough illustrates that the mentality portrayed by the fur traders and merchants within this time period consisted of greed and manipulation.

The written record suggests that Pimicikamak territory, as it is today, is where people hunted, trapped, fished and inhabited. Company in-land trader David Thompson (1784-1812)

notes the location of Pimicikamak as *Pimmechikemow*<sup>16</sup>. This illustrates the trade interactions with Indigenous people in the area through his own communication with the people in the vicinity. The establishment of The Hudson Bay Company in 1670 by King Charles II monopolized the lands and watersheds that lead to Hudson Bay, which became known as Rupert's Land. It is important to take note that the people who occupied this territory before it being known in history books as 'Rupert's Land' were never advised and were absorbed into the fur trade politic under the guise of colonial paternal mercantilism<sup>17</sup>.

The Ininewin name Pimicikamak (*Pimmechikemow*) describes its physical location. It can also illustrate the association between the fur traders and the Ininew trappers. The location being on the written record demonstrates that there were direct lines of communication for it to be documented. Victor Lytwyn (2002) notes that fur trader Andrew Graham identified *Pimmechikemow* as being upland and is one of the groups of Cree who occupied a larger territory in the valleys of the Hayes, Nelson and Churchill Rivers. Archival records show that the HBC established a series of temporary posts along the Nelson River<sup>18</sup> in the 1790's. David Thompson established Sipiwek House, located on the Nelson River in the early 1790's and it was abandoned in 1794<sup>19</sup>. In 1795 at Pimicikamak, Cross Lake/Apsley House opened and remained operative until the winter of 1796 and was abandoned. Account books and fur trade journals appear after 1885-1889 at the Cross Portage Post located near present day Cross Lake and present day Cross Lake accounts appear in 1880. The lack of a permanent post for 89 years

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<sup>16</sup> See Victor Lytwyn *Muskegowuck Athinuwick Original People of the Great Swampy Land*. (Winnipeg: University of Manitoba Press 2002)

<sup>17</sup> See Frank Tough 'As their Natural Resources Fail' *Native Peoples and their Economic History of Northern Manitoba 1870-1930*. (Vancouver: UBC Press 1996)

<sup>18</sup> HBCA. B. 239/b/51 fo. 25d (Mf.1M256) York Factory Correspondence Book (1790)

<sup>19</sup> See J.B. Tyrell (Eds.) *David Thompson's Narrative 1784-1812*. p.78. (Toronto: The Champlain Society 1916)

required people to travel to other trading posts such as the one in Norway House. The Nelson River was considered a major trade and transport route that led other visitors such as the Missionaries into the region.

In the mid-1800 the Wesleyan Methodist missionaries began to conduct religious work in the territories surrounding Pimicikamak. It is documented that representatives from the Methodist missionaries travelled in the region for sermons and encouraged people to travel to Norway House for services<sup>20</sup>. By the 1860's Norway House and Oxford House had permanent Methodist churches and schools. Fifty years later the first school opened in Cross Lake in 1915 and was run by the Roman Catholics. Prior to 1915 children were sent to residential schools that required traveling great distances. The closest residential school was at Norway House, which opened in 1900. During the time when Pimicikamak people signed Treaty Number 5 at Norway House, Treaty Commissioner Alexander Morris referred to the Pimicikamak people as '*Pagan Indians*'<sup>21</sup> as in contrast to the Christian Indians of Norway House. Ann Lindsay (2009) points out that prior to signing in the Wesleyan Missionary General Register (1842-1856); missionary Charles Sringfellow identified Tapastanum as 'the Indian Chief still heathen.' Tapastanum resisted converting to Christianity until he signed Treaty 5 in 1875<sup>22</sup>.

In 1871 the Dominion of Canada opened the prairies for settlers and proceeded with the venture to construct a railroad that spanned from the Atlantic west to the Pacific Ocean. The numbered treaties were signed between the Crown and Indigenous nations of the prairies at this time, though the relationship has never been favorable for Indigenous signatories. The

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<sup>20</sup> Wesleyan Methodist Church in Canada, Thirty-Ninth Annual report of the Missionary Society, p. United Church Archives, 5<sup>th</sup> floor University of Winnipeg.

<sup>21</sup> Alexander Morris (1880). *The Treaties of Canada with the Indians*, Toronto: Belfords, Clarke & Co.p.148

<sup>22</sup> See Ann Lindsay (2009)

representatives of the various Indigenous nations who signed the Numbered Treaties from 1871-1921 viewed this ceremonial occasion as an nation-to-nation relationship with the Crown. Frank Tough, J.R. Miller and Arthur Ray (2000) in their book *Bounty and Benevolence* point out that Treaty 5 was about access to water due to a flourishing fishery. They explain,

Livelihood issues arose in Treaty 5, but not because of the demise of the bison economy or because of an onset of a large number of agricultural settlers. Following the transfer of Rupertsland and the concomitant restructuring of the Hudson's Bay Company's transport system, incomes to sustain Indian livelihood were affected negatively. Indian bands sought a solution to these problems through a treaty relationship with the Crown (p.211).

The Canadian settler perspective presumes that under these treaties, Indigenous peoples who occupied these territories ceded tracts of land to the Crown. In exchange, the treaties allocated reserve lands and other benefits such as farming utensils and domestic farm animals, allowances, ammunitions, gratuities, attire and hunting and fishing privileges. Some Ininew people describe the land granted under the signing of the treaty as *iskonikan* (left over land).

According to Tough, Miller and Ray (2000), Treaty Five resulted from the declining fur trade and created the urgency to sign treaty. Many Indigenous peoples surrounding Lake Winnipeg were anxious to sign treaties and to participate in an agricultural lifestyle and they were informed of the other treaties being signed by other nations in the south. Frank Tough (1996) demonstrates that the Ininew at Norway House and surrounding communities initiated Treaty 5. The modernization of transportation had political implications and Tough argues that Treaty 5 was a partial result of the loss of traditional boat work. The new methods to transport goods in relation to the low fur prices in London caused a reduction in skilled craft labour and a return to bush activities (p.62). Living off the land during the late 1870's was a struggle and the articulations made by Tough illustrate the economic struggles by the Cree surrounding the post

at Norway House. Utilizing sources from missionary and Hudson Bay Company journals and correspondence Tough illustrates the hardships that were evident in the declining fur trade industry. Many Inuit in the area petitioned to sign a treaty that was ignored only until the Dominion of Canada asserted that treaty must be signed to extinguish Indigenous title for settlers. As previously mentioned, this did not happen until 1875 when Prime Minister MacDonald commissioned Alexander Morris to negotiate Treaty 5. The goal was to create an undisturbed passageway for material goods to enter the dominion via the Nelson, Hayes and Lake Winnipeg. During this time, in the vicinity of Lower Fort Garry, as well, settlers were seeking prime land for agricultural purposes.

Tough, Miller and Ray (2000) also attest that Treaty negotiations between Indigenous peoples in the west and the Dominion of Canada were not one sided. Indigenous people had been participating in the fur trade for over two hundred years with both the Hudson's Bay Company and the Northwest Company and were adaptive to the processes associated with commerce and trade. The HBC participated in First Nations diplomatic practices that included marriages. As Tough, Ray and Miller (2000) point out:

All Indian nations had well-developed diplomatic/political traditions for reaching peace and other accords with outsiders. It was a widespread practice in the territory of present day Canada to cement treaties with the smoking of the calumet, and exchange of gifts that symbolized goodwill, and through arranged marriages (p.5).

The notion of diplomacy is also supported by Neil McLeod (2007). He illustrates the mutual liaisons of the fur trade:

The trading posts have been named kihc-atawewikamikwa – literally, the 'great houses of trade' which denotes the function of these posts during the fur trade. Prior to the numbered treaties, there had been a period of roughly 200 years of mutually beneficial trade. The treaty process was in many ways an extension of the positive relationships

that emerged during this time. The notion of reciprocity (miyo-wicihitowin, “helping each other in a good way”) was the core of this relationship (p.35).

The term ‘spirit and intent’ commonly refers to the ‘good nature’ employed by the Ininewak to pursue a Nation-to-Nation relationship with the Crown. Pimicikamak supports this, they state:

We entered into Treaty 5 in peace, friendship and in order to permit the orderly and fair sharing of the land with the settlers and the Crown while protecting our use of our traditional lands. In return for that assurance, we permitted the settlers to use the land for agriculture to the depth of one foot. (Pimicikamak, 1998, p.65)

To Pimicikamak the ‘spirit and intent’ suggests that Treaty Five is passed down to the people, generation to generation by the Elders and these understandings are based on the content and context of the historical relationship with the Crown and the treaty discussions leading to Treaty 5 in 1875 (Pimicikamak, 1998, p.65). Sharon Venne (1998) supports this by stating, “Even the written version of treaties have been subject to considerable interpretation, and they may be scantily supported by reports or other information about the treaty negotiations.

Fortunately, Treaty Nations have also kept a record of the treaties in their oral histories, and these can provide another understanding of treaty agreements (p.173)”. This asserts the endeavor for treaty recognition through the original concept of ‘spirit and intent’ and attempts to “bridge cultural and linguistic gulf between the parties” (Pimicikamak, 1998, p.56).

In 1875 Pimicikamak became a signatory to Treaty number 5 and the territorial area spans to include most of the Keewatin district. Anne Lindsey (2009) notes a fact collaborated by oral history that Chief Tapastanum, who was approximately 70 years old at the time, signed the Treaty 5 on behalf of Pimicikamak (p.2).

Through archival research, lawyer Colin Gillespie (2004) synthesizes the proceedings surrounding the Pimicikamak signing of Treaty Five at Norway House. In his book *The Nature and Legal Capacity of Pimicikamak and its Government*, he utilizes a narrative approach with assistance from the post records and treaty records (written and oral), he contextualizes:

*In summer, Pimicikamak families had their traditional locations mostly on the shores of Sipiwesk Lake. Each had a kisayman. Tapastanum was one such, and was the most respected of them. He was the best hunter, the most knowledgeable about many things, a medicine man, and a spiritual leader, seen as close to the creator. For these reasons he had a temporal as well spiritual authority. For the past several years, many families gathered in the fall at Cross Lake for trading, and the kisaymanak would meet in council. In the fall of 1875, Tapastanum came to Cross Lake early to choose a good place for his family to camp for the gathering. He met two Pimicikamak men, George Garrioch and Proud Mckay, one of whom spoke English and both whom knew somewhat of the white man's ways and had been given white man names. They had come from Norway House and brought news that white men were coming to Norway house by canoe with them and some members of his family. Upon arrival at the treaty meeting, those present naturally looked to him as spokesperson. He was the only person who could speak for the whole Pimicikamak people. He was told that, in order to participate in the treaty meeting, he should be baptized with a new name and he did so. At the treaty meeting he made his mark on the document. Upon returning to Cross Lake, Tapastanum showed a suit of clothes and said 'the white man told me I am now a chief.' He told the council he had agreed on their behalf to adopt those who were sent by the Queen into the Pimicikamak people and allow them to use Pimicikamak lands. He said this was the will of the creator. He had said he would identify a place where the Pimicikamak people and the adopted settlers could live together at Cross Lake. The council and the people accepted this without demur (p.43)*

Treaty Five was signed in 1875 and later adhesions were added in 1910; they are based on entrenched British-Canadian legal foundations. The land acquisition successions began in 1763 after the issue of the Royal Proclamation when the British Colonial government accepted an unspecified Aboriginal title in the lands of the area known as British North America (Coates and Morrison, 1986, p.1). The treaty aimed to define the relationship between Indigenous peoples and the settler governments of Canada. It was mutually agreed upon under the notion that the

different nations of peoples from diversified lands, territories and cultures can share land, cooperate, and coexist, but both peoples, Indigenous and Settler, must respect each other's differences. Such respect ideally would demonstrate the '*spirit and intent*' of the treaty, which is still aspired for by people who are ancestrally connected through the treaty.

The sanctity of the numbered treaties including Treaty five continues to be diligently examined by both Indigenous Treaty peoples and non-Indigenous people and in this instance the Canadian State. These examiners include lawyers, academics, private researchers, First Nation and governmental researchers. Many of these people are appointed or they pursue the issue on their own merit or for several reasons that include the production and interpretation of policy and legislation, academic papers, creation of leverage in land claim and governance pursuits, challenges to land claims and self-governance pursuits. The treaty's content continues to this day to be scrutinized by the State. The literal reading of the treaty includes provisions consisting of: One hundred acres of land per family of five, fishing and hunting permission, tools with which to practice agriculture and so on. Aside from parcels of land and annuities, what is extremely important about the numbered treaties and important to Treaty 5 is that water was never surrendered<sup>23</sup>. Leroy Little Bear (1986) reminds us that the Indigenous concept of title to land is distinct from the British concept; he states, "In other words, the Indians' concept of title is not equivalent to what today is called 'fee simple title'; it is actually somewhat less than unencumbered ownership because of the various parties (plants, animals, and members of the tribe) that have an interest in it... (p.246)." This paradox will be discussed in detail in the next chapter, yet it is important to apply in context when discussing the importance of treaty to

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<sup>23</sup> Dr. P. Kulchyski has pointed out this legality through conversation.

remind us of the complexities that are embedded in Indigenous and non-Indigenous discourse. If water was never surrendered via treaty for example, important avenues for discussion are created.

The immense discourse concerning the treaties during the signing of Treaty 5 raises concern about the methods that were employed during the signing of Treaty 5. For example, during the treaty signing process, the Commissioners brought translators to translate the Cree languages at specific sites. This is deemed problematic because the language structure of the Cree language differs immensely when translated into the English language, consequently, certain words or phrases cannot be translated from one language to another, or, these words and phrases lose their meaning once they are translated. Also the dialect changes throughout the Ininew territory.

In a documentary produced by Manitoba First Nations Education Resource Centre about Treaty 5 that focused on a Pimicikamak perspective, Elder Gideon McKay expresses the view that there indeed was a translation problem. He feels that the treaty translator did not understand the true implications of the treaty and when the Chief<sup>24</sup> (*Tapastanum*) arrived at Norway House, he was not aware a treaty was pending. This contradicts the assertion made by Tough on the issue of the people wanting to sign the treaty in the region. It is important to note that the location of Pimicikamak is further upstream from Norway House, which was a prominent trade centre on the Nelson River. It is uncertain if the Pimicikamak Cree wanted to

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<sup>24</sup> In the documentary, Elder McKay spoke Ininewin. The translated subtext used the word Chief. In conversation with Otter Nelson River School Grade 12 Native Studies teacher Garrison Settee, he stated “If you can comprehend our language, Okimawin can be a derogatory term according to one elder. It means fake chief (personal communication, October 30, 2007).” Joseph F. Dion (1979) has written that the term Okimaw was once revered, “Elected leaders came and went so fast that a chief became known as Okimakan, which means ‘imitation chief’ (p. 80).

sign treaty, solely based on Elder McKay's recollection as portrayed in the documentary. It has also been noted that there was little room for meaningful 'negotiation'<sup>25</sup>. This document was drafted prior arriving to Norway House in 1875 and contained fewer provisions in comparison to other treaties. Further inquiry and documentation is needed on the oral histories in Treaty Five Territory. The translation process, which was explained by Elder McKay, shows the problems associated with language barriers. Another example he used was more specific to linguistic changes that happen over time referring to the Cree/Ininew language. He considers that there were comprehension issues in regards to the level of Cree being used. For example, older Cree speakers utilized different terminology and phrases than the younger generations<sup>26</sup> and Elder McKay suspects that this was one of the main issues in translation during the signing of the treaty. The oral history as told to Elder McKay by his Elders emphasized the phrase "as long as the sun shines, the grass grows and the rivers flow" was utilized to persuade the Chiefs to sign treaty. This phrase is documented in many instances including reports and publications on the numbered treaties. Patricia Monture-Angus (1999) documents the importance of Treaties, for instance, at a Cree Elders workshop she facilitated on the topic of discussion surrounding the potential changes to the constitution at the Charlottetown Accord; Monture-Angus interpretation of the Elders' discussion is as follows:

They spoke in Cree about how the treaty cards had been taken away from them and replaced with status cards earlier this century. They told of how that moved the source of their rights away from the treaties of their ancestors had signed and prayed over to the Indian Act. What they foresaw was the evolution from the Indian Act to a new form of oppression that would be inflicted under the Charter and the constitution... They

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<sup>25</sup> See. Waldram, J. (1988). *As Long as the River Runs*. Winnipeg: University of Manitoba Press

<sup>26</sup> When I was in Pimicikamak in the winter of 2007, my uncle and I were listening to the local radio station. He mentioned the 'level' of Cree being spoken was diminishing. Many people are using English shortcuts when conversing in Cree. Reflecting on his comments, my father's cousin mentioned that my granny's generation might be the last generation of 'old' Cree speakers.

wanted to move toward a truly new time in the relationship between settler nations and First Nations. They wanted to move toward the treaties and the just implementation of those agreements (p.17).

With this in mind, the consistency and true meaning the ‘spirit and intent’ can be interpreted to mean that there will always be a treaty and the importance of such treaties should be respected by both Indigenous people and government officials. This brief history shows the degree of ongoing conflict and difference in interpretation of the treaty, and that this is an issue of continuing importance to Pimicikamak.

### **Manitoba Hydro, The Flood, The Northern Flood Agreement and Asserting Sovereignty**

The Churchill and Nelson River in northern Manitoba since the 1920’s have been considered a great potential for hydroelectric power. The Lake Winnipeg Regulation Churchill-Nelson River Diversion Project was founded in a 1966 agreement that did not involve Pimicikamak (Hertlein, 1999, p.5). “Part of a northern development scheme, the agreement between the government of Canada and the province of Manitoba permitted the regulation of Lake Winnipeg because it was seen as necessary to match the consumer needs of electrical power (Hertlin, 1999. P.5).” The first dam that was built on the Nelson River was Kelsey; it became operational in 1960. Subsequent dams on the Nelson River include: Kettle (1971), Long Spruce (1977), Jenpeg (1977) and Limestone (1990). Manitoba Hydro built the Jenpeg dam to regulate and protect the southern portion of Lake Winnipeg from flooding and to ensure a reservoir so that enough water would run the northern generation stations situated on the lower Nelson River (Kelsey, Kettle, Long Spruce and Limestone). Hertlin (1999) explains, that the Churchill River Diversion was designed to divert 85 percent of that river into the Nelson (p.5).

According to Manitoba Hydro, “Instead of harnessing the potential by building plants right on the river itself, however, a considerable economic advantage is being gained by diverting part of the water into the Burntwood and Nelson River system to use at the generating stations being built on the Nelson River<sup>27</sup> .

James Waldram (1988) indicates the environmental impact the hydro project has on Native people on the Nelson River system. He states: “The Native community of South Indian Lake was seriously affected by the Churchill-Nelson River Hydro Project, and to a lesser extent so were Nelson House, Cross Lake, Split Lake, York Factory and Norway House (p.11).” Being born in northern Manitoba, more specifically being from both Pimicikamak (Cross Lake) and Norway House, experiencing the aftermath of the hydro project in both my mother’s and father’s territories, I know that stories of the flood have been topics of kitchen table discussions. Often family dinnertime chatter would become in-depth discussion on ‘the good old days’ when the fish and fur-bearing animals were healthy, when people could take a cup and dip it in for a refreshing drink of water on a hot summers day and when the lakes consisted of beautiful beaches and shorelines. Only being a child at the time, I often wondered what the land and waters might have looked liked. Reflecting on this one time my family (immediate and extended family) travelled on the Nelson River to Playgreen Lake to a favorite swimming location, Sandy Island. I was feeling parched. I took my grandpas travel cup and filled it with water from the river. I remember being immediately scolded. My mom prevented me from drinking the water, telling me that it was dirty! From the time I can remember, it was engrained into my mind that the water from the Nelson River was unsuitable to drink. At the time, being

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<sup>27</sup> [http://www.hydro.mb.ca/corporate/water\\_regimes/churchill\\_river\\_diversion.shtml](http://www.hydro.mb.ca/corporate/water_regimes/churchill_river_diversion.shtml)

so young, I was not aware that this story is not unique. At least three generations of people have never been privileged to utilize the lakes and rivers in their most pristine state.

Pimicikamak people have a long memory. It has been documented that they were informed that the Jenpeg dam would have minimal impact on their lives. Since the building of the dam, the affects have been detrimental to Ininew people in the territory. Hydroelectric generation has caused much disparity and it is in constant motion, as I witness every time I go back to my territory. The cultural and human impacts include alienation from the land, water and other resources, which decreases the opportunity to participate in time-honoured fishing and hunting activities. The treacherous water fluctuations have caused a great amount of shoreline erosion which has been documented to cause boating accidents due to 'floaters' which are tree stumps floating just below the surface and therefore impossible to see due to murky water. The rapid water fluctuations also make it difficult for people to dock their boats at shore. In the winter, water instability can cause hanging ice; if someone is out on a snowmobile, accidents can occur when one travels on ice that is unstable due to water fluctuations causing ice to fall. All these factors can create collective. For example, the alienation from the land has created a loss of cultural knowledge, which can be seen when people were no longer able to fish in Sipiwesk Lake due to Mercury poisoning. People who relied on fishing as a means of income and food had to rely on other means of nourishment. Fishermen and women could no longer take their children onto the lake to demonstrate their livelihoods and family sustainability was put in jeopardy.

In "Engineering Poverty", Steven Hoffman notes that the exploitation of northern Manitoba's vast waterways was long a goal of southern policy makers. "The Winnipeg River was

inadequate to meet the region's growing electricity demands and Manitoba Hydro, the province's crown corporation responsible for energy policy, planning, and development began to look north to the Nelson and Churchill rivers (p.108-109).” In 1913 the dominion of Canada completed a comprehensive geological survey on the Churchill and Nelson River<sup>28</sup>, this adds to the list of incidents of the lack of consultation of the original inhabitants in the region. In 1956, the Manitoba and Canadian governments agreed to carry out a flood control survey of lakes. The study was conducted by an appointed agency known as the ‘Lake Winnipeg and Manitoba Board’. The Board’s report in 1958 affirmed that regulation of the lakes would be advantageous to the development of potential generating sites on the Nelson River<sup>29</sup>.

The paramount discussion about hydro development at Pimicikamak begins with the story of how Elder Charlie Osborne witnessed hydro representatives inform the citizens of Pimicikamak that the water would not fluctuate more than the length of a pencil<sup>30</sup>. The production of hydroelectricity caused severe environmental damage. From once pristine lakes and rivers, the water is now murky from flooding which is the primary cause of shoreline erosion.

Supporting the argument that hydro development caused devastating effects, a claim put forward to the Northern Flood Agreement Office of the Arbitrator in 1982 states:

Probably the worst feature of these man-made fluctuations is that nature has been reversed; low water levels occur in the summer when Hydro begins to impound water in Lake Winnipeg, and high water levels occur in winter when Hydro begins to release water for use in the downstream generating plants on the Nelson. This in turn causes drought conditions in summer, and flood conditions and slush ice in the winter. According to the residents this has had a devastating effect on the lake, and

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<sup>28</sup> See [http://www.hydro.mb.ca/corporate/history/hep\\_1900.html](http://www.hydro.mb.ca/corporate/history/hep_1900.html)

<sup>29</sup> See [http://www.hydro.mb.ca/corporate/history/hep\\_1951.html](http://www.hydro.mb.ca/corporate/history/hep_1951.html)

<sup>30</sup> See: ‘Green Green Water’ documentary produced by Dawn Mikkelsen.

consequently on their lifestyle (Northern Flood Agreement Office of the Arbitrator – Claim 11, 1982, p.5).

Although the document was a claim, seeking remittance and recognition, it identified hunting, fishing and camping as recreational activities. It is important to stress that hunting, fishing and camping are much more than recreational, but rather are a sustainable lifestyle and a way of life. The document addresses this, noting that a witness at the specific claim hearing (Claim 11) states that many native hunters cannot get up the creeks, cannot go by boat freely up and down the lake or into its bays, as they once could and in most places there is low or no water or the abundance of weeds and mud (p.7). The abundance of weeds and mud can be seen to this day. Summer time at my Granny's house in Pimicikamak meant going down the bank from her place to swim. Although my dad told me that I was going to get filthy, it was the only way to cool off on plus 30 degree Celsius day. During my dad's childhood days, the swimming spot was described as a beautiful place to swim. The water was clean and clear and you never felt weeds at your feet. After our swim, it became evident that my dad's claims were true. My cousin and I were covered in mud. Crevices in our toes and toenails were filled with silt and our hair and skin were covered in a muddy film. Our endeavor to cool off ended in us having to bathe to clean off. This experience illustrates how hydro development has taken people away from the water. The last time I was at my granny's house, I walked down to our old swimming spot and I was amazed to see how much has changed the past twenty years. The dock that we swam off of was no longer there. It was replaced by a removable floating dock. There were weeds growing out of the water surrounding the place we swam. The community built a beach on the other side of the community in the area that would be considered town centre. Some people swim under the new bridge because the water is deep; yet, it is dangerous due to the fast current.

People continue to be robbed by hydro development as the cumulative effects continue to deteriorate the shorelines. Perhaps swimming, as a summer past time, may eventually be reserved for trips out of town where pool facilities are present.

## **The NFA**

When the Province of Manitoba, Manitoba Hydro and Canada entered into a treaty with five hydro development affected communities in 1977, the Northern Flood Agreement (NFA) promised to alleviate the harm caused by the hydro projects. It contained twenty-five articles and several schedules. The parties agreed on several definitions and provisions. The NFA set out directions on how the land was to be exchanged and used, provisions for navigation, water quality, and preservation of cemeteries and other objects of cultural significance. There were also provisions to minimize damage, to offer insurance for life, accident and disability and to assist with the crumbling infrastructure in the community.

The NFA holds a significant clause (Schedule E – Community Development Planning & Community Development Plan) that is deemed of great importance to Pimicikamak. This section of the NFA promises “the eradication of mass poverty and mass unemployment”<sup>31</sup>. Menno Wiebe (1999) states: “Schedule E contained promises whose implementation was vaguely defined; it became more of an object of discussion among lawyers than a program of action (p.39).” The ambiguity generates debate without any direct action thus leaving communities suffering. Luke Hertlein (1999) describes the NFA as an agreement meant to last for the duration of the Project, without any definitive termination date. It requires continuing

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<sup>31</sup> See [http://www.hydro.mb.ca/community/agreements/nfa/sched\\_e.htm](http://www.hydro.mb.ca/community/agreements/nfa/sched_e.htm)

obligations on behalf of the government and Manitoba Hydro to respect its spirit and intent for generations to come (p. 12). The unemployment rate in PCN is over 80 percent. Pimicikamak asserts that the NFA must be upheld and the corporation, the province and the federal government should be responsible to uphold their obligations as set forth in the NFA.

In the 1980's the communities under the Northern Flood Agreement proposed to negotiate with Manitoba Hydro, the Province of Manitoba and the Government of Canada to implement alternative agreements, to implement the promises set forth in the NFA. These agreements became known as Comprehensive Implementation Agreements and in Norway House it is known as the Master Implementation Agreement. Pimicikamak opted out of the negotiations in favor of the original NFA. Pimicikamak is the only NFA signatory community that has not signed a Master Comprehensive Implementation Agreement (MIA) or a Comprehensive Implementation Agreement (CIA) that the other hydro affected communities of Norway House, South Indian Lake, Split Lake and Nelson House signed in the 1990's.

The Aboriginal Justice Inquiry Commission in late 1999 asserts that the Northern Flood Agreement is a Treaty and be should honoured as a Treaty. Since then, Pimicikamak leaders have been working with non-governmental organizations, church groups and with environmentalists to create a broader network of allies and partners to assist with public education and awareness of the Northern Flood Agreement and the effects of hydro development in the north.

In 1974 the Northern Flood Committee formed and included five Ininew communities including Cross Lake. The other four communities were Split Lake, Norway House, York Landing and Nelson House. The Northern Flood Committee negotiated the Northern Flood Agreement

with Manitoba Hydro, Government of Canada and the Province of Manitoba, which was signed on December 16, 1977. This agreement recognized the drastic social, economic and environmental impacts of the Nelson River Diversion Project, which was constructed without consultation in northern Ininew territory during the 1970s. The NFA promised four acres of replacement land for each acre flooded, compensation for injury or loss of life on waterways, protection of wildlife and harvesting practices, funding for social and economic development, corrective procedures to prevent erosion, to extract debris and to restore burial sites<sup>32</sup>. Chapter 5 of the Aboriginal Justice Inquiry (AJI)<sup>33</sup> recognizes the Northern Flood Agreement as a “*Most Recent Treaty*”. This furthers the Pimicikamak Cree argument that the NFA is a living document. The AJI heard testimony from concerned people who continue to endure the environmental catastrophes caused by hydroelectric generation, as the AJI author’s state:

Aboriginal people also argue that they were never told of the environmental destruction that would occur. They say that they were never told that graves would be washed away and fish habitats demolished, nor that an entire way of life for what previously had been strong communities would disappear. Over a decade later, they were still voicing their hurt and dissatisfaction to this Inquiry (AJI, P.XX).

More than a decade after the treaty was signed, it became clear that the Federal and Provincial governments along with Manitoba Hydro did not intend to fulfill the terms of the treaty. The five signatory Ininew nations in 1986 formed a working group to battle for treaty

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<sup>32</sup> Please see the Northern Flood Agreement available at [http://www.hydro.mb.ca/community/agreements/nfa/t\\_of\\_c.htm](http://www.hydro.mb.ca/community/agreements/nfa/t_of_c.htm)

<sup>33</sup> The Aboriginal Justice Inquiry: This was a response to two murdered Aboriginal people in separate incidents and how the lack of police diligence and integrity correlates to the treatment of Aboriginal people. These deaths are distinct events, which outraged the Aboriginal community. This inquiry probed the criminal justice system in Canada in relation to Aboriginal peoples. This report consisted of two hundred and ninety-six recommendations aimed at the Manitoba Government, the Federal government and the Aboriginal communities within the province. The report was released in 1991 and it was highly praised by all parties, yet only a handful of its 296 recommendations have been implemented.

implementation; in response, Manitoba Hydro attempted to buy their acquiescence through so-called "Implementation Agreements," involving lump sum one-time payouts. Pimicikamak rejected the Comprehensive Implementation agreement in October of 1997 and then began a series of public engagements to illustrate the damage and impairment created by the Jenpeg generating station. The Inineew at Pimicikamak developed an outward fundamental inquisition that questioned the expansion of hydro involvement through the Wuskwatim electric generation station and further encroachment of hydro development. The Pimicikamak Nation was on the forefront of activist action in Manitoba through the past decade. The Comprehensive Implementation Agreements ignored many of the clauses in the NFA that obligated industry and government to fund programs that would address the poverty and social predicaments caused by the hydroelectric development. Cross Lake was alone in refusing to sign a Comprehensive Implementation Agreement on the basis that it would extinguish all agreements made in the prior treaty. According to Ronald Niezen (1999), the Elders took the chief and council out of the room when they were about to sign the CIA, and led them to a community meeting. The signing was postponed. An election was eventually called in which the CIA was the main election campaign issue and when Roland Robinson (Chief from 1997-1998) was elected, the CIA was abandoned (p.69).

After the election a political movement emerged. In *Green Green Water*, a documentary on hydro development in northern Manitoba, Pimicikamak Executive Council member Nelson Miller (2006) provides an explanation on the political movement in the community. He explains:

Perhaps it has to do with our self-discovery. We been at the bottom for so long and getting kicked around. We started to assert ourselves, standing up for what we believe in. There was a time here when we were at the brink of our rights were about to be bought off and sold. Our people came together to save what we call the Treaty. There

was community involvement right across our community. Everyone was involved and we saved the agreement [Treaty] from being bought off and terminated. We stood up together when hydro transformers were passing through our territory. We held those transformers from passing through. That is one way we started to assert ourselves. We started to make our own laws. We found a new way of governing ourselves. We become strong and we are not as passive as we used to be. We demand respect now and it is going to stay that way (as cited in Mikkelsen, D., Fortier, J. & Lee, J.A., 2005).

The leadership in Pimicikamak aspired to expose the monstrosities employed by Manitoba Hydro and this brought them to the international front. In 1998, Pimicikamak, along with their affiliation with the Grand Council of the Crees of Quebec who were also affected by hydro developments in that province, made reports to the United Nations Committee on Economic, Social, and Cultural Rights, which monitors countries' compliance with the International Covenant on Economic, Social, and Cultural Rights. The Pimicikamak report was on unfulfilled NFA promises<sup>34</sup>. The United Nations International Decade on the Indigenous People (1995-2004) was an era where many Indigenous groups attempted to address collectively their grievances with the nation states that encompassed their territories. Galit Sarfaty (2007) references this process,

Through their involvement at the United Nations, the Cree have publicized Canada's violations of their rights, as demonstrated by its failure to implement the NFA, its underfunding the tribe over the last decade, and it's depriving of the Cree's own means of subsistence. Their transnational campaign reflects the political mobilization of Indigenous groups worldwide as they pressure states to comply with international norms (p.464).

The politics of shame described by Ronald Niezen (1999) is, "the effort to influence a decision or policy through dissemination of information to an audience that is a source of political power, information that exposes the inappropriateness, harm, or illegality of a course of action

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<sup>34</sup> See International Norm Diffusion on the Pimicikamak Cree Nation: A Model of Legal Mediation. Vol. 48, Number 2, Summer 2007 Harvard International Law Journal

(p.179).” Concerned citizens, social justice activists and students, university academics and church activist primarily heard the attempt made by Pimicikamak to embarrass Manitoba Hydro and the Governments involved in the NFA. Pimicikamak hired a full-time lobbyist to address the cataclysmic damages to the territory.

### **The First Written Law - Okimawin Onasowewin: The Emergence of the Four Councils**

In 1996, a small group of Elders approached the Cross Lake First Nation Band Council and told them that after 130 years under the Indian Act regime, it was time for the Nation to assert its own sovereignty<sup>35</sup>. The Elders of Pimicikamak decided that the Canadian-imposed governing structure was not functional or viable to them as Indigenous peoples and they advised the leadership to revisit their original governing structures. In the *‘Red Book’* also known as *Pimicikamak Cree Nation A New Relationship*, *Pimicikamak* construes the Okimawin Onasowewin as,

The Okimawin Onasowewin is based on, and expands upon, existing traditional law. It is based upon existing traditional law as to how laws were made – namely by Kiseyak Iskotew Otaskonakanak (“Council of Fire” in rough translation) or, in modern terms Kiseak Otaskonakanak – the Council of Elders. (p.9)

After considerable debate, Pimicikamak ratified the Pimicikamak Okimawin Onasowewin (The First Written Law) in 1996, and it was approved by the community. “[The First Written Law] expands upon this basis because it comes to terms with the (offensive) existence of and also the (practical) need for Chief and Council as an executive arm of government. ‘Offensive’ because it was a violation of our human right of self-determination by means of the Indian Act. .

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<sup>35</sup> Personal communication Nelson Miller (2006)

. . ‘Practical’ because the world has changed much and normal evolution of Cree governance has been suppressed for generations (p.22).” Former Women’s Chief and newly elected Councillor Eugennie Mercredi informed me that during the development stages of the First Written Law there was an increased awareness of the environmental damage in the boreal forest, more specifically though hydroelectric generation. The Elders voiced that we need to be heard and respected. If we don’t do anything the future generations will suffer (personal communication, September 18, 2008). Lawyer Collin Gillespie was contracted to work with a group of Elders to develop a document that would be the legal basis for the new governance system. Pimicikamak, with help from lawyers, have articulated the First Written Law, NFA Implementation Law, The Pimicikamak Okimawin Trust and Hydro Payment Law, Citizenship and Election laws and currently they have drafted laws concerning resource use and financial management. The First Written Law was ratified in 1996. The governing body established by this law includes four councils, the Woman’s, Elders, Youth and the Executive council. Rather than complying with the Indian Act-prescribed leadership guidelines that currently enables Chief and Council as sole political power, the First Written Law organizes the four councils to hold administrative capacity. This capacity entails achieving consensus within each of the councils. The Executive Council implements the tasks often associated through the Indian Act. The Women’s and Elders council hold veto on decisions made in the community.

This homegrown initiative was established to achieve consensus as the main decision-making mechanism in the community. Through community consultation and education sessions, executed utilizing the local TV and radio station and through in-person meetings, the

community has articulated their laws. A publication by the Pimicikamak Nation, elaborates their consensus model:

Pimicikamak's two original traditional councils – the Women's Council and the Council of Elders have a veto-vote over written laws of the nation and have other key roles. To these the Youth Council has recently been added, with the status of a traditional council. It is a powerful force notwithstanding that it has no formal veto over written laws, because the youth are the majority of Pimicikamak citizens and Pimicikamak governs itself by consensus (PCN, 2004, p.5).

Each law has been scripted to be inclusive of the needs of the community and executed through consensus in their governing mechanism. The ability to achieve consensus that reflects the diverse demographics in Pimicikamak territory demonstrates the eagerness to include diverse groups in the community. This is not suggesting that prior to the reestablishment of the First Written Law, community Chief and Council deliberately excluded women, Elders or youth. Rather it demonstrates that the colonial model under the Indian Act excluded representation from these groups, thus not giving an outlet to voice concerns in a legitimate way as directed by the community. The Okimawin Onasowewin furthers capacity building in the community rather than existing colonial-style governments that include provincial and federal regimes. The governing structure reflects the community's diversity and is a means to promote discussion on the creation of new laws that include all voices within the community, while respecting Canadian laws. Galit Sarfaty (2002) explains this model and its uniqueness:

Some Indigenous groups, such as the Pimicikamak Cree Nation of Cross Lake, Manitoba are developing a unique model of self-determination that adapts customary procedures and values with those of Canada... Many Indigenous groups are reacting to the rise of globalization by appropriating and redefining the Western language of law, such as rights, reparations, and claims, while readapting and reinterpreting their customary law. Their concurrent engagement of multiple legal discourses is an innovative strategy for their assertion of self-determination (p.2)

Sarfaty illustrates that the Pimicikamak model/Law builds on restructuring a relationship with Canada while incorporating Western legal language and with time-honoured Indigenous values. Although the Canadian government does not recognize the Okimawin Onasowewin, it shows the determination to assert their sovereignty as a nation of peoples. Collin Gillespie (2004) explains, "It can hardly be doubted that Pimicikamak existed as a distinct people before, and at the date of, contact. The oral history of its civilization and organization, post-contact records, and its survival to this day, all evidence this fact." (p.12). Although, the Canadian state does not recognize these developments, Pimicikamak continues to make and amend laws in accordance with the needs of its citizens and jurisdiction over its lands. Niezen (1999) explains inherent jurisdiction involves the development of written laws based on the political rights of the peoples (p.170). He explains:

The use of legal language in this legislative process represents a reversal of the usual flow of cultural expertise and political control. Inherent-jurisdiction lawmaking is thus a use of legal language to reinforce the political and cultural defenses of Indigenous society and ultimately to create a form of constitutionalism that stands outside the statist paradigm (p.170).

Pimicikamak leaders reclaiming their inherent jurisdiction and applying their Indigenous values into a contemporary governing structure illustrate the importance of nation rebuilding.

Within the campaigning for the First Written Law, the community decided to publicly reclaim their traditional Ininew name, and dedicate a day to celebrate the renewal of the nation. The chosen day was July 1 – the nation thus stood in opposition to the celebration of Canada Day. On this day, the Okimawin Onasowewin was proclaimed as the First Written Law of the reconstituted Pimicikamak Nation. In a presentation published in *First Nations and hydroelectric development in northern Manitoba: the northern flood agreement: issues and*

*implications*, Niezen (1999) describes the Okimawin Onasowewin as providing a framework for how future laws are to be made in the community (p.86). He goes on to describe the Okimawin Onasowewin as an “important concession to the community’s relationship with the federal government and the Indian Act, the Chief and Council (Niezen, 1999, p.86).” The Okimawin Onasowewin eradicates the Indian Act structures and it eliminates the monetary costs associated negotiating self-government<sup>36</sup>. Pimicikamak asserts the right to determine governance structures via international law. The Pimicikamak Okimawin Onasowewin can be seen as a tool to assert sovereignty over territory; this tool has roots in oral history, values and from written literature. This newly developed law-making strategy based on ‘inherent jurisdiction’<sup>37</sup>, not on Indian Act legislation, in Pimicikamak view is not something that can be negotiated via Self-government agreements or through Land Claims.

### **The Hydro Payment Law**

Pimicikamak passed the Hydro Payment Law on October 30, 1998. This initiative was in the aftermath of the refusal to sign the CIA in 1997. This law allowed Pimicikamak citizens and Manitoba Hydro utility customers with an alternative to pay their hydro bill. Customers can pay their bill into a trust instead of paying to Manitoba Hydro. This option would be in place until the Northern Flood Agreement is honoured by Manitoba Hydro, Canada and the Province of Manitoba according to the documents original spirit and intent. Niezen (1999) describes this process:

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<sup>36</sup> See. Pimicikamak Cree Nation (1998). A New Relationship – Working Paper. Cross Lake.

<sup>37</sup> See. Niezen, R. (1999). Treaty Violations and the Hydro-Payment Rebellion of Cross Lake, Manitoba. Cultural Survival, 23 (1).

The idea for this law stemmed from the contradiction, obvious to many, of Cross Lake being owed so much by Manitoba Hydro (because the NFA involves ongoing commitments a precise dollar amount cannot be attached to Hydro's NFA obligations) while the households and institutions of Cross Lake have paid at least \$2 million per year in electricity bills. The Hydro Payment Law, in its simplest terms, is a form of "debtors possession". (Niezen, 1999 para 12).

This method employed by Pimicikamak was one factor of gaining recognition with their grievances with the corporation. Being a for-profit corporation, Manitoba Hydro had profit at stake. The outcome of the Hydro Payment Law resulted in Manitoba Hydro filing a lawsuit to recover \$2 million in unpaid bills. Many people received disconnection notices including the Band office, education authority and Arena, "more than three hundred out of approximately eight hundred households in the community paid more than \$1 million in its first year (Niezen, 1999, p.174)". The Trust that Pimicikamak citizens were paying into was managed by people appointed by the Elders Council and by the citizenship of the Nation. At this point Pimicikamak decided to exercise their inherent jurisdiction and began to consult with their citizens and with legal advice began to redefine their citizenship.

### **Citizenship Law**

Pimicikamak Citizenship Law came into effect in 1999. The importance of this law is demonstrated through Pimicikamak Nations' determination to decide its own citizenship. This law demonstrates that there is a difference between citizenship under Pimicikamak and Band membership under the Indian Act. Pimicikamak declared on its website, "unlike the race-based status and membership provisions of the Indian Act (which discriminate between classes of individuals based on bloodlines), Pimicikamak citizenship is fundamentally based on choice

(Pimicikamak Cree Nation, June 15, 2009, para. 11).” The Citizenship and the Election Law invalidate federal authority over citizenship and election processes. Citizenship Law reframes the federal criteria of membership towards a definition of citizenship. The difference between membership and citizenship as explained to me by the late Nelson Miller, is that a person is always going to be a citizen of the nation, rather than merely a member. Membership can be taken away as per the Indian Act (Personal Communication, July 2005).

During the time that Pimicikamak began to frame their Citizenship Law, the Supreme Court of Canada made a decision that regarded the Indian Act as being discriminatory to *status-Indians* living off of their home reserve. The decision titled *Corbiere vs. Canada* passed in 1999. Although the *Corbiere* decision has been incorporated into a revision of the Indian Act, Pimicikamak Citizenship and Election Laws spans beyond this legislation to include aspects of Cree worldviews into their laws. Sarfaty (2007) points out that these laws integrate Cree customary law with Canadian legal concepts, which permits the Cree to exercise authority over their economic administration, membership, elections and political institutions (p.474).

## **The Election Law**

At a Frontier Centre for Public Policy luncheon in the summer of 2005, former Chief John Miswagon (1999-2008) stated “The first election we held under Pimicikamak election law was in 1999, and there was 84% voter turnout because the election process meant something to us (p.1).” The Election Law is an initiative to purge Indian Act elements of leader selection in the Pimicikamak Territory. In *Heeding the Voices of the Ancestors* Gerald Alfred (1995) provides a historical analysis of the Indian Act legislation, he states: “The establishment of the Indian Act

System brought with it an administrative link to the federal government through an Indian Agency located near, and later within, the reserve. Indian Act also established an electoral system and put in place a 'Band Council' of locally elected men to form the political system in the community (p.56). Alfred reminds us that the Indian Act attempted to eradicate the women's role in community governance. Pimicikamak reframes this notion and has determined that Women's Council's responsibility is to uphold the Citizenship and Election Laws. Eugennie Mercredi (2008) explains:

We had meetings [about] what is best for the nation. We were making laws – to make our people better. Women were responsible for the election law and citizenship laws. We worked on our citizenship law. We determine our own citizenship. The band has theirs, we have ours. People have to register to be citizens; people today are still calling to be citizens. In developing the laws, it was a long process. There was a lot of struggle, debates, agreements and disagreement. We agreed that we did not want to follow the Indian Act way of electing our leaders. It did not give people enough time to fulfill work on their tasks. Other governance systems, such as the Province and Federal, have four years (Eugennie Mercredi, September 18, 2008).

In other conversations with people from the community, they reminisced about how the line to the building to cast a ballot was incredibly long in comparison to prior elections. This illustrates the community support for the process involved in this new way of leader selection. The switch from the traditional Indian Act Band Council election system to a fresh entity that the community members had the option to participate in demonstrates the profound determination to rebuild and reestablish a governance structure that is vital and supports citizen participation. In a previous report to the Women's Council meeting Eugennie Mercredi emphasized the Women's Councils' roles and responsibilities:

All traditional councils and the executive council must abide by all laws. It is written in the First Written Law. If the Executive Council does not want to follow our laws, the Women's Council has the right to call a meeting to find out what is going on. All levels of

government must recognize our traditional government... The traditional councils' focus on implementing our own laws and developing policies. We approve and/or disapprove the laws before being implemented to our nation. Our Nation must meet the consensus first before implementing the laws or any laws (p.1).

The voice of the Women in Pimicikamak has gained momentum since the establishment of the First Written Law. Mercredi, in her interview in September of 2008, reminds us that women have the responsibility to look after the well-being of the community with the advice of the Elders. For example she explained that traditionally the role as women is to look after the water, as it is sacred: protect the water, you protect people (Personal communication, September 18. 2008).

## **Conclusions**

Pimicikamak Nation has been on the forefront of protest against further development and environmental damage by the Crown Corporation of Manitoba Hydro. The Nation is determined to uphold the Northern Flood Agreement, which was signed in 1977. Treaty Five and the Northern Flood Agreement are a vital part of Pimicikamak Nation mechanisms to assert their independence and sovereignty. For nearly a century and a half of being under the scrutiny and rule of the British and eventually the Canadian government through the various tactics and initiatives such as the Indian Act, the Pimicikamak Elders acted on a decision on behalf of Pimicikamak and advised their elected leadership to revisit and investigate their time-honored governing structures and mechanisms embraced prior to contact. Under the guidance of the Elders, the leadership and Pimicikamak citizens articulated a legacy that aims to inspire and urge people not to think inside the box that has been systematically enforced by the settler

states. Such thinking has caused an ambivalence that leads many people to think exclusively in terms outlined by the colonizing state. Garrison Settee, former grade twelve teacher and a newly-elected Chief who identifies as a *Muskego Ininewak* first and foremost, reminds us that “We have been labeled too many times categorized and compartmentalized” and “Change is difficult when we are accustomed to one way of doing something. It took 140 years for the Canadian government to establish themselves. It will take time for us to do so”.

### **Chapter 3 – Complexities in Decolonization**

We have lived in our own houses, our lodges, and our own longhouses since time immemorial. Long before the master's house was built we had our own house. We will live there for the rest of time as who we are. We may visit you, but we have our own houses, our own tools and processes. They deserve respect (p. 191). Mary Ellen Turpel (1993)

First this chapter will address the consequences of the Indian Act as a colonizing tool. In the fieldwork from 2004-2008 the objective to dissolve the Indian Act was a recurring theme of discussion with key informants. Secondly, this chapter will provide an analysis of the outcomes concerning the First Written Law and how the ongoing nation-to-nation relationship Pimicikamak strives for has created a politically tangled relationship between Canada, the Province and Pimicikamak. This chapter will address the ongoing colonial connections and speak to the continuous deprivation of autonomy in the Pimicikamak territory. Collin Gillespie (2004) notes: "The fundamental differences arise because Pimicikamak and its government existed long before the Indian Act, so they obviously were not created by that (or any other) Act and their nature and legal capacity, whatever that may be, cannot derive from an Act of Parliament" (p.3).

The legacy of the Indian Act can be seen as you near the Cross Lake reserve on Provincial road 376. There is a sign welcoming visitors into the community. Often the conditions of the road can be hazardous in the winter. Pimicikamak has a nursing station, a small airport, two supermarkets including the Northern Store, two Band-run schools and one school under provincial jurisdiction considered to be on non-treaty land. Aside from this binary of non-treaty and treaty land, Cross Lake is the reserve centred in Pimicikamak territory and is home to approximately 5000 people. Many people married into Cross Lake and many people who

married out prior to 1985<sup>38</sup> comprise the main citizenship in the community. Bill C-31 remains an important legislation in claiming identity. Indigenous peoples often ask one another what reserve they come from and from these questions many go into specifics such as lineages, clans and quite often they will know someone the other person knows. Prior to 1985, when my parents married, my mother automatically became part of Cross Lake Band although her identity stemmed from Norway House. To this day I find myself answering this question often referring to both my parents' communities Pimicikamak and Norway House, and also to this day I am reminded that there continues to be an imposed division. Mine is an example of identity conflict that is evident in our day-to-day lives created by the Indian Act. This is only one example of the colonial effects of the Indian Act; we start to identify people and land in oppositional terms. Yet this perspective can be interpreted as people adopting and identifying themselves with places and landmarks that are historically time-honoured and making alterations with the added place names and boundaries defined by the state.

Unfortunately, these colonial roots run so deep that Indigenous peoples are defined into a categorical scheme that distinguishes those who are *treaty*, *non treaty* and *Bill C-31*. The Indian Act is written to neglect the notion that Cree people organized through time-honoured clan system and family lineages. As expressed by Mary Ellen Turpel (1993) the Indian Act legislation still remains critical in our lives. She says: "To talk about the Indian Act is an overwhelming personal experience; it is like trying to untie hundreds of knots which were created by someone else (p.177)." The Indian Act authority over community governance

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<sup>38</sup> This date's significance addressed the changes made to the Indian Act. This amendment also became known as Bill-C 31, *An Act to Amend the Indian Act*.

continues to force citizens to rely on colonial government structures such as the Indian Act as an ultimate authority.

This disorder has encouraged the establishment of on reserve elites to serve the interests of the state that continues to widen the divide within citizen groups who are under this administration. Taiaiake Alfred (1999) addresses this concern of cooptation. He states, “There is a division between those who serve the system and those who serve the people. In a colonial system designed to undermine, divide, and assimilate Indigenous people, those who achieve power run the risk of becoming instruments of those objectives” (p.30). The Indian Act regime has a strong hold in many Indigenous communities. Being taught to govern in a flawed system for over a century certainly addresses the colonial hold on Indigenous people’s freedom to govern as they see fit.

Many Indigenous leaders have adopted the colonizers’ language; terms like ‘development’ and ‘progress’ are utilized to lure people to adopt western concepts of modernity and often include phases such as self-government, self-determination and land claims. This has led to forced bureaucratization in communities and has detrimental consequences. Paul Nadasdy (2003) explains:

First Nations peoples have had to learn completely new and uncharacteristic ways of speaking and thinking. To participate with government biologists in the co-management of wildlife, for example, they had to learn to speak the unfamiliar languages of wildlife biology and bureaucratic resource management, while to participate in land claims negotiations they had to speak the Euro-American legal language of property law. First Nations people have had to do more than simply learn the Euro-American languages of wildlife management and property law and then translate their own understandings of the world into those bureaucratic/legal languages (p. 2)

Communicating by utilizing the language of the State takes away peoples self-determination.

The State’s aim to ‘rework’ Indigenous peoples into their terminology reestablishes the colonial

relationship. The frameworks employed by the state can be described as internal colonialism; Taiaiake Alfred (2000) stresses “Internal colonization is the historical process and political reality defined in the structures and techniques of the government that consolidate the dominion of Indigenous peoples by a foreign yet settler state (p.1).” The Canadian government’s goal was to cease Indigenous people’s knowledge systems and replace them with ones that reflected the states. Being led to create Indigenous bureaucracies as a prerequisite to their own self-determination caused havoc in shaping their realities. Peter Kulchyski (1994) states:

Aboriginal people have the right to be self-determining, to make decisions for themselves, in the forms that are appropriate to their cultural values. The latter point is particularly important. Regardless of the level of power provided to Aboriginal Governments, every decision that is made following dominant logic, in accordance with the hierarchical and bureaucratic structures of the established order, will take Aboriginal People further away from their own culture (p.12).

Kulchyski asserts that the ‘hierarchical and bureaucratic structures’ established by the State are the means to erode their culture. For Pimicikamak, writing down their concept of Ininew laws in a language in which the Canadian State is fluent can be interpreted as a way to allow Canadian and Provincial legalists to understand their perspective.

As mentioned in Chapter Two, Pimicikamak has taken an initiative led by the Elders in the community to indigenize the governance structure in the community knowing that the Indian Act way of governance is not for them. Table one produced by Pimicikamak Nation is used to educate people about the differences between traditional governance and the Band Council system.

**Table One**

<b>Characteristic</b>	<b>Cross Lake First Nation {Band Council}</b>	<b>Pimicikamak Cree Nation {traditional governance}</b>
Constitution:	Indian Act	Traditional constitution
Type:	Written (Legislated)	Oral and Symbolic
Date of Origin:	1876	Time immemorial
Source:	Parliament of Canada	Creator
Most Recent Amendment	Bill C-31 (1984)	First Written Law
Other significant amendments	Various Indian Act amend	Treaties 5 & 12
Accountability	Minister of Indian Affairs	Citizens
Type of Jurisdiction	Municipal	Inherent
Main government entities	House of Commons, Senate, Governor General, Cabinet, Minister, Deputy Minister, ADMs, RDG, Chief and Council, staff	Council of Elders, Womens Council, Youth Council, General Assembly, Chief and Council, Secretary to Council, Circle Groups, staff
Legislative entities	House of Commons, Senate, Governor General, Minister Chief and Council	Council of Elders, Womens Council, Youth Council, General Assembly, Chief and Council, Secretary to Council
Legislative Powers	Bylaws (as expressly authorized by sections 81, 83, 85.1 of Indian Act)	Customary of written laws (plenary jurisdiction subject to Treaty-based exceptions)
Approvals required	Minister	Council of Elders, General Assembly
Executive entities:	Prime Minister, Cabinet, Minister, ADM's, RDG, Chief and Council, staff	Chief and Council, staff
Executive Authority	As delegated by the Indian Act	As delegated by laws of the nation or directed by General Assembly

Consultative entities:	General Assembly	General Assembly, Circle Groups
Constituency type:	Members	Citizens
Constituent authority:	Parliament of Canada	Pimicikamak Cree Nation
Constituency definitions:	Indian Acts, membership code	(Citizenship Law)
Constituency decisions:	Registrar, Federal Court	(Citizenship committee), Judicial Council
Electorally responsible entity:	Chief and Council	Chief and Council
Election authority:	Indian Act, Minister	(Election Law)
NFA jurisdiction:	Reserve Land (article 3)	All other matters
Land Base	Reserve Lands	Resource Areas
NFA decision process:	Indian Referendum Regulations	Traditional, First Written Law
Relation to Canada	Dominance/dependence	Nation to Nation; government to government
Relation to Manitoba	Political	Government to government

Table One: From Pimicikamak Cree Nation NFA Working Group: Working Paper

This central theme outlined in this table illustrates the differences between the Indian Act and Pimicikamak (PCN). This chart portrays an example of theoretical concepts of binaries but not hierarchical dualisms. Although this table is used to visualize different entities, there is a need to revise or recreate these concepts. Using this framework to compare Indigenous governance vs. Indian Act governance may need to be revisited by the community. My friend Denise Cook (2009) reminded me that there are many different ways of learning, re-learning and governing. We know that the Indian Act is not for us as Indigenous peoples, it is a colonial Canadian entity. The Canadian people have their own ways and Indigenous peoples have theirs (personal communication).

The reorganization employed by Pimicikamak to reintroduce traditional concepts that reflect Inuit philosophies into a modern Indigenous constitution illustrates the effort to decolonize. The attempt to indigenize a governance structure implemented by envisioning a liberating governing structure alternative to the Indian Act Band Council System in a political climate based on reconciliation, corporate partnership, and capital is a task that reflects daunting dilemmas that need to be evaluated constantly. Modernization and its consequences have allowed governance in Pimicikamak to be constructed by the Indian Act. The consequences have resulted in the persistent legitimization of the band council system. Noel Dyck (1992) in his book *What is the Indian Problem?* articulated the concept of tutelage relationships within a discourse that shows the framework that ties in closely with the contemporary politics of Indigenous peoples. Being taught how to govern within an imposed regime of tutelage (p.74-77) the Canadian state drive is to seize land and resources, to assimilate and Christianize, and assert subordination. This continues today. Indigenous peoples were taught how to govern under this dysfunctional, underfunded and demeaning regime. Linda Smith (1999) attests that it is the structural deficiencies that allow a perpetuated myth that Indigenous peoples and communities are the so-called problem. She asserts that Indigenous communities are blamed for their 'problems' or 'failures' rather than other social or structural issues (p. 92). Researchers or other agencies within the Canadian State have been led to believe that Indigenous communities are the '*problem*' and they do not have the capability to articulate solutions for their problems. The space to unlearn what has been taught to mainstream society needs to be driven by Indigenous communities and societies to correct what has been engrained into the minds for centuries.

Pimicikamak has recognized these issues and has attempted to create space for the discussion of traditional law making. With the profusion of colonial mechanisms that still emerge and reemerge today it is extremely important to take into account the devastation and trauma that needs to be addressed at a community level. Pimicikamak and the First Written Law attempt to heed the advice from the Elders to renew a governing structure. Their attempt to eradicate the 'coercive tutelage' or in other words the warden relationship with the Canadian state is an ongoing task. The determination Pimicikamak has reclaimed politically stems from decades of unfilled promises by the Canadian state.

It is important to be mindful of the historical stresses that still persist in Pimicikamak. Ronald Niezen (1999) also describes this ongoing assault as a process to remove people from their original spaces and compares the experience of hydroelectric generation to that of the boarding schools:

In one sense residential school and destruction of a river system are not at all dissimilar: both severely disrupted a way of life. Residential schools did it by physically removing children from their families housing them in dormitories; hydroelectric development did it by permanently altering the river system, making it less productive and less safe. One removed the people from the land; the other removed the land from the people (p.66).

The array of governmental policies based on assimilation through a forced education system and the development of the Lake Winnipeg Churchill River Diversion were designed to benefit of the 'south' and 'mainstream'. Creating the intellectual space and maintaining this space to recover and achieve *mino-pimatisiwin*<sup>39</sup> Pimicikamak people can determine their own avenues that are important to them at this present time. Pimicikamak has determined that they must appeal to the rest of the world and insist that corporations like Manitoba Hydro cannot push

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<sup>39</sup> Mino-pimatisiwin – The good life in Cree

them around. This was reflected in the *Green Green Water* screening at Otter Nelson River School in 2006. The documentary was shown to the Senior High students (grade 10, 11, 12). There was one quote by Carol Kobliski from the grassroots organization Nelson House Justice Seekers that created a loud cheer amongst the youth in the audience. The quote reflected on Indigenous peoples being here (North America) before the Europeans and they continue to be here regardless of the State's past and present tactics. The sense of pride that arose out of the gymnasium provided insight that this event was a teaching tool to inform young Pimicikamak citizens of the effects of hydro development. In that way, showing the film was an act of political education.

Newly Elected Band Councilor, Eugennie Mercredi has stated that the nation must work together to continue to disseminate the Pimicikamak Laws to the community. This would include strengthening the teepee by advancing the Okimawin Onasowewin in the community, pushing for the Northern Flood Agreement (NFA) to be implemented, establishing the NFA strategic claims and continuing to campaign and educate people about the various injustices Pimicikamak continues to endure, their laws including the Okimawin Onasowewin and the environmental catastrophe that is ongoing. The hope would be to gain respect globally (personal communication, September 18, 2008).

The Okimawin Onasowewin furthers greater capacity building in the community than existing colonial-style governments that include provincial and federal regimes. Former Executive Council member and vice Chief William Osborne describes the development of the Four councils as a method to achieve consensus.

The Women's council would consult with other women in the community, the youth would talk to other youth about issues concerning them, and the Elders would talk

amongst themselves and they would meet all together with the Chief. The Chief listens to the representatives from each council who address issues that concern the community. For example if people were concerned with Justice issues, the Executive Council member who was responsible for Justice would come up with solutions and bring it back to the Chief who brings it back to the four councils. This is how laws were made (personal communication, September 9, 2007).

The governing structure reflects the community's diversity and is a means to create discussion on the creation of new laws to include all voices within the community while respecting Canadian laws. It is important to take note that respect is a fundamental concept that enables nation building with the community. For the Canadian state to practice the sought-after nation-to-nation relationship, the need to respect one's differences in achieving good governance is essential.

The concept of respect stems from the Seven Teachings, which can be described as codes of ethics and are claimed by many Innew people to be a part of their traditional teachings. Comprehending these lessons is a part of human development; they include:

miksew (eagle) sâkhitowin (love)  
puskwa'wemostos (bison) kisteyihtamowin (respect)  
Muskwa (bear) sôhkeyihtamowin (bravery),  
mistâpew (giant).kwayaskwâtisiwin (honesty)  
mahihkan (wolf) pimameyimowin (humility)  
amisk(beaver) kakehtaweyimowin (wisdom) and  
miskinâhk (turtle) tâpwewin (truth)<sup>40</sup>

Respect entails commendatory displays of sincerity for others or things. It is a quality that allows people to show reciprocity. In "Reconciliation without Respect," Minnawaanagogiizhigook (Dawnis Kennedy) attests that in order to establish respectful relationships with Canada and Indigenous legal orders:

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<sup>40</sup> The Seven Teachings have / are lessons that have been instilled into my upbringing. I see these as important elements as my growth as a human being.

Canadian law must renounce its previous attempts to deny existence, relevance, and legitimacy of Indigenous law. To establish respectful relations with Indigenous legal orders, Canadian law must renounce its previous attempts to deny existence, relevance, and legitimacy of Indigenous law. It must acknowledge that such laws exist within dynamic legal orders that continue to operate in Indigenous communities. It must also recognize that these laws are integral to understanding which constitutes respectful relations between Indigenous and Canadian legal orders (p.80).

The solution Minnawaanagogiizhigook offers is that Canada must go beyond the current trend of applying a more generous interpretation of western law and start to engage with Indigenous legal orders (p.80).

Pimicikamak has established the First Written Law; it took a lot of energy and resources using Canadian legalistic frameworks to document their laws, which are written in English. The Canadian legal regime forces Indigenous peoples to take legal action to have their inherent liberties recognized. It can be interpreted as a coercion, being forced to conduct business in a language that is not their own. In this instance, the First Written Law can be seen as a constitution with western legal concepts that embraces a modern framework equal to the Canadian Constitution. It asserts the nation-to-nation sovereignty envisioned by the Elders. It can be suggested that Pimicikamak is accommodating the Province and the Canadian state by inscribing their position in a suitable form of written language.

The Canadian or Provincial governments do not formally recognize the Okimawin Onasowewin and the route employed by Pimicikamak. The late Provincial Minister of Aboriginal Affairs Oscar Lathlin in an interview with *The Grassroots News* a weekly newspaper based out of Winnipeg that reports on Indigenous issues in Manitoba, stated, “Too many people are afraid to be ‘politically incorrect.’ But I was once a Chief, and I am thinking more ‘Indian’ right now than ‘cabinet minister,’ and I want to say that the people of Cross Lake are not going to make

any progress while that Chief and Council are in place. I do not recognize the Pimicikamak Cree Nation or PCN.” This clearly illustrates the complexities: if Pimicikamak decides to pursue recognition in the western model of jurisprudence, how does one Inineew community come to terms with the lack of faith of others in their system, cooptation of other Cree leaders, and the rigidity of avenues to gain ‘recognition’ as directed by the state?

Nadasdy (2003) addresses the forced bureaucratization of Indigenous governance as being systemically linked to British and Canadian courts. “[They] historically have been quite unwilling to recognize the possibility that pre-contact Aboriginal societies (especially northern hunting societies) were “organized”, viewing them instead as “savages” who lacked the social and political institutions necessary for governance (p.250).” In many Indigenous communities, the Canadian Government outlines the methods of how Chief and Council can seek self-governance. This emulates the State’s vision of what self-government can be and perpetuates that self-government is a State phenomenon. Patricia Monture-Angus (1999) reminds us that the term ‘*Aboriginal self-government*’ is a catchphrase in the Indigenous rights discourse and has been reflected in numerous paradigms, especially in the area of Canadian politics and policies. There is great debate around the definition of *self-government*; Monture-Angus takes this argument and places it within a context that reflects Indigenous perplexity towards defining what self-governance essentially is in a boarder sense:

Many people use terms like self-government, self-determination and sovereignty interchangeably. However, the three phrases do not hold exactly the same meaning from any of the Aboriginal points of reference. A single Aboriginal tradition or notion of self-government only appears to exist when it is juxtaposed against the dominant non-Aboriginal system (p.28)

Within these circumstances it becomes problematic. The term self-government differs from each Indigenous group as it differs from the Canadian state. Canadian derived-policies in essence are detrimental to Indigenous people's right to self-determination. Often the Canadian state imposes and dictates what 'Aboriginal' self-government should consist of.

In the mid-1990's, the federal government issued a response entitled: *'A summary of the Government of Canada's Approach to Self-government'*. The publications purpose was to outline how Indigenous nations could obtain self-government. This document can be interpreted as restricting and a means to uphold the concept of paternalism. It was written to only serve the Canadian State. It states:

The government of Canada's recognition of the inherent rights is based on the view that Aboriginal peoples of Canada have a right to govern themselves in a relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and resources. At the same time, the federal government believes that Aboriginal self-government must operate within the Canadian Federal system, in harmony with other governments, and in a way that enhances the participation of Aboriginal peoples in Canadian society (Department of Indian Affairs, 1995, p.2)

This statement has two major flaws. It is contradictory in the sense that it recognizes that the concept of self-government is an inherent right then implies that it permits self-government, but outlines that the concept must be achieved within Canadian parameters. Another major flaw in this document is that it endorses continued hegemony. Bill Ashcroft, Gareth Griffiths and Helen Tiffin (2000) definition of hegemony is:

Hegemony, initially a term referring to the dominance of one state within a confederation, is now generally understood to mean domination by consent... Fundamentally, hegemony is the power of the ruling class to convince other classes that their interests are the interests of all. Domination is thus exerted not by force, nor even necessarily by active persuasion, but by a more subtle and inclusive power over the economy, and over states apparatuses such as education and the media, by which the

ruling class's interest is presented as the common interest and thus comes to be taken for granted (p.116).

It influences Canadian dominance over Indigenous nations by asserting that their governance structures must 'operate within a Canadian Federal system'.

Hegemony described by Peter Kulchyski (1995) reflects a continued movement to merge a dominance ideology as prescribed by the dominant society onto another. He explains; "Hegemony may be provisionally defined as any attempt on the part of the dominant society to assimilate Aboriginal peoples (p.61)." The document is patronizing as it asserts power of Canadian rule and law over groups of people who are culturally diverse. This proves Monture-Angus' assertion and the notion that one unified form of self-government is impossible. Communities must articulating governance structures that are citizen derived. In order to articulate the relationship within the context of colonial Canada, Pimicikamak in their Northern Flood Working Group: Working Paper (1998) documents their perspective on the adverse relationship with settler society,

In our relationships with these other peoples, we have sought to be caring, respectful, sharing, tolerant, fair, equitable, and above all honourable... Sadly, for the past few hundred years, continued and systematic efforts have been made through laws, policies, practices and strategies to dispossess us. These efforts have attempted, sometimes, to deprive us of: our lands, waters and resources, our right to govern ourselves and determine our own future as peoples, our languages, culture and spirituality, our social fabric and our community and governance structures, our economies, our ways of life and our own means of subsistence, and even our family and personal links with each other (p.46).

The people of Pimicikamak, as demonstrated in chapter two, have been on the forefront on defending their lands from further encroachment of hydro development on their lands and waters. This battle derives from decades of mistrust due to the infringement of Treaty Five and

the Northern Flood Agreement. The mistrust is a consequence of the colonial relationship since the first encounter with Europeans.

Although recognition is lacking on behalf of the Canadian state, Pimicikamak Law is in practice and Pimicikamak authorities continue to make laws in accordance with the need and wishes of its citizens and territory. Their persistent determination to acquire and reclaim their inherent jurisdiction<sup>41</sup> and to apply Indigenous values into contemporary governing principles illustrates the importance of rewriting history from an Indigenous perspective. Sharon Venne (2003) reminds us of how history has been written by stating:

The versions of history penned by the colonizer always and invariably defend the colonial order, either by denying that the process of colonization has “really” been colonizing, or, to the extent that the opposite is sometimes acknowledged, by carefully applying the spin necessary to make the whole thing appear to have been of benefit to all concerned, victims as well victimizers (Sharon Venne, xiii, 2000).

The colonizer’s law has caused disparity in the lives of many Indigenous peoples, including Pimicikamak. Many Indigenous peoples and nations have internalized the colonizer’s law. As Pimicikamak attempts to disengage from the Indian Act by using or borrowing western legalistic language to outline and comprehend laws, it can be interpreted Pimicikamak leadership are using the English language as a tool to educate the Canadian State, the corporation and the province in their language. It is not necessarily adopting ‘the language of the white man’s law’ to achieve sovereignty; it can be suggested that in order to do business or build a relationship based on trust and respect, Pimicikamak has demonstrated their time-honoured creator-granted “inherited jurisdiction” by writing out their laws. Sharon Venne goes on to remind us,

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<sup>41</sup> In the ‘Red Book’ also known as *Pimicikamak Cree Nation A New Relationship* Pimicikamak construes the Okimawin Onasowewin as, The Okimawin Onasowewin is based on, and expands upon, existing traditional law. It is based upon existing traditional law as to how laws were made – namely by Kiseyak Iskotew Otaskonakanak (“Council of Fire” in rough translation) or, in modern terms Kiseak Otaskonakanak – the Council of Elders. (p.9)

When the peoples Indigenous to this continent we call Great Turtle Island were first placed here by the creator, we were given the laws necessary to govern over relationships with one another, with our non human relatives, and with the land itself. While each people have evolved its own particular articulation of these laws, and its own unique way of applying them, it is safe to observe that every Indigenous “legal code” devolves upon an identical set of requirements that humans shoulder an individual / collective responsibility to preserve the balance of the natural order into which we have been introduced, and that we do so in the only way possible, by conducting our affairs on the basis on mutual respect, not only among and between peoples but between people and the world we reside (Sharon Venne, 2000, xviii).

As Indigenous peoples attempt to revise their own laws, it is important to reflect on the entities that have altered our views of Indigenous laws. Pimicikamak has attempted to re-envision a concept of Ininew law and subversively placed them into a context foreign to Ininew people, to assert sovereignty.

The First Written Law is dissident in the sense that it contradicts the Canadian State. The Pimicikamak concept of law asserts their sovereignty within a defined territory, alongside Canada, the Province of Manitoba and Manitoba Hydro. Alfred and Corntassel (2005) remind us, “Colonialism corrupted the relationship between original peoples and the settlers (p.611).” The process needs to be continually revisited and questions need to be asked about what is the proper protocol to rebuild this relationship. They continue to argue that, “decolonization and regeneration are not collective and institutional processes. They are shifts in thinking and action that emanate from recommitments and reorientations at the level of the self that, over time and through proper organization, manifest as broad social and political movements to challenge state agendas and authorities (p.611).” The drivers behind the Pimcikamak Okimawin Onasowewin must continue to communicate as a dignified collective continually asserting their objectives to both the community and to the state. The people in Pimicikamak need to remain

hopeful that their efforts continue to be addressed as a movement that Alfred and Corntassel envision.

In the article the “Colonial Experience”, Peter Puxley (1977) argues that, “colonialism must be seen as an experience and not a simply structural relationship (p.104).” Although Puxley’s academic paper is derived around the resistance against the Mackenzie Delta Pipeline in Denendeh (Northwest Territories) working with Dene people, the experience can be applied to the people in Pimicikamak. He also asserts that a comprehension of the colonial relationship and its antagonism will eradicate this legacy. The effort to comprehend these relationships requires a drastic change to our intellectual psyches. The systematic exposure to the series of assaults on Indigenous people’s territories such as the removal from land and waters is not going to go away overnight. Puxley goes on to say, “removal of colonial structures and their replacement by independent Dene institutions and the resources to make them effective will not in itself result in the elimination of the psychology of colonialism (p.104).” In a conversation with William Osborne in the fall of 2007, he discussed how many people struggle to believe that they can prosper without direction from the state. He explains, “A lot of people have a hard time believing that they can do their own laws. They struggle within themselves to believe that we can do this. ‘We are looked after by the government’, ‘if we went on our own we are going to starve’, ‘we are going to die’ or ‘the government is going to cut off the funds’. The list goes on.” (personal communication, September 9, 2007). The psychological havoc is not easy to overcome; Albert Memmi (1965) describes this effect in his book, The Colonizer and the Colonized. What Memmi describes as a mythical portrait of the colonized is through

inscribing dehumanizing traits, which instills an inferiority complex into the psyche of the colonized. Memmi describes this dysfunction as:

The bond between the colonizer and the colonized is thus destructive and creative. It destroys and re-creates the two partners of colonization into colonizer and colonized. One is disfigured into an oppressor, a partial, unpatriotic and treacherous being, worrying about his privileges and their defenses; the other, into an oppressed creature, whose development is broken and who compromises defeat. Just as the colonizer is tempted to accept his part, the colonized is forced to accept being colonized (p.89).

As dismal as the picture is that Memmi and Puxley paint, it is possible to see the positives in this disarray. In my conversation with William Osborne, he offers solutions. He emphasizes that leaders must talk, discuss and teach each other about themselves. Teach people that they have a Pimicikamak territory; they have the right to revise their own laws and to come together as a people, and take it one day at a time. The psychological violence as described by Memmi over forty years ago in a context and location that is far away from Pimicikamak, can be easily applied to colonial Canada in the present context.

## Conclusions

The aspiration to foster a nation-to-nation partnership built on the foundation of the concept of equality of peoples further opens the possibility for the development of a connection of mutual respect, trust, and co-operation. The settler states must redirect their energies to relearn the history of Canada and this endeavor needs to be encouraged and promoted rather than apply circumscriptive boundaries onto Indigenous peoples. The Indian Act is an outdated document that Pimicikamak and the First Written Law have attempted to dismantle in their community and society. A century of being under this regime means that it is not an easy task to deconstruct it.

To conclude this chapter I want to end with a quote from Wasase, a book written by Taiaiake Alfred (2005). He says, “What it comes down to in confronting our imperial reality is that some of us want to reform colonial law and policy, to dull that monster’s teeth so that we can’t be ripped apart so easily. Some of us believe in reconciliation, forgetting the monster has a genocidal appetite, a taste of our blood, and would sooner tear us apart than lick our hands. I think that the only thing that is changed since our ancestors first declared war on the invaders is that some of us lost heart (p. 37)”. Pimicikamak is at a place in their story where they can take a more radical stance. There are many leaders in Pimicikamak who are ready like Alfred (2005) to, “beat the beast into bloody submission and teach it to behave (p. 37).” Many people in Pimicikamak are committed to achieving mino-pimatisiwin (to be discussed in chapter 4). A governance structure like the four council system and the First Written Law are just small

important fragments of what fosters a healthy community. The next chapter will incorporate the voices that provided solutions to foster mino-pimatisiwin.

## Chapter 4 – Achieving mino-pimatisiwin

“...Take the word, “colonization,” which is actually a way of seeing and explaining what has happened to us. We cannot allow that word to be the story of our lives, because it is a narrative that in its use privileges the colonizers’ power and inherently limits our freedom, logically and mentally imposing a perpetual colonized victim way of life and view on the world” (Alfred, 2005, p.25).

The vision of Pimicikamak and the overall goal that is embodied in the First Written Law constitution seeks to liberate the citizenship of Pimicikamak from the Indian Act and colonization. This current relationship is not unique to Pimicikamak but extends to many Indigenous nations in Canada; it binds many peoples to an inequality that must be critically assessed. But how does one community strive for emancipation when there are external forces including government policies, the embedded concept of *aboriginalism* by the Canadian State and the courts, and corporations that exploit the land? When power, control and subjugation persist within the Canadian State, it reinforces a dehumanizing state of being that is detrimental to achieving what in Cree is called mino-pimatisiwin. In a basic sense mino-pimatisiwin was described to me in English by my friend Jim Spence and my father is ‘living a good life, being a good person to you and others’.

In Naomi Adelson’s (1998) work with the Cree people at Whapmagoostui she asserts that the ideals of Cree health are found within the narratives of past hunting livelihoods and although a distinct cultural identity.

For the Whapmagoostui people, ‘being alive well’ is defined through local beliefs and practices, simultaneously incorporating references to an idealized past and consolidating issues of cultural identity such that contemporary ideals and practices of health are bound to and defined through a history of colonial and post-colonial

influences. 'Being alive well' is inseparable from community, history, identity, and ultimately resistance, and as such challenges many of our theoretical assumptions about what health means (p.7).

One Elder at Pimicikamak refers to being healthy as '*minowin*'. Ronald Niezen (1999) explains, "In its literal sense, is close to the English expression "well-being". For the Elder it had a wider meaning: "being side by side with the land," as he put it (p.229)." The ability to 'be alive well' in this contemporary time is a continued struggle in people's lives. When one contemplates and appreciates the plethora of events, gestures, conversations, and debates, or the political resistance portrayed by the Pimicikamak people against hydro development, it is evident that these actions contribute to the community's well-being. As well, these actions explained throughout this thesis are essential to community development. Through the interviews undertaken in this project it became clear that the First Written Law is just a fragment of the community's endeavor to bring an increased well-being into to the community. In order for the First Written Law to be an active document in the community its supporters must use its governance intentions to bring people together.

This chapter will touch on four key themes in the data collection; these include the importance of preserving the Cree language, enhancement of Cree education/knowledge gathering, access to the land and increasing community involvement in community governance. It is important to stress that these four themes are interrelated as they all involve an aspect that is attached to community well-being. It is also important to stress that these themes cannot be separated to achieve community well-being. It is evident through the continual course of the colonial agenda Indigenous people were coerced to compartmentalize aspects concerning life and civil matters. The institutionalization of services such as the creation of

departments such as Child and Family Service, Department of Education, Department of Health created a disconnection within family life, learning and health into a depersonalized system. The ideas that were shared in the interviews and through participating in community activities throughout the course of this thesis work show that these themes are essential to governance.

Inclusion in community dynamics is an essential part of fostering a sense of well-being. It can be interpreted as human capacity building. Involvement in areas such as the community's current education system and acquisition of knowledge that complements the teachings by the people who are connected to the land are essential to the community's well-being. The people interviewed had a clear grasp of the issues surrounding governance. They knew that community wellness began with a strong sense of identity. Each interviewee spoke of the need to instill an internal pride into the children and youth by fostering the Cree language and the lessons that entailed life on the land.

### **Importance of the Cree Language**

It is emphasized in the interviews that there should be a push to encourage the young people to speak Cree. Many children are being communicated and taught by means of the English language in schools and at home. It was stressed that in order to preserve the Cree language in the community there is a need to create an increased awareness of the importance of teaching and communicating to the children and youth in the Cree language. One avenue discussed was to work together with the Elders' guidance to formulate curriculum for citizens; this can be warranted within the current educational system and through extracurricular activities outside the current system, for example; the development of elder, children and

parent activities in the evenings or on the weekends. A positive example of this was evident at the community's Halloween Party in 2007. I watched the kids play games in competition for prizes. I witnessed dozens of children and youth communicate in Cree and many spoke eloquently and fluently. In one discussion, a youth leader from another Cree community in Quebec was to host feast/potluck events with a presentation about the importance of language. This would engage people and encourage them to come and enjoy a meal together while incorporating communication in Cree. He made the suggestion that the event would encourage people to only speak Cree. People from the health department would be invited to discuss the importance of wild and other healthy foods. In my time visiting in Pimicikamak, it was very encouraging to see the elected leaders speak in Cree at work at the Band Office, but I also observed that the First Written Law was only available in English. Through inquiry I was reminded that traditionally Cree in its written form is a western imposition, considering Cree tradition is oral. Regarding the complexities that surround The First Written Law and other tools of self-determination employed by Indigenous peoples, scholars Taiaiake Alfred and Jeff Corntassel (2005) stress, "language is power – our people must recover ways of knowing and relating from outside the mental and ideational framework of colonialism by regenerating themselves in a conceptual universe formed through Indigenous languages (615)."

It would be helpful to the Cree speakers and readers to have the First Written Law and subsequent laws translated into Cree and Cree syllabics. This process can be directed by the Women's Council as they are the keepers of the Election and Citizenship law. This would show a renewed sense for the immersion of governance into the language given to Cree people by the Creator.

## Importance of Education/Acquiring Knowledge

The concept of education in Indigenous communities has been drastically altered throughout the Canadian colonial history. For Indigenous peoples in Canada and the United States the legacy of the residential school system has hindered time-honored methods of acquiring and transferring knowledge from generation to generation. Verna Kirkness (1998) describes the concepts of traditional education from an Indigenous perspective:

Traditional education was strongly linked to the survival of the family and the community. Learning was geared to knowledge necessary for daily living. Boys and girls were taught at an early age to observe and utilize, to cope with and respect their environment. Independence and self-reliance were valued concepts handed down to the young. Through observation and practice, children learned the arts of hunting, trapping, fishing, farming, gathering food, childrearing, building shelters. They learned whatever particular environment offered through experiential learning (p.10).

Heeding Kirkness's description of the process of learning, many Indigenous peoples have suffered a tremendous loss of the traditional pedagogies that fostered a well-rounded life that in Cree can be translated into a concept of *mino-pimatisiwin*. Mino-pimatisiwin is the concept of being able to live a healthy life; the concept of receiving an education in this present time, does not complement what scholars such as Kirkness stress. The concept of education has been altered in such a way that obtaining an education often takes place in sterilized rooms, in buildings that are entrenched in a complex system that removes individuals from the environment. Sheila Watt-Cloutier (2000) points out this aspect by explaining, "When a young man is taught to hunt and be on the land, the technical skills of handling the gun or harpoon are taught at the same time as are the character skills of courage, respect, determination, persistence and patience (p.118)." She then elaborates that through western institutions such

as southern schools, time-honoured means of collecting knowledge and values that are revered by Elders become fragmented: “Schools spend much of their energy teaching and testing knowledge; yet knowledge by itself does not lead to wisdom, independence or power (p.118).” Students are required to obtain new skills needed to navigate the western ideologies and methods of learning while continuing to acquire the oral histories, Indigenous languages, and the means to survival that students do not acquire in the western system of education. This process should be guided and directed by key knowledge holders in their communities that include Elders and other knowledge holders. The active leaders with the Youth Council can get creative and begin to address the issues they have with institutionalized education. Since the Youth are the majority demographic in Pimicikamak it would be a tragedy if their voices were not heard by the other councils. Former Vice-Principal and former Vice-Chief William Osborne expressed that the responsibility of the Youth Council is to liaise with other youth in the community (personal communication, October 2007); it is very important for the older leaders to show them the characteristics of what a good leader should be. These qualities include the ability to be diplomatic, compelling, compassionate and knowledgeable of the community’s history and current events.

In the fall of 2007, I had the opportunity to travel with my friend Tim Stevenson to Pimicikamak to participate in an annual event lead by the Assembly of Manitoba Chiefs Youth Advisory Committee. This yearly event aims to connect a select number of young people with Elders and people with time-honoured knowledge from the host community in order to exchange and share knowledge that quite often many young people do not receive on a day-to-day basis. Many of the youth, including myself, are now urban-based and without the

opportunity to connect to the land. The weekend event allowed me to witness an attempt to instill skills in harvesting fish and medicinal plants, canoeing, storytelling, and participating in ceremonies.

The first day started off cold. We were waiting for the activities to start by the fire. A tent was supposed to be erected for the group to conduct its workshops. While the organizers frantically tried to keep many of the youth 'occupied', Elder Nick Halcrow stepped in and began sharing with us the history of the territory. He spoke nostalgically about a time when everyone was healthy and hardly had diseases such as diabetes. He then pointed to a plant and mentioned that particular plant was good for the blood, "it really cleans you out." With the influx of modernization many people have begun to rely on 'white man's' tools and medicine. I asked him if a lot people still use the medicine and if it was accessible to people and he agreed that people still use it but it can be utilized even more. We stood there all morning, listening and learning about a 'golden age' of time when life was good. I began to wonder if this type of learning was accessible to Pimicikamak youth rather than a bunch of city dwellers. Later on that evening I asked my uncle if there is an outdoor education program in the community. He informed me that the community organizes a camp out on Cross Lake. He drives the boat out to drop and pick up people. Organizers also arrange various workshops for people both young and old ranging from cleaning fish to making hand drums. It was good to learn that there are a lot of these kinds of activities going on in the community.

During my trip to Cross Lake, I ran into an old friend from my adolescence at my granny's. We shared some words over a cigarette and coffee. He told me he was going out moose hunting the following day with my uncle and he was pretty excited. My old friend has

been going out hunting with my uncle since he was in his mid-teens; he explained that my uncle showed him how to do a lot when out on the land. I could tell that my uncle was his role model. I began to ponder on how many people such as I rely on organized cultural events such as the one put on by the AMC youth. It was good to learn that there are people who take initiative to share their resources and knowledge to pass down skills that are revered by Elders. It was good to learn that there are avenues of learning that are informal, and that they are being held close to home.

This trip allowed me to reconnect with William Osborne, former executive council member, vice principal and teacher. William invited me to his home to discuss community governance. William has been at the forefront of the revision of the First Written Law, the campaign against the encroachment of lands through hydro development and flooding, and is a strong advocate for healthy social development and the education within the community. The words and stories he shared with us at the gathering illustrated a self-conscious commitment to instill Ininev values among the youth in the community. He states:

In order for people to participate in their own government people need to come together to talk, discuss, day in and day out and do what it takes. It will take a very good leadership in the community to teach our own people about themselves. They will have to go into the schools; they will have to meet at the halls and use new means of communication such as going door to door, the TV, and the radio. We need to do what it takes to decolonize ourselves (personal communication, October 2007).

His message is that we need to awaken people's minds to the situation that we are in. This process must be consistent and done on a continual basis. This process can be initiated by the established Women's Council. The Women's Council can continue to organize campaigns in the community using the means outlined by William. Being involved in community events and

campaigns is a terrific way to enable people to come together to strategize and learn from one another's skills and interests.

Later that fall of 2007 on route to Pimicikamak by truck with my dad to visit family and to meet with a few people to discuss community governance, my dad reflected on a time from his late teens to early twenties, prior to the Jenpeg dam, when young people used to run. He told me that 'Cross Lakers' were known to be excellent runners. People would run from where the present day Band office is located to the Nelson River where the former Alfred Settee ferry was located. That run was approximately 20 kilometers return. He would get up early and go for a run. Pimicikamak people were known to be fast runners and would win races against other communities "It was a part of life," he described. Many people continue to partake in this type of physical activity, but they are not common as it was in the 1970s. He correlates this change to the time when people were bombarded with the effects of hydro development. I was reminded of this story when I witnessed Pimicikamak youth who in the summer of 2008 participated in a walk. This walk's purpose was to renew a sense of pride to reflect personal goals. The achievement of walking 800 kilometers over a span of a week is indeed an accomplishment. The organizers of this event wanted to instill a life lesson to young people to see that they are worthy of the world around them and that it is possible to reach their goals.

Leaders in the community must continue to promote education based on Ininew culture; yet embrace a western style of education in order to flourish in today's society. One of the major themes that came out of the interviews and conversations on governance and self-determination was education. Education was discussed in the broadest sense meaning acquiring knowledge from the land, traditional knowledge keepers and school-based education.

In the summer of 2006, I attended a presentation on Pimicikamak history and self-determination; the guest speakers included the Chief John Miswagon and the late Councillor Nelson Miller. In this presentation both Miswagon and Miller emphasized the importance of students receiving education and training from Elders, traditional knowledge keepers and the land. The wisdom and knowledge of the Elders remains highly regarded. The children would be seated with the Elders and listen to their stories. Julie Cruikshank (1990) illustrates this in her book *Life Lived Like a Story*; her fieldwork was conducted in Yukon working with Tagish, Tlingit, Tutchone women. She reminds us that histories were passed from generation to generation through an oral tradition. Storytelling or narrative was used extensively as a teaching tool and is evident with her encounter with Ms. Ned. Cruikshank quotes Ms. Ned, who states “Tell stories – which way you learn things. You think about that one your grandma tells you. You’ve got to believe it, what Grandma said...Old style words are just like school (p.267).” Storytelling in this sense, yet not in so many words, and connects people, animals and terrains. It gives children the opportunity to learn essential skills of listening, and it conveys life lessons and milestones as it may entertain or yet sadden. Ms. Ned says it is like *school* and the concept of school is relatively new to many Indigenous peoples. Louis Bird (2005) in his book *Telling Our Stories* emphasizes the oral tradition being a teaching tool. He describes the use of stories as tools to acquire knowledge. He emphasizes, “...stories were memorized by the young people, and as the people got older, they redefined and applied them as the educational stories. They were equal to books. Those stories were used to educate the young people, to introduce life experience to them, before they actually experience it (p.36).” Nelson and Miswagon have emphasized that the western education system has been failing Pimicikamak children and youth. Although,

Pimicikmak has been in control of the administration of their education since the 1970's, the incorporation of Manitoba curriculum guidelines have not done justice to Pimicikamak learners. They stressed that there is a great need to make drastic changes in the education system in Pimicikamak and it is crucial to incorporate methods such as utilizing oral histories as a teaching tool. In a conversation with Otter Nelson River School Grade 12 Native Studies teacher Garrison Settee, he expressed, "when you want to get into the history of Pimicikamak people you need to get into the heart of the people and that is what oral history is. The written documentation has its place but if you don't have a grasp of the oral history the written documentation will have to do justice. Oral history needs to be further explored in Pimicikamak" (personal communication, October 30, 2007).

Nelson and Miswagon envisioned an education program that corresponded with cultural lessons that includes traditional environmental knowledge, Indigenous spiritual guidance and ceremony and Ininew language immersion. When the Elders thought a young person was ready she or he would receive an eagle feather, which represents power, strength and values. There is a need to push a different concept of '*education*' that complements Pimicikamak endeavors while instilling the skills to prosper in this era of modernity. This push is radicalized by Verna Kirkness (1998) in her article, "Our Peoples' Education: Cut the Shackles; Cut the Crap; Cut the Mustard". Her main thesis pushes for the Indigenous communities to reframe education by cutting the binds that remain oppressive in our education systems. She reminds us:

In schools and other educational institutions under our authority, we have the right and opportunity to put in place what we believe to be quality education for our people. We are in charge. We owe it to our people, after decades of oppressive church and government control, to release them from this bondage by creating the kind of

education that will truly liberate us so we can have the independence once enjoyed by our ancestors. Our new “independence” education must begin with us, our people, and our communities. It must celebrate our cultures, our history, the true account of the way it was, and the way it is. From there we can build on how it should be and how it will be (p.11).

To radicalize the current system as directed by Kirkness illustrates the need to shift our thinking. We need to rise above the current governmental policies and begin to be creative. She sees the process starting first and foremost at the community level. Indigenous peoples do not need independent consultants because communities have the tools. They already possess tools such as the vast wealth of knowledge comprised of Elders, parents, grandparents, students, band councilors etc. Eugennie Mercredi emphasizes this as well; she explains:

We have to come together to talk about issues; we are starting to tackle the gang activity at the schools and within the community. We need to set up our own policies. Help the front line workers, for example the teachers, health workers, we need to get the parents together in a circle. We need to listen to the people. We need to address healing. Our Elders even need healing. We need to bring them back together. It will take time, not just one day or one meeting; it may take years to develop policies. That is how I see things improving (personal communication, October 2007).

The ability to identify and the ability to enable change in the community is not an easy task. It requires people like Mercredi who are committed to change. This leadership is central to the well-being of people in the Pimicikamak territory. This leadership is derived from the Elders. It is increasingly important to address the systematic reforms derived from the Canadian State. As the newly elected leadership in Pimicikamak attempts to unravel the knots, like fishing net, there is a need to remember that the sustained effort must supersede the nets that dissuade self-determination. What remains essential in this endeavor is not to neglect the children and youth. Rhetoric cannot inspire. The young people must continue to see their leadership remain

diplomatic and ready to shed the colonial nets that hinder the rebuilding of the Pimicikamak nation.

Paulo Friere (1974) eloquently describes the process for change as a radicalization of principles and as a commitment to act on those values based on his observations in his home territory (Brazil). Friere saw it necessary to educate people, stating:

It is predominantly critical, loving, humble, and communicative, and therefore a positive stance. The man who has made a radical option does not deny another man's right to choose, nor does he try to impose his own choice. He can discuss their respective positions. He is convinced he is right, but respects other man's perspective to judge himself correct. He tries to convince and convert, not to crush his opponent. The radical does, however, have the duty, imposed by love itself, to react against the violence of those who try to silence him- of those who, in the name of freedom, kill his freedom and their own (p.9).

To reflect on Friere's words on '*leadership*' is a need to reverse the tactics that have been taken by some of the elected leaders in Pimicikamak. In conversation Moose<sup>42</sup> reminded me that there is an urgency to start practicing what they [former Chief and Council] preach, the seven teachings. They will never restore harmony and balance teaching the people to hate the governments and blame them for every dysfunction in their lives (Email interview November 17, 2007).

### **Access to Land**

On my trip to Sipiwesk Lake in the summer of 2006, I accompanied by the late Band Council member Nelson Miller, recently elected Woman's Chief Marylou Halcrow, a group of University of Manitoba students, the course instructor, and two Manitoba Hydro employees.

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<sup>42</sup> Interviewee wished to remain anonymous

The two hydro employees' job was to monitor the lake for debris caused by erosion. They were to be our guides for our tour of the lake. The boat launch was quite busy that day. Nelson explained that there were a few men who still attempted to make a living by commercial fishing; he admired their determination due to the fact that Sipiwesk Lake was closed to fishing in the 1980's because of the high levels of mercury in the fish. As we passed tops of trees in the water, we were told that was once an island as many islands were now washed away; it was difficult to perceive how this place looked prior to hydro development. Being reminded continuously of the residual effects of hydroelectric generation simply by looking out a window to determine whether the water is high or low is injurious to one's morale. Keeping in mind that a pristine state once allowed people to hunt and fish in a sustainable manner to feed their families and to make a living, many people often fear that the fish they catch or animals they shoot will be sick due to contamination.

Rosenberg, Bodaly and Usher (1995) in their work were able to establish that large-scale hydroelectric projects destroy commercial fishing. Utilizing studies from the five Lake Winnipeg Regulation and Churchill River Diversion communities they were able to determine that there was indeed a substantial decline in per capita harvests of subsistence fisheries at Cross Lake and Split Lake (the two communities for which pre- and post-project data are available). Also they determined that the commercial fisheries were affected in all the communities and production declined sharply at Cross Lake (p.144). When one student asked Nelson whether he would eat fish from this river system, he immediately answered no. He told us that many people were afraid to consume fish that come from the Nelson River as Health Canada strongly advised against it. Being unable to consume a diet that has been sustaining families for

centuries clearly illustrates the disregard for people and their environment. The tour gave us a glimpse of the effects of hydro development in the territory. Pimicikamak Nation continues to take people on tours of the lake; our tour will probably not be the last as the Pimicikamak Nation also continues to undertake the responsibility to inform citizens globally of their appalling dealings with Manitoba Hydro.

In the interviews I conducted each of the interviewees asserts that the Elders and land and water knowledge keepers must continue to engage the young people. They want to see the youth in activities that teach them about their environment and how important it is to protect it. They also want to see the young people participate in Cree time-honoured activities including but not limited to: hunting, trapping, snaring, fishing, gathering medicines and picking berries. Susan Wismer (1996) states:

The foundations of community lie in a clearly defined and strong interwoven understanding of identity, ethics and place. Identity is about knowing and understanding culture and history. Ethics is about what is important and why – about values. Place is about knowing where home is, geographically and spiritually, and the sense of shared destiny with others that comes with that knowledge. In order to make a contribution to community health, economic activities should strengthen these foundations. Economic “development” that undermines cultural identity, compromises value, or fails to preserve or enhance environmental quality is neither sustainable nor healthy (p.11).

Inineew (Cree) way of life is attempting to live in balance with the environment. This can also be interpreted as the journey to achieve Mino-pimwatsiwin. Although Naomi Adelson’s work stems from northern Quebec, the complexities of achieving Mino-pimwatsiwin in Pimicikamak are similar. She states:

The ideals of *miyupimaatisiun*<sup>43</sup> are linked to what the Cree consider a healthy lifestyle: living in the bush and partaking all that bush life offers. Today, bush camp, goose hunting,

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<sup>43</sup> Whapmagoostui Cree dialect. Mino-pimwatsiwin is Swampy Cree dialect.

and bush related activities are more “what Cree do”; they reaffirm the distinction between Cree and Whiteman... Without a doubt, the bush is a special place – both a space and a time for people to live outside the structures and constraints of the village. Realistically, however, most of the Whapmagoostui Cree can live in the bush at certain times of the year, as most work and live in the village (p.108).

The Cree of Pimicikamak cannot engage in activities that promote Mino-pimwatisiwin, and this can be linked to the devastation created by hydro development in their territory. Hydro development has caused waters and shorelines to change from a once-pristine condition to an unsightly state.

The interviewees stressed that it was crucially important for the young people to become aware of their environment to the best of their ability so they can help protect it from unstable forms of development such as conventional hydro, mining and logging practices. Eugennie Mercredi expressed the need to reconnect to the land. She stresses that people need to protect and preserve it for the next generations. Her advice coincides with the Alfred and Corntassel (2005) mantra of decolonization:

Land is Life – our people must reconnect with the terrain and geography of their Indigenous heritage if they are to comprehend the teachings and values of the ancestors, and if they are to draw strength and sustenance that is independent of colonial power, and which is regenerative of an authentic, autonomous, Indigenous existence (p.615).

Pimicikamak leaders can be commended for asserting sovereignty through land advocacy and education and receive much support from Church groups and environmentalists outside Pimicikamak territory. A greater sustained effort is a great need in the community.

## **Increasing community involvement in community governance to achieve a consensus**

Creating the opportunity to involve community members in the decision making process involves a greater sustained effort on behalf of Chief and Council and community leaders. In an interview with Garry Settee he articulates that there is a need to engage people in the community. He states:

When the people are made to feel that they are a part of the process and when the community is made to feel that their input and their suggestions are being received, their aspirations are being met. When people feel alienated from a governance system they will not wholeheartedly go out and support, as they are detached from the process... We are not well informed. We need a better way in communicating with people. We need to make information readily available and make things common knowledge (personal communication October 30, 2007).

Allison Sheedy (2008) provides a perspective that citizen engagement extends beyond an informed, active and engaged citizenry. According to Sheedy citizen engagement values the rights of citizens to have an informed say in the decisions that affect their lives. Citizen engagement emphasizes the sharing of power, information, and a mutual respect between government and citizens (p.1). Engaging citizens needs to remain a priority for Pimicikamak leadership concerning future law building.

For example a process can:

- Increase citizen's sense of responsibility and understanding for complex issues;
- Be an important mechanism to clarify citizen's values, needs and preferences allowing public servants and politicians to understand how the public views an issue and what is most important to them, what information the public needs to understand an issue and how to best frame or speak about an issue;
- Lead decision-makers to make better decisions by helping them to understand the potential social and ethical implications of their decisions amongst populations that they may not be familiar with;
- Allow politicians to share ownership for a controversial public decision with citizens;
- Increase the legitimacy of public decisions (p. 4)

Establishing partnerships within the community and bringing organizations and sectors together are important for people to come together and discuss their work and mandates. People can share resources while building capacity within each organization. A safe place needs to be maintained where people can communicate their concerns in a non-judgmental environment. During a premiere of *'Green Green Water'* in 2006 a Pimicikamak youth expressed concern with the leadership and politics in the community. That person felt that the Chief and Council misuse the term 'youth' in their speeches. That person also felt that the Cross Lake Band did not have enough resources for the young people and come election time the incumbents use rhetoric to get their vote. That person also asked why they can speak so passionately outside the community to 'white' organizations time and time again and when they are home nothing seems to be done. The answer the Chief and Council provided was that they are trying.

It is important to seek influence from the outside the community such as Minnesotans for Efficient Energy and the Manitoba Interfaith Taskforce for education and awareness, yet there is a need for a sustained campaign to inform and engage Pimicikamak citizens. The need for a sustained campaign must come from the people active in the four councils using the Okimawin Onasowewin as a basis for organization and strategy. In the past Pimicikamak has been very diligent in posting information on their website and has recently developed a Wikipedia blog on their government, although only a few areas in the community have access to high speed Internet, such as the four schools (Otter Nelson River school, Miksew middle school, UCN, and the provincial school Dr. Hamilton) and the band office. This demonstrates

that the luxury of having access to high speed Internet remains an urban and southern phenomenon. If people are not able to access the Internet this form of communication only benefits people who are in school, teachers who live in the teacher housing or employees of the band. Although dial-up is very slow, many people rely on mainstream social networking tools such as Facebook and Bebo to keep in touch with friends and family. In past elections in 2008 and 2009 many of the candidates used these online tools to push their campaign platforms and hosted online discussions on issues in the community. This is just one way to engage people in community events. Like many forms of governance there is a need to find new ways to engage citizens in decision-making and using Facebook is just one of those methods to do so.

There are, however, drawbacks to relying on the Internet as a communication tool. Using the computer requires people to sit at computers at their homes, place of work or at the schools. Face-to-face interaction is at a minimum and many people are not gathering together as much. This is why the need continues to seek out creative ways to communicate with each other for further discussion. An example of using a creative communication method I encountered during the data collection for this project was for a community marathon with an emphasis on raising money for diabetes research. This provided the community with a background education on diabetes and it created an opportunity for people to get out and exercise and socialize.

## Conclusions

If mainstream society continues to focus on documenting the 'dysfunction' in Indigenous communities such as high unemployment rates, high school dropout rates, substance abuse and so on, a bleak picture remains to be imprinted in the minds of the general public. In this chapter I attempted to document some of the positive human aspects within the community. People in the community are engaged in an ongoing battle with the State and Manitoba Hydro, the young people are seeing their leaders to fight for their treaties, they are witnessing people in the community lead events and many are learning skills through the oral tradition. In order to achieve mino-pimatisiwin, perhaps we need to look at the concept as a mantra and focus on the fact that even though obstacles and hardships exist, Ininewak are still here.

## Chapter 5 – The Future

This thesis illustrates that Pimicikamak people are neither simply resisting nor wholly accommodating the Canadian state. I attempted to address the complexities that surround the political history that concern Pimicikamak peoples realities. People in Pimicikamak have been resisting corporate development in their territories for the past three decades. In one story told to an upper-level Native Studies class by the former Chief John Miswagon, he illustrated how Pimicikamak people resisted colonialism by not converting to the Christian faith so readily. He shared how since the early 1990's Pimicikamak people blocked the winter road to Oxford House and God's Lake with the aim to disrupt Manitoba Hydro work plans in that area. Pimicikamak asserts that the corporation must honour the Northern Flood Agreement (personal communication, June 2006). This event shows the peoples determination to uphold established treaties and illustrates a powerful statement to Canadian society that the Pimicikamak people cannot be pushed around.

Pimicikamak people are embedded in a colonial and capitalistic structure the purpose of which is to disengage the community's aspirations towards self-determination. Colonial principles engaged by the state such as tyranny, totalitarianism and hegemony continue to be enforced in order to refute Indigenous people's self-determination. Self-determination is the ability to live freely in ones territory, the ability to live healthy and vibrant lives in one's vicinity and the ability to be diplomatic with other nations and peoples. The movement to protect the environment in Pimicikamak is a prime example of asserting self-determination.

Within this movement came discussion, an implementation of a governance structure, and an international campaign to inform citizens about Pimicikamak territory and hydro development, and consequently some might say people developed a 're-discovered' self. Some people may also say there is a lull in this movement. Since the start of this thesis there has been a change of leadership twice over. In the past two years Pimicikamak has seen two elections. Chief John Miswagon was defeated in 2008 and in 2009. In 2008 the community elected a new chief and a new council and after a few months the Women's council, after an incident concerning the new Chief and an incident with the RCMP, decided that it was decided by the Women's and Elders council time to go back to the polls. There was much dispute between the four councils as to whether Pimicikamak needed to have another election. The Elders council wanted Pimicikamak citizens to give the new chief and councilors time to do their jobs. A year later, in August of 2009 an election was called. Pimicikamak citizens elected a new Chief who was elected councilor one year earlier. It is uncertain that this new Chief and Council will be on the forefront defending their traditional territory from corporate development and destruction.

Recollecting the opinions and stories shared with me over the past five years, exploring this topic on governance became more about acquiring knowledge through various pedagogies: classroom, on the land, at church, at home and so on. Living the 'good life' or what many Ininew people refer to as mino-pimwatsiwin requires creating and maintaining the intellectual space to talk about visions of what a healthy nation means to them individually and as a group. People want to see their children and grandchildren live healthy and vibrant lives with opportunities to continue living on the land and to have the opportunity to seek post secondary education and have jobs. People have stressed that they want the young people to learn their

history and language. The complexities that surrounds protecting the environment from corporate development and the ability to obtain meaningful employment requires further in depth discussion within Pimicikamak.

The question I sought out when I first embarked on my journey into graduate school was whether the Pimicikamak governance structure should be revisited to reflect traditional governance. As it was reflected to me by newly elected Chief (September 2009) Garry Settee, Indigenous, specifically Pimicikamak people need to learn their history. People need to understand where they came from regardless of what belief system you follow. He reminded me that the Seven Teachings are similar to his Christian faith and reverence ought to be practiced (personal communication, October 2007). If people continue to reinforce rigid boundaries or view concepts such as traditional/non-traditional individuals and communities, they can lose sight of the work that needs to be done. To view concepts in binary opposites can be painstaking as it can alienate and distance people from each other.

My original hypothesis suggested that the Pimicikamak Okimawin Onasowewin lost its spirit of traditional governance due to colonization. The Indian Act being a colonial product that suppresses mitigates the spirit of self-determination. The Pimicikamak Okimawin Onasowewin will become stronger when their community endeavors (as discussed in Chapter 4) to become closer to local reality. In a conversation with Ronny Beardy I had in the fall of 2007, he shared that the Pimicikamak Okimawin Onasowewin would be successful when it comes from the people (personal communication Oct 2007). The citizenship of Pimicikamak needs to be engaged meaningfully in the Okimawin Onasowewin in order for it to be a powerful document.

This research allowed me to present the complexities that inhibit Indigenous people's assertion of their right to self-determination. A lot of work remains to be done in Pimicikamak to foster 'the good life'. In the thesis I also presented current initiatives and suggestions to further us toward achieving what we envision.

I will end this chapter with a Wisahkicahk<sup>44</sup> legend told to me by Bryon Apetagon at Rossville School in 1987. I was reminded of the story a few years back when I was completing my course work for this graduate degree.

Wisahkicahk was walking around and he saw some waterfowl by the river. He began to think how he could kill a lot of them. He went into the muskeg carrying a bag and filled it with moss. Then carrying the bag, he walked right by the river where many ducks, geese and loons were swimming. Those birds were very curious.

The birds asked Wisahkicahk what he was carrying and he replied, "I am carrying my songs."

"Songs?" those birds asked. Wisahkicahk built a tent and invited all the birds to come and dance later that evening. All kinds of birds came there that night. Ducks, loons, and geese were there. Wisahkicahk told the birds that there was a special dance that they should dance with their eyes shut. Wisahkicahk began to sing. All the birds closed their eyes and began to dance with their eyes shut. Wisahkicahk kept singing. While the birds danced, he would grab them, one after the other, twist their necks, and throw them outside the lodge. He killed lots of ducks. Finally, one loon got tired of dancing and opened his eyes. He saw what Wisahkicahk was doing and immediately cried out, "Wisahkicahk is killing us." All the birds opened their eyes and they stormed out of the tent... Wisahkicahk chased the loon and kicked him in the legs causing his feet to web.

I chose to share this particular story in this concluding chapter. It brings out a few themes I aimed to address in this research endeavor. Wisahkicahk can be viewed as the Canadian government and the waterfowl can be viewed as Indigenous people. Indigenous people have

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<sup>44</sup> Jennifer Brown and Robert Brightman state that this particular character, trickster Wisahkicahk "combines attributes of a great magical power, pathetic helplessness, wisdom, stupidity, altruism and moral chaos" (p.108). Wisahkicahk is a combination of a human, spirit and hero.

been bombarded with rules and regulations and in order to get things done they have to follow the government's rules. So we dance. When one person or group, like the Loon, begins to question the 'status quo' s/he or they often get reprimanded. Perhaps the Loon can be portrayed as a 'rabble-rouser' or 'radical'. A moral of the story is that Indigenous people cannot continue to dance and people like the Loon need to be commended for standing up for their communities and nations – rather than being picked off and placed into a bag.

### **Final Thoughts**

This thesis work and my role as an academic have allowed me to see both the Pacific and Atlantic coasts. It has allowed me to meet other Indigenous peoples globally and share my knowledge and experiences with other Indigenous activists, hunters, fishers, trappers, scholars, academics and so on. It has made me aware that our work and what we protect remains to be questionable in the Canadian State's eyes. Most importantly it has allowed me to connect with my family from my father's territory. In the spring of 2010, being Indigenous is a reminder that we have overcome many obstacles and we are alive to share these ancestors' stories and experiences.

Kinanâskomitin. I thank you sincerely

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# PIMICIKAMAK CREE NATION LAW

## *Pimicikamak Okimawin Onasowewin*

### *The First Written Law*

#### OFFICE CONSOLIDATION

This law is made by Pimicikamak Cree Nation:

Whereas the Creator gave Pimicikamak Cree Nation responsibility to govern itself, its lands, its people and its traditional resources;

And Whereas Pimicikamak Cree Nation exercised this responsibility from a time beyond the memory of mankind, and never surrendered it;

And Whereas Pimicikamak Cree Nation may make Laws for the peace, welfare and good government of its lands, its people, and its traditional resources in accordance with its culture, customs, traditions, beliefs, and Treaty relationships;

And Whereas Pimicikamak Cree Nation wishes to make Laws henceforth in writing so that all persons may know them;

And Whereas Pimicikamak Cree Nation seeks to ensure that its Laws are in harmony with the Constitution of Canada;

And Whereas Pimicikamak Cree Nation governs with approval of the Elders and acceptance of the membership;

Therefore Pimicikamak Cree Nation, with approval of the Council of Elders and acceptance of the membership, makes this Law:

#### *Name*

1. This Law shall be known as The First Written Law.

#### *Laws may be made in writing*

2. Pimicikamak Cree Nation may make Laws in writing in the manner provided in this Law.

#### *Proposing laws*

3. A Law may be proposed by resolution of Chief and Council at a Council meeting.

4. A Law may be proposed by resolution of a quorum including the Chief, at a meeting of Chief and Council, and endorsed in writing by other members of that Council.

5. A resolution to propose a Law requires the assent of the Chief and of all but not more than two members of the Council.

#### *Steps required to make laws*

6. In order to become a Law, a proposed law must be first approved by the Council of Elders, then accepted by the membership, and then adopted by Chief and Council.

#### *Opinion*

7. Before submitting a proposed law to the Council of Elders for approval, Chief and Council shall obtain, and the Secretary to the Council shall make available to any member upon request, the written opinion of counsel as to the harmony of the proposed law with the Constitution of Canada.

***Approval***

8. Notice shall be given by community radio or community television at least three days before a meeting of the Council of Elders to consider approving a proposed law, and the meeting may be adjourned one or more times without giving further notice.

9. The Council of Elders may approve or disapprove a proposed law, or return it to Chief and Council with a recommendation that it be amended.

10. After amendment a proposed law shall be submitted again to the Council of Elders for approval.

11. The Council of Elders may decide by traditional consensus or in any other manner which the Council of Elders may determine from time to time.

12. The Secretary to the Council, or a person authorized in writing by the Secretary to the Council, shall attend and certify in writing the approval, disapproval or recommended amendment of a proposed law.

***Consultation***

13. Chief and Council shall refer a proposed law to the Youth Council to obtain its views and comments.

14. Chief and Council may in its discretion refer a proposed law to any other person or group to obtain their views and comments.

***Acceptance***

15. A proposed law which has been approved by the Council of Elders may be accepted by the membership at a general assembly, where notice has been given to the membership by community radio or community television of the time and place of the assembly, and the subject matter of the proposed law, and the assembly may be adjourned one or more times without giving further notice.

16. A general assembly may accept or reject, but may not amend, a proposed law.

17. A general assembly may accept or reject a proposed law by traditional consensus or in any other manner which the membership may determine at a general assembly from time to time.

18. The Secretary to the Council or a person authorized in writing by the Secretary to the Council shall attend the general assembly to certify in writing the acceptance or rejection of a proposed law.

***Adoption***

19. A proposed law which has been approved by the Council of Elders and accepted by the membership may be adopted by resolution of Chief and Council through traditional consensus at a Council meeting, or by a clear majority of the full number of Chief and Council.

20. A resolution to adopt a proposed law may be moved only with the consent, in person or in writing, of the Chief.

21. The Secretary to the Council or a person authorized in writing by the Secretary to the Council shall attend the Council meeting to certify the adoption of a proposed law.

***Open general assemblies***

22. Every general assembly of the membership, at which a proposed law is considered for acceptance, shall be open to full participation by all members of Pimicikamak Cree Nation.

***Certifying decisions***

23. The Secretary to the Council or a person with written authority of the Secretary to the Council to attend any meeting or general assembly at which a law is proposed, approved, accepted or adopted, shall certify the decision on two official copies of the proposed law.

24. Chief and Council may, by regulation, approve a form for recording and certifying the proceedings of meetings or general assemblies at which a proposed law is considered.

#### ***Certifying laws***

25. When a proposed law has been proposed, approved, accepted and adopted, the Secretary to the Council shall certify the Law by signing, and by affixing the Seal of Pimicikamak Cree Nation to, each official copy.

#### ***Regulations***

26. Chief and Council may make regulations required by Laws.

27. A regulation must be expressly authorized by a Law and be consistent with that Law.

28. A regulation may be proposed in the same manner as a Law.

29. A proposed regulation shall be posted for three full days in a public place designated for this purpose by Chief and Council and shall then be considered at a general assembly.

30. After posting in a public place and consideration at a general assembly Chief and Council may adopt a proposed regulation as proposed, or may propose an amended regulation.

31. Chief and Council may by resolution adopt a proposed regulation through traditional consensus at a Council meeting, or with a clear majority of the full number of Chief and Council.

32. A resolution to adopt a proposed regulation may be moved only with the consent, in person or in writing, of the Chief.

33. The Secretary to the Council or a person designated by the Secretary to the Council shall attend the Council meeting to certify the adoption of a proposed resolution.

#### ***Effective Dates***

34. A Law becomes effective after the Seal of Pimicikamak Cree Nation has been affixed by the Secretary to the Council and a certified copy of the Law has been posted for three full days in a public place designated for this purpose by Chief and Council, unless the Law provides that it becomes effective at a later date.

35. A regulation becomes effective after it has been duly sealed by the Secretary to the Council and a certified copy of it has been posted for ten full days in a public place designated for this purpose by Chief and Council, unless the regulation provides that it becomes effective at a later date.

#### ***Non-residents subject to laws***

36. A person who is not ordinarily resident on the reserve lands of Pimicikamak Cree Nation is bound by a Law or regulation of Pimicikamak Cree Nation only after that person has received actual notice of the Law and has had reasonable opportunity to comply with it.

#### ***Rights and Freedoms***

37. Unless otherwise declared by Law, the Canadian Charter of Rights and Freedoms applies to every Law of Pimicikamak Cree Nation.

38. No Law of Pimicikamak Cree Nation shall take the property of any person without compensation.

39. No Law may take away the right of a person to reside permanently on reserve lands of Pimicikamak Cree Nation who has been granted that right by any Law of Pimicikamak Cree Nation.

#### ***Custody of laws***

40. The Secretary to the Council shall be responsible for keeping the two official copies of each Law or proposed law at two separate and

secure locations as authorized by resolution of Chief and Council from time to time.

***Certified copies of laws***

41. The Secretary to the Council shall, upon request and payment of the prescribed fee, provide a certified copy, under Seal, of any law or regulation.

42. Chief and Council may, by regulation, prescribe a fee to be charged for each certified copy of a Law or regulation, and the fee shall be collected by the Secretary to the Council and paid into the general revenue account of Pimicikamak Cree Nation.

43. An uncertified copy of a Law or regulation may be provided without fee by the Secretary to the Council upon request of a member of Pimicikamak Cree Nation.

***Validity of laws***

44. A Law or regulation shall be valid notwithstanding a technical defect in complying with this Law.

45. No Law or regulation shall be enforced against any person to their prejudice through any defect in complying with this Law.

***Translation of laws***

46. The Secretary to the Council shall upon request of the Council of Elders cause a Law or regulation to be translated into Cree syllabics and the Council of Elders may approve the translation.

47. A copy of a translated Law or regulation may be provided without fee by the Secretary to the Council upon request of a member of Pimicikamak Cree Nation.

***Amending laws and regulations***

48. A Law may be amended only by Law made in accordance with this Law.

49. A regulation may be amended by Law or by regulation made in accordance with this Law.

Took effect: 29 May, 1996.

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**PIMICIKAMAK LAW**  
*Pimicikamak Okimawin Onasowewin*

*The Pimicikamak NFA Implementation Law*  
UNOFFICIAL OFFICE CONSOLIDATION

This Law is made by Pimicikamak:

Whereas the Creator gave Pimicikamak responsibility to govern itself, its lands, its people and its traditional resources;

And Whereas the Nation governed itself in the tradition of the Cree people during time beyond memory;

And Whereas the Nation exercises inherent jurisdiction, including jurisdiction in respect of Treaties made or to be made by the Nation, and Treaty rights and aboriginal rights of its people;

And Whereas in 1875 the Cree people, including the ancestors of the Nation, made Treaty with Her Majesty Queen Victoria;

And Whereas in 1930 His Majesty King George V gave Royal Assent to the British North America Act, 1930, affirming an agreement between Canada and Manitoba dated December 14, 1929, which transferred Crown lands in Manitoba to the Province without the knowledge or consent of the Nation;

And Whereas in or about 1970, Manitoba Hydro undertook the Lake Winnipeg, Churchill and Nelson Rivers project;

And Whereas in 1970 the government of Manitoba granted to Manitoba Hydro an interim licence to proceed with the project;

And Whereas Manitoba Hydro proceeded to construct the project, including a dam at Jenpeg, without prior consultation with the Nation;

And Whereas in 1974 the Cross Lake Band of Indians and four other Bands established the Northern Flood Committee to protect the interests of their communities;

And Whereas in 1975 the Band discovered that the project would use shorelines and lands of the community for water storage;

And Whereas Canada holds these lands in trust for the use and benefit of the Band;

And Whereas representatives of Manitoba Hydro assured the Band that the project would have little or no adverse effect on the community and the livelihood of the Nation;

And Whereas the NFC negotiated with Canada, Manitoba and Manitoba Hydro for four years on behalf of the Bands;

And Whereas Canada advised the Bands to conclude an agreement with Manitoba and Manitoba Hydro, failing which Canada could give Manitoba Hydro the right to use their reserve lands without their consent;

And Whereas Manitoba and Manitoba Hydro offered a partnership whereby the project would use traditional lands of the Nation to mutual benefit;

And Whereas Manitoba Hydro promised to fully remedy every adverse effect of the project;

And Whereas the parties promised to address mass poverty and unemployment in the communities;

And Whereas the parties promised rights and benefits in addition to existing rights and benefits under Treaty #5;

And Whereas in 1977 the promises of the parties were recorded in the Northern Flood Agreement and signed on behalf of the NFC and the parties, Canada, Manitoba and Manitoba Hydro;

And Whereas in the Cree culture such promises are sacred, and a matter of honour;

And Whereas the obligations of the parties were to continue for the lifetime of the project;

And Whereas the membership of necessity placed their trust in the parties to keep their promises in good faith;

And Whereas in 1978 the membership ratified the Agreement;

And Whereas after the Agreement was ratified the parties failed and refused to implement the Agreement, and Manitoba Hydro denied responsibility for adverse effects of the project;

And Whereas Manitoba Hydro's assurances about the project were found to be untrue;

And Whereas the project reversed the state of nature on Cross Lake, ruined the beauty of the community, and destroyed the livelihood of the Nation;

And Whereas in 1979 the project caused, on Cross Lake, the worst water level fluctuation ever recorded on any lake in Manitoba;

And Whereas in 1982 the Bands and their members filed numerous claims with the Arbitrator to preserve their rights under the Agreement;

And Whereas the NFC incurred costs as a result of the failure and refusal of the parties to implement the Agreement;

And Whereas the Arbitrator ordered the parties to reimburse these costs by reason of their refusal and failure to implement the Agreement;

And Whereas the Manitoba Court of Appeal reversed the Order of the Arbitrator because the Agreement did not specifically provide for the parties to reimburse costs of the NFC;

And Whereas the parties used this opportunity to destroy the NFC and to frustrate implementation of the Agreement;

And Whereas the NFC and the Band were approached by consultants who offered to obtain the financial support needed to implement the Agreement;

And Whereas Canada provided financial support for the costs of retaining these consultants;

And Whereas the consultants prepared a document which came to be known as the Proposed Basis of Settlement;

And Whereas the consultants advised that the Proposed Basis of Settlement would implement the Agreement;

And Whereas it became clear that the Proposed Basis of Settlement would effectively extinguish the Agreement in exchange for certain monies;

And Whereas the Proposed Basis of Settlement was rejected by the membership;

And Whereas in May, 1993, representatives of the parties met with the membership in Cross Lake and proposed to negotiate implementation of the Agreement;

And Whereas in November, 1993, the parties undertook in writing to negotiate and agree upon comprehensive implementation of the Northern Flood Agreement;

And Whereas the parties agreed that negotiations would not delay implementation of the Agreement;

And Whereas the membership expressed, through the Red Book, their wish for implementation to be based on renewed self-governance;

And Whereas in June, 1994, the parties entered into an Interim Implementation Agreement with

the Nation, providing for implementation of the Agreement subject to certain specified exceptions;

And Whereas Manitoba Hydro acknowledged that more than twenty million dollars in compensation was outstanding for adverse effects of the project on the Nation, the Band, and the membership;

And Whereas the parties refused to discuss implementation of the Agreement and insisted upon a Settlement of their own devising;

And Whereas the Settlement proposed by the parties would not truly implement, but would effectively extinguish, most of the Agreement;

And Whereas Manitoba Hydro refuses to pay the compensation which it has acknowledged is owing, unless the Settlement is accepted;

And Whereas the Settlement would provide only pennies per day for each member for effects of the project on their life and livelihood, and would remove the security provided by the Agreement for the future;

And Whereas the government of Manitoba has a long-outstanding obligation to transfer thousands of acres of exchange land for the use and benefit of the Band;

And Whereas for twenty years the government of Manitoba has failed and refused to transfer any exchange land for the use and benefit of the Band;

And Whereas mass poverty and unemployment in Cross Lake continue at levels which are not acceptable in Canada;

And Whereas the Nation has been a good neighbour to Manitoba Hydro for twenty years;

And Whereas Manitoba Hydro and Manitoba have taken the benefits of the Agreement while refusing to meet their obligations;

And Whereas Manitoba Hydro is operating the project unlawfully, using lands set aside for the use and benefit of the Band;

And Whereas the project has caused deaths in the community;

And Whereas many of the Elders most directly affected by the project have died without receiving the compensation due to them under the Agreement;

And Whereas a whole generation has grown up with little opportunity to understand the effects of the project on their lives, and with little hope for the future;

And Whereas it now appears that the parties had no intention of implementing the Agreement;

And Whereas the parties have threatened that, if the Settlement is not accepted, they will not implement the Agreement except as they may be ordered under process of law;

And Whereas the Nation is facing cultural genocide at the hands of the parties;

And Whereas the parties refuse to recognize the Agreement as a Treaty;

And Whereas the Settlement would affect Treaty rights, and the exercise of aboriginal rights;

And Whereas representatives of Canada asserted their right to authorize the Settlement by conducting a referendum of members of the Band under arbitrary rules;

And Whereas the intended referendum has aroused deep concerns within the community;

And Whereas conducting such a referendum may create deep divisions within the community, and so cause great and lasting damage;

And Whereas such a referendum is not authorized by any law;

And Whereas under traditional law of the Nation decisions are made by consensus, not by referendum;

And Whereas traditional law of the Nation reflects the wisdom of many generations;

And Whereas representatives of the parties have refused to recognize or be governed by traditional law;

And Whereas representatives of the parties have conducted themselves in a manner which is not in accord with the standards of civilized peoples;

And Whereas this conduct threatens the survival of the Nation;

And Whereas the Nation has the right to determine its own decision-making process;

And Whereas it is desirable to allay fears, to preserve peace and order, and to resolve uncertainties;

Therefore the Nation, with approval of the Council of Elders and acceptance of the membership, makes this Law:

### *Name*

1. This Law shall be known as the Pimicikamak NFA Implementation Law.

### *Definitions*

2. In this Law, unless a contrary intention appears:

“the Agreement” means an agreement between Canada, Manitoba, Manitoba Hydro and the NFC dated December 16, 1977, known as the Northern Flood Agreement and as Treaty #12;

“the Band” means the Cross Lake Band of Indians, as defined pursuant to the Indian Act, whether known by that name or by the name “Cross Lake First Nation”;

“Canada” means Her Majesty the Queen in Right of Canada;

“compensation monies” means monies received on account of adverse effects of the project;

“Manitoba” means Her Majesty the Queen in Right of the Province of Manitoba;

“Manitoba Hydro” means the Manitoba Hydro-Electric Board;

“the Nation” means Pimicikamak, also known as Pimicikamak Cree Nation and the Cross Lake Nation;

“NFC” means the Northern Flood Committee Inc.;

“the parties” means Canada, Manitoba and Manitoba Hydro;

“the project” has the same meaning as “the project” as defined in the Agreement;

“the referendum” means a plebiscite proposed by the parties to be conducted in respect of the Settlement;

“Resource Area” means the traditional homelands of the Nation;

“the Settlement” means an agreement proposed by the parties, and known as the Comprehensive Implementation Agreement, which would terminate rights under the Agreement.

### *Settlement*

3. The Comprehensive Implementation Agreement is denounced as fraudulent, and Chief and Council are directed not to sign it.

### *Referendum*

4. Representatives of Canada are directed not to conduct the referendum.

### *No release*

5. For greater certainty, nothing in this Law releases any of the parties in respect of any obligation under the Agreement, past, present or future.

### *Implementation*

6. The Nation and the Band shall continue to pursue implementation of the Agreement, according to its spirit and intent, in good faith.

### *Accountability*

7. The parties are hereby called upon to investigate and account for misconduct of their representatives in respect of their fiduciary duties under the Agreement.

### *National emergency*

8. The Nation apprehends a course of conduct involving systematic denial, by representatives of the parties, of rights under the Agreement, amounting to a conspiracy to commit

genocide by depriving the Nation and its citizens of their human rights, their aboriginal and Treaty rights, and their means of survival as a people.

9. A National emergency is hereby declared and shall continue until such time as the Chief and Council by resolution may report to the Nation that it is ended.

10. The declaration of National emergency is a call to place the interests of the Nation ahead of personal interests and to speak with one voice.

#### ***Fiduciary duties***

11. Every person who has a fiduciary duty by reason of exercising authority or discretion in respect of implementing the Agreement is called upon to exercise that authority or discretion conscientiously and without regard to any conflicting interest.

#### ***Conflicts of interests***

12. Every person who exercises authority or discretion in respect of implementing the Agreement, or who advises any such person, and who has or may have a conflict of interests in that respect, is called to publicly declare their conflict or potential conflict of interests and, if necessary, to disqualify themselves.

#### ***Authorization***

13. Chief and Council may by resolution authorize such action as they deem advisable in respect of any person who may act or may have acted contrary to a fiduciary duty or in conflict of interests in respect of the Agreement, to the detriment of the Nation.

#### ***Implementation***

14. Subject to section 15, every discussion or decision in respect of implementation of the NFA shall be done in the name of the Nation and shall be subject to its express approval by Law.

15. Subject to any other Law of the Nation, every discussion or decision in respect of exchange lands under the NFA may be done in the name of the Band and may be subject to its express approval in accordance with the Indian Act.

#### ***Compensation***

16. Compensation monies may be paid only to persons who were adversely affected by the project and shall be, to the extent possible, proportioned to the degree of adverse effect.

17. It is not lawful to distribute compensation monies on a per capita basis.

#### ***Preamble***

18. The making of this Law by the Nation is evidence of the matters set forth in the preamble.

#### ***Taking effect***

19. This Law takes effect when adopted.

Proposed by Chief and Council: 8 December, 1997;

Referred to the Elders Council: 11 December, 1997;

Referred to the Womens Council: 11 December, 1997;

Referred to the Youth Council: 18 December, 1997;

Approved by the Council of Elders: 18 December, 1997;

Accepted by Special Assembly: 19 December, 1997;

Adopted by Chief and Council: 30 December, 1997;

Took effect: 30 December, 1997.

# **Pimicikamak Cree Nation Law**

## *Pimicikamak Neynuweywin Eskanesiwin Onasowewin*

### *The Pimicikamak Citizenship Law*

#### OFFICE CONSOLIDATION

**This Law** is made by Pimicikamak Cree Nation:

**Whereas the Creator** made the Cree peoples responsible for governing themselves, their lands and their traditional resources;

**And Whereas** all peoples have the right of self-determination, by virtue of which right they freely determine their political status and freely pursue their economic, social and cultural development;

**And Whereas** the right of self-determination includes the right of a people to determine its own identity and citizenship;

**And Whereas** traditional law of the Cree peoples recognizes the autonomy and jurisdiction of the Pimicikamak Cree Nation to govern itself and its traditional lands and resources;

**And Whereas** governance is a spiritual mandate carrying with it the responsibility to govern for the welfare of the people and of all life;

**And Whereas** the Parliament of Canada made the Indian Act;

**And Whereas** the Indian Act divided the Cree peoples into bands, and purported to define who is an Indian, and to specify which Indians are members of a band;

**And Whereas** section 10 of the Indian Act provides delegated authority for a band to determine its own membership subject to certain conditions;

**And Whereas** the Indian Act has divided the people and suppressed the Nation;

**And Whereas** the Nation has a right of self-determination and this right includes the right to determine its own identity according to its own laws;

**Therefore** the Nation, with approval of the Council of Elders and acceptance of the membership, makes this Law:

#### *Name*

1. This Law shall be known as **The Pimicikamak Citizenship Law**.

#### *Definitions*

2. In this Law, unless a different intention is expressed:
  - “accept” means to make permanent a right of citizenship in accordance with this Law;
  - “the Band” means the Cross Lake Band of Indians established by and under the Indian Act, whether known by that name or by the name “Cross Lake First Nation”;
  - “Bill C-31” means An Act to Amend the Indian Act (Canada), given Royal Assent on June 28, 1985;
  - “Chief” means the Chief of the Nation;
  - “citizen” means a person who is or was or is deemed to be or to have been a citizen according to this Law;
  - “Citizenship Committee” means the Citizenship Committee of the Nation, appointed according to this Law;

“Citizenship Register” means a written record maintained and certified by the registrar;

“Councillor” means a Councillor of the Nation;

“General Assembly” means a traditional assembly of citizens duly convened for the purpose of considering National matters;

“Indian Act” means the Indian Act (Canada), as amended;

“member” means a person who was registered as a member of the Band on or before the date this Law came into effect, and for greater certainty, includes a person who was registered by reason of Bill C-31 and a person who ceased to be registered for any reason;

“the Nation” means Pimicikamak Cree Nation;

“parent” means the mother or father of a person, and includes an adoptive parent where the adoption is recognized by or confirmed according to law of the Nation;

“publicly posted” means posted in a prominent place in the principal office of the Pimicikamak Cree Nation and made public in any other manner or place which Chief and Council may by regulation prescribe;

“registrar” means a person designated from time to time by Resolution of Chief and Council as being responsible for maintaining citizenship records of the Nation.

### ***Citizens***

3. Every person who was a member of the Band before this Law came into effect is a citizen of the Nation.
4. A person whose name and birth date are set forth in Schedule A is deemed to be a citizen of the Nation until 366 days after this Law comes into force and effect, or until attaining the age of 19 years, whichever is later.
5. A person, two of whose parents are citizens of the Nation, is a citizen of the Nation.
6. A person, one of whose parents is a citizen of the Nation, is deemed while ordinarily resident in Cross Lake to be a citizen of the

Nation until 366 days after this Law came into effect, or until attaining the age of 19 years, whichever is later.

7. While deemed to be a citizen according to this Law, a person shall have the same rights and duties as every other citizen, without distinction of any kind, except that their citizenship shall end, unless accepted, as provided by this Law.
8. While deemed to be a citizen a person 12 years or more of age shall be entitled to accept citizenship by completing and delivering to the registrar an application.

### ***Registrar decides application***

9. Upon receiving a completed application, the registrar shall if requested hear the applicant, or a representative authorized in writing, and may request and consider any information to determine whether the applicant is a citizen, and shall within a reasonable time provide a written decision to the applicant.

### ***Posting***

10. The registrar shall forthwith after providing a decision to the applicant in accordance with the preceding section ensure that copy of the application and decision are publicly posted for at least 10 days.

### ***Appeal***

11. The applicant or any citizen may appeal the decision of the registrar in writing by notice delivered to the registrar within 14 days of the decision or 7 days of the registrar posting public notification of the decision, whichever is later.

### ***No appeal***

12. If no appeal is filed in accordance with the preceding section, the decision of the registrar shall be final and binding upon all persons.

*Effect of final decision*

13. Upon a final decision by the registrar or the Judicial Council, as the case may be, that a person is a citizen in accordance with this Law, the registrar shall enter the name and birth date of the person in the Citizenship Register, and that person shall have the same rights and responsibilities as every other citizen, without distinction of any kind.

*Application for admission*

14. A person who is not a citizen or entitled to be a citizen in accordance with sections 3 to 8 may, upon paying to the Nation the fee prescribed by regulation to defray costs, apply to the registrar be admitted as a citizen.
15. The registrar shall refer the application to the Citizenship Committee.

*Citizenship Committee*

16. The Citizenship Committee of the Nation shall have up to five members, as follows:
- a) One citizen appointed by the Council of Elders by custom;
  - b) One citizen appointed by the Women's Council by custom;
  - c) One citizen appointed by the Youth Council by custom;
  - d) One citizen appointed by the General Assembly by custom, or by secret ballot if the General Assembly so determines; and
  - e) One citizen appointed by Chief and Council by Resolution.

*Ineligible officials*

17. The Traditional Chief, the Women's Chief, the Youth Chief, the Chief and Councillors, and the registrar shall not be appointed to nor sit on the Citizenship Committee.

*Interim appointments*

18. A position which is not filled in accordance with section 16 may be filled by Resolution of Chief and Council, provided that the Resolution shall designate the position as being filled in relation to one of subsections a, b, c or d.

*Replacements*

19. Members of the Citizenship Committee hold office at pleasure, and a member appointed either in accordance with, or in relation to, a subsection of section 16 may be replaced at any time in accordance with the same subsection.

*Procedure*

20. Subject to this Law, the Citizenship Committee may determine its own procedure.
21. All members of the Citizenship Committee shall be present throughout the public hearing and decision.
22. The Citizenship Committee may choose a Chairperson from time to time.
23. The Citizenship Committee may make decisions by consensus, but any two of the Committee may require a recorded vote upon any matter, and the Chairperson shall then have a deciding vote upon a tied vote.

*Hearing*

24. The Citizenship Committee shall decide upon the application of any person, for admission as a citizen, at one or more public hearings.
25. The Citizenship Committee shall hear the applicant in person or by representative authorized in writing, and shall hear any citizen who wishes to speak and may hear any other person.

***Basis of decision***

26. The Citizenship Committee may hear and consider anything whatsoever which in its sole discretion it deems may be useful, and should base its decision upon its understanding of the best interests of the Nation.

***Information***

27. The Citizenship Committee may ask the applicant to provide any information which it deems relevant to the application or to its decision, and if the applicant fails or refuses without reasonable excuse to provide the information requested, the Citizenship Committee may reject the application.

***Record of decision***

28. The registrar is responsible for ensuring that a decision of the Citizenship Committee is recorded in writing, and that a copy is provided to the applicant and that a copy is publicly posted for at least 14 days.

***Review***

29. The decision of the Citizenship Committee shall upon written request of an applicant be reviewed by the General Assembly.
30. A decision of the Citizenship Committee is not otherwise subject to review or appeal.
31. The General Assembly may by traditional consensus reverse a decision of the Citizenship Committee, failing which the decision shall be deemed to have been upheld by the General Assembly.
32. The decision of the General Assembly upon an application for admission as a citizen is not subject to review or appeal.

***Notice***

33. In convening a General Assembly to consider any matter relating to citizenship, Chief and Council shall give notice in the customary manner, with special mention of the matter to be considered.

***Citizenship Register***

34. The registrar shall enter the name and birth date of every citizen in the Citizenship Register and shall note particulars of the basis for citizenship.
35. The registrar shall strike from the Citizenship Register the name of any citizen whose citizenship is revoked, repudiated or abandoned in accordance with this Law.
36. Upon receiving evidence that a citizen has died, the registrar shall note in the Citizenship Register that the citizen is deceased.
37. The registrar may make any entry in the Citizenship Register as necessary to maintain a true record of the citizens of the Nation and may note reasons for any entry and may cross-reference any related file.
38. No person shall do anything to or with the Citizenship Register except as expressly authorized by law.
39. The registrar may maintain and, subject to this Law, make available a computer database corresponding to the Citizenship Register, but in case of any difference, the Citizenship Register shall be deemed to be the true record of the citizens of the Nation.
40. A person whose application under section 8 or section 14 has been denied may, one year or more after a final determination of that application, apply to the registrar again, and the registrar shall refer such reapplication to the Citizenship Committee as a new application.

***Revocation***

41. A person who is admitted to citizenship by the Citizenship Committee or by the General Assembly shall have the same rights and duties as every other citizen except that the General Assembly may, by consensus, upon written recommendation of the Citizenship Committee with reasons, and in the presence of the registrar, revoke their citizenship of within 5 years after the date of admission.

42. Where the General Assembly has duly revoked the citizenship of a person under section 33, the registrar shall strike the name of that person from the Citizenship Register and record the reasons.

#### *Repudiation*

43. A citizen who is at least 18 years of age may give notice of repudiation of citizenship in writing delivered to the registrar.
44. The registrar shall, if the notice of repudiation is not withdrawn in writing delivered to the registrar within one year, strike the name of the citizen from the Citizenship Register and record particulars of the repudiation.

#### *Abandonment*

45. The Citizenship Committee may, upon application in writing by three citizens, determine by unanimous decision that a person has abandoned their citizenship, and the registrar shall strike the name of that person from the citizenship register and shall record particulars of the application and decision.
46. The Citizenship Committee shall not make any determination as provided by section 45 if the citizen is less than 25 years of age, or has resided in Cross Lake at any time during the previous ten years.
47. Before making any determination as provided by section 45, the Citizenship Committee shall deliver to the last known address of the citizen a copy of the application and any supporting information, and a request for a response, and shall allow 90 days for a response.

#### *Renewal*

48. A citizen who has been determined to have abandoned citizenship may renew it by attending in person before the registrar in Cross Lake, and the registrar shall note the renewal and date of renewal in the Citizenship Register.

49. A person who renews their citizenship shall be deemed for the purposes of this Law to have never abandoned it.

#### *Ceremony and oath*

50. A person who accepts citizenship in accordance with section 8 or whose application under section 14 is granted should attend a traditional ceremony, and take an oath administered in Cree or English by the Traditional Chief or the Women's Chief, in the following form:

"I, [name], do solemnly undertake to uphold the constitution and Laws of the Nation and to faithfully discharge my responsibilities as a citizen and elector of the Nation."

#### *Correcting the record*

51. Any person may deliver to the registrar a written application to rectify the Citizenship Register or any related record by entering or striking a name, or correcting any particular.
52. Upon receiving an application the registrar shall give public notice of it and shall, if requested, hear the applicant and any other person who may be directly affected by the application.
53. The registrar shall provide reasons for decision in writing.
54. The applicant or any other person who is directly affected by the decision may appeal the decision of the registrar in writing by notice delivered to the registrar within 14 days of the decision or 7 days of the registrar posting notification, whichever is later.
55. If no appeal is filed in accordance with section 54, the decision of the registrar shall be final and binding upon all persons.

#### *Judicial Council*

56. The registrar shall refer an appeal filed in accordance with section 11 or section 54 to the Judicial Council, and the Judicial Council shall decide the appeal at a public hearing called for that purpose.

***Record***

57. The registrar shall provide to the Judicial Council copies of the application, the decision appealed from, the reasons for decision, and any other relevant documents, 7 days before the hearing.

***Procedure***

58. The Judicial Council may determine its own procedure and, without limitation, may hear, or not hear, any person.

***Basis of decision***

59. The question to be decided upon an appeal is whether the registrar made an error in interpreting or applying this Law.

***Decision is final***

60. The decision of the Judicial Council on an appeal is final and binding upon all persons.

***Record of decision***

61. The Secretary to the Council is responsible for ensuring that a decision of the Judicial Council on an appeal is recorded in writing, and that a copy is provided to the applicant and that a copy is publicly posted for at least 10 days.

***Record of decisions***

62. The registrar is responsible for maintaining a permanent record of decisions of the Judicial Council relating to this Law and for providing copies to the Judicial Council upon request, or to any person upon payment of a fee prescribed by regulation.

***Rights are collective***

63. Rights of citizenship provided by this Law are collective rights and no person has any individual right to be or to become a citizen except as may be incidental to implementation of this Law for the benefit of the Nation.

***Band membership***

64. After this law comes into effect, a citizen of the Nation is a member of the Band, and a person who is not a citizen of the Nation is not a member of the Band.

***Coordination***

65. Subject to this Law, the registrar shall take all steps necessary to coordinate the implementation of this Law and achieve an orderly transition from the corresponding provisions of the Indian Act.

***Copy of Law***

66. The Secretary to the Council shall provide a certified copy of this Law to the Minister of Indian Affairs.

***Certainty***

67. For greater certainty:
- a) A citizen of the Nation has Treaty status under Treaty #5;
  - b) Nothing in this Law affects the status of any person as a citizen of Canada or of any other country or nation;
  - c) Where a provision of the Indian Act or any regulation made under the Indian Act is inconsistent with this Law, this Law shall prevail;
  - d) Nothing in this Law or done pursuant to this Law shall create a right to receive programs or services off reserve, or affect residency requirements of programs provided or funded by any government; and
  - e) Copyright in the Citizenship Register and in any computer database corresponding to it belong to the Nation.

***Certificates***

68. A citizen may, upon proof of identity and paying to the Nation a fee prescribed by regulation to defray costs, obtain from the registrar a certificate of citizenship in form

approved by Resolution of Chief and Council.

69. Any person may, upon paying to the Nation a fee prescribed by regulation, obtain from the registrar a certified true copy of any record in the Citizenship Register.
70. Any person may, upon paying to the Nation a fee prescribed by regulation and obtaining consent by Resolution of Chief and Council and accepting in writing any conditions which may be required, obtain from the registrar a copy of all the records in the Citizenship Register, and the registrar shall maintain a record of such consents, conditions and written acceptances.

**Proposed** by Chief and Council: 22 June, 1999

**Approved** by Council of Elders: 29 June, 1999

**Approved** by Women's Council: 29 June, 1999

**Referred** to Youth Council: 29 June, 1999

**Accepted** by General Assembly: 1 July, 1999

**Adopted** by Chief and Council: 1 July, 1999

**Effective date:** 2 July, 1999.

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### ***Regulations***

71. Chief and Council may by regulation provide for:
- a) methods and places for public posting required by this Law;
  - b) forms of application for the purposes of sections 8 and 51;
  - c) forms of notice of appeal for the purposes of sections 11 and 54;
  - d) the application fee for an application under section 14;
  - e) a form or forms of certificate for the purposes of section 68;
  - f) fees for certificates under section 68;
  - g) the fee for a certified true copy under section 69; and
  - h) the fee for a copy of the records under section 70.

### ***Date of effect***

72. This Law takes effect on the day after the day it is adopted.

**Pimicikamak Okimawin**  
*Pimicikamak Neynuweywin Eskanesiwin Onasowewin*

*The Pimicikamak Election Law*

**OFFICE CONSOLIDATION**

**This law** is made by the Pimicikamak Cree Nation:

**Whereas the Creator** made the Cree peoples responsible for governing themselves, and their traditional lands and resources;

**And Whereas** all peoples have the right of self-determination, by virtue of which right they freely determine their political status and freely pursue their economic, social and cultural development;

**And Whereas** the right of self-determination includes the right of a people to maintain and develop their own decision-making institutions and to participate fully at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures;

**And Whereas** traditional law of the Cree peoples recognizes the autonomy and jurisdiction of the Pimicikamak Cree Nation to govern itself and its traditional lands and resources;

**And Whereas** governance is a spiritual mandate carrying with it the responsibility to govern for the welfare of the people, of their traditional lands and of everything in those lands;

**And Whereas** Her Majesty the Queen made Treaty with the Nation;

**And Whereas** the Parliament of Canada made the Indian Act;

**And Whereas** the Indian Act established the Cross Lake Band of Indians and provided for election of its Chief and Council;

**And Whereas** the role of Chief and Council under the Indian Act is similar to the role of the Indian agent;

**And Whereas** traditional law of the Pimicikamak Cree Nation provides for democratic decision-making;

**And Whereas** by traditional law, the Council of Elders and the Women's Council were responsible for decision-making processes of the Nation;

**And Whereas** the Indian Act suppressed traditional decision-making processes of the Nation;

**And Whereas** the Nation has a right of self-determination, including the right to decide its decision-making processes according to its own laws;

**And Whereas** the First Written Law reconciles the role of Chief and Council with traditional decision-making processes of the Nation, as one of the Four Councils of the Nation;

**And Whereas** it is in the interests of the Nation to provide, through its own decision-making processes, for election of Chief and Council and for related matters;

**Therefore** the Nation, with approval of the Council of Elders and the Women's Council, and with acceptance of its citizens, makes this Law:

*Name*

1. This Law shall be known as **The Pimicikamak Election Law.**

*Interpretation*

2. This Law, and every Law of the Nation, shall be interpreted together with traditional law, as a single holistic body of law, in accordance with its spirit and intent as understood by Cree people; and a court or tribunal considering any Law of the Nation may consult the Elders of the Nation.
3. Except as amended expressly or by necessary implication, traditional law is continued by this Law.
4. In this Law, unless a different intention is expressed:
  - “Acting Chief” means a Councillor of the Band authorized in writing by the Chief to act in stead of the Chief, and acting within the scope and term of that authority, or a Councillor who succeeds to that office in accordance with this Law;
  - “the Band” means the Cross Lake Band of Indians established by and under the Indian Act, whether known by that name or by the name “Cross Lake First Nation”;
  - “candidate” means a qualified person who is duly nominated for the office of Chief or of Councillor;
  - “Chief” means, unless a different intention is expressed, the Chief of the Nation and the leader of the government of the Nation;
  - “Chiefs” means the Chief of the Nation and the Traditional Chief and the Women’s Chief and the Youth Chief;
  - “Chief and Council” means, unless otherwise expressed, the executive government of the Nation;
  - “Chief Electoral Officer” means a person authorized from time to time by the Women’s Council to preside over election procedures and includes a person authorized in writing by the Chief Electoral Officer, with approval

- of the Women’s Council, to act in stead of the Chief Electoral Officer;
- “Councillor” means an elected member of the Council of the Nation, other than the Chief;
- “Council” includes, in the case of a traditional Council, such executive as that Council may constitute from time to time;
- “Council” means, in the case of Chief and Council, the Council of the Nation unless a contrary intention is expressed;
- “Councils of Fire” means the traditional Councils and Chief and Council;
- “election” means election of the Chief and Council;
- “elector” means a citizen who is at least 18 years of age;
- “government of the Nation” means the Councils of Fire, collectively, and includes officers of the Nation appointed by any of them;
- “Indian Act” means the Indian Act (Canada), as amended from time to time;
- “media” means the Nation’s radio and television stations;
- “the Nation” means the Pimicikamak Cree Nation;
- “officer of the Nation” includes Chiefs, Councillors and any other person who is elected or appointed to any office for the benefit of the Nation;
- “ordinarily resident” means maintaining a permanent residence, notwithstanding that actual residence may for a temporary reason be elsewhere;
- “publicly post” means post in a prominent place in the principal office of the Pimicikamak Cree Nation and post or make public in any other manner or place which Chief and Council may by regulation prescribe;
- “qualified person” means an elector who is ordinarily resident in the traditional territory of the Nation;
- “recall resolution” means a resolution of a traditional Council calling for an election;
- “registrar” means a person designated from time to time by Resolution of Chief and Council as being responsible for maintaining citizenship records of the Nation;

“traditional Council” means the Council of Elders or the Women’s Council and, upon this Law taking effect, includes the Youth Council.

### *Governing principle*

5. The Nation is governed through consensus.

### *Objectives*

6. The objectives of this Law are:
- a) to modernize democratic governance under traditional law;
  - b) to facilitate consensus; and
  - c) to legitimize the role of Chief and Council in governance.

### *Customary law continues*

7. For greater certainty, the Council of Elders may continue to appoint the Traditional Chief and such other officers of the Nation as it may determine, at such times and by such means as it may determine.
8. For greater certainty, the Women’s Council may continue to appoint the Women’s Chief and such other officers of the Nation as it may determine, at such times and by such means as it may determine.
9. For greater certainty, the Youth Council may continue to appoint the Youth Chief and such other officers of the Nation as it may determine, at such times and by such means as it may determine.

### *Election of Chief and Council*

10. Chief and Council of the Nation shall be elected at such times and by such means as are provided by this Law.

### *Duties of officers of the Nation*

11. Every officer of the Nation who exercises a decision-making authority on behalf of the Nation has a fiduciary duty to make that

decision with informed regard to the best interests of the Nation as a whole.

12. Every officer of the Nation who is entrusted to make or participate in any decision affecting the Nation has a fiduciary duty to have regard to the best interests of the Nation as a whole.
13. Every elected officer of the Nation has a duty to make publicly available, by practical means, public information about matters affecting the Nation.

### *Duties of Chief*

14. The Chief has a duty to represent the interests of the Nation as a whole, to seek consensus within the Nation, and to speak for that consensus.
15. In determining the best interests of the Nation, the Chief shall have regard to its policy, and may obtain guidance from any or all of the Four Councils.

### *Duties of electors*

16. Every elector has a duty to uphold the democratic traditions of the Nation.
17. Every elector has a duty to be knowledgeable about matters affecting the Nation.
18. Every elector has a duty to vote if reasonably able to do so.

### *Indian Act*

19. For greater certainty, provisions of the Indian Act and regulations thereunder, in respect of election of Chief and Council of the Band, shall not apply in respect of the Band.

### *Roles and responsibilities*

20. The Chief is the leader of the Nation and its principal spokesperson.

21. The Chief shall act upon the advice and with the consent of the Councils of the Nation.
22. Chief and Council shall act as the executive branch of the government of the Nation.
23. Chief and Council shall have regard to the policy of the Nation.
24. There shall be no quorum for any Council of the Nation.
25. Subject to the policy of the Nation, Chief and Council shall continue to be responsible for the administration of the affairs of the Band.
26. Notwithstanding the Indian Act and Regulations thereunder, the Chief and Council of the Nation shall be, ex officio, the Chief and Council of the Band.
27. Notwithstanding the policy of the Nation, but subject to Laws of the Nation, in doing anything under authority of the Indian Act Chief and Council of the Band shall have regard to the Indian Act and Regulations thereunder.
28. Notwithstanding the Indian Act, the Council of the Band may not act without the Chief, or the Acting Chief, unless authorized by the four Councils to do so.
29. For greater certainty, a resolution of a quorum of the Band Council is void unless signed by the Chief or the Acting Chief, or by the Secretary to the Councils acting upon direction of the four Councils.

#### ***Elections of Chief and Council***

30. The Chief Electoral Officer shall publicly post notice of an election for Chief and Council on the earliest of:

- a) The last business day which is not more than four calendar years and 10 calendar months after the date of election, not including any by-election, of the incumbent Chief and Council;
- b) A date specified in writing signed by the Chief, and addressed to the Chief Electoral Officer;
- c) The first business day after receiving a written record of a recall resolution of a traditional Council, together with written records of resolutions of the other traditional Councils supporting or consenting to that resolution.

#### ***Transitional election***

31. Notwithstanding the previous section, the Chief Electoral Officer shall publicly post notice of the first election under this Law not more than 7 days after this Law takes effect.

#### ***Date of election***

32. The Chief Electoral Officer shall specify in the notice of election a date for the election, not less than 45 and not more than 60 days or, with consent of the Women's Council, not less than 35 and not more than 70 days, after the date of the notice.

#### ***Nominating meeting***

33. The Chief Electoral Officer shall specify in the notice of election a date for a nominating meeting, not less than 5 days and not more than 10 days or, with written consent of the Women's Council, not less than 3 days and not more than 15 days, after the date of the notice.
34. The Chief Electoral Officer shall specify in the notice of election a place and time for the nominating meeting.

#### ***Deputy Chief Electoral Officers***

35. After posting notice of an election, the Chief Electoral Officer shall forthwith propose to

the Women's Council the names of deputy Chief Electoral Officers.

36. The Women's Council may approve or reject any proposed name and the Chief Electoral Officer may propose further names until sufficient deputies have been approved.

#### *Nominations*

37. An elector is entitled to nominate or second another qualified person for the office of either Chief or Councillor.
38. Every elector has a duty to nominate, second, support and vote for only the person or persons who will, in their conscientious opinion, best act for the Nation as a whole, as Chief or as Councillor, as the case may be.
39. A qualified person is entitled to be nominated for the office of Chief only or Councillor only, but cannot run for both positions.
40. A nomination shall be in the form of Schedule 1 or 2 as the case may be, and may be made by an elector in writing at the nominating meeting or in writing delivered to the Chief Electoral Officer before the nominating meeting commences.
41. A nomination must be seconded in writing by an elector.
42. An elector who nominates or seconds anyone for the office of Chief or of Councillor may not nominate or second any other person for any office in the same election.
43. A nomination must be accompanied by the written, dated, signed and witnessed consent of the nominee, and must clearly identify the nominator and seconder.
44. By consenting to nomination, a nominee resigns from any office achieved through appointment by Chief and Council or through public election, other than that of Chief, and that of Councillor in case of nomination for Councillor.

45. A nominee may not withdraw consent once given.

46. Subject to the following section, the Chief Electoral Officer may close the nominating meeting after the proper business is concluded or after two hours, whichever is later.

47. If, at the conclusion of the meeting, the number of candidates nominated for the office of Chief is not more than one, or for the office of Councillor is not more than eight, the Chief Electoral Officer shall conduct an additional nominating meeting within three days, and shall forthwith announce publicly the date, time and place of the additional meeting.

48. On the next day after the conclusion of the nominating meeting, the Chief Electoral Officer shall publicly post the names of persons duly nominated for the offices of Chief and Councillor.

#### *Appeals*

49. Any elector may appeal, by notice in writing delivered to the Women's Council within 24 hours after the nominating meeting is closed, the decision of the Chief Electoral Officer to include any name on, or to exclude their own name from the list of persons duly nominated, and the notice shall state the grounds of the appeal.

50. The Women's Council should request and consider the reasons of the Chief Electoral Officer.

51. The written decision of the Women's Council on such appeal, delivered to the Chief Electoral Officer, is final and binding upon all persons.

#### *Duties of nominators and seconders*

52. The nominator of a nominee for the office of Chief should deliver to the Chief Electoral Officer, by 5:00 p.m. on the fifth day after the nominating meeting, a certificate signed by at least fifty electors certifying that, in

their conscientious opinion, the nominee is the best person to act as Chief of the Nation as a whole.

53. The nominator of a nominee for the office of Councillor should deliver to the Chief Electoral Officer, by 5:00 p.m. on the fifth day after the nominating meeting, a certificate signed by at least twenty-five electors certifying that, in their conscientious opinion, the nominee is a suitable person to represent, as a Councillor, the interests of the Nation as a whole.

#### *Form of statement*

54. Certificates for the purposes of the two preceding sections should be in the form of Schedule 3 or 4 as the case may be, and every certifying signature should be witnessed and the witness should note the date and time of the signature, which is invalid if it predates the notice of election.
55. A nomination is not complete until the requisite certificate has been delivered to the Chief Electoral Officer.
56. An elector who nominates or seconds or certifies anyone for the office of Chief or of Councillor may not certify any other person for the same office in the same election.
57. On the sixth day after the nominating meeting, the Chief Electoral Officer shall publicly post the names of persons duly nominated for election.
58. A nomination under the preceding sections that is not duly certified by the requisite number of electors is void.
59. The Chief Electoral Officer shall strictly apply the above rules for nominations.

#### *Insufficiency of nominations*

60. If the number of persons duly nominated for the office of Chief, after any appeal has been determined, is less than two, the Chief Electoral Officer shall ask the Council of

Elders, the Women's Council and the Youth Council, to each nominate one person.

61. If the number of persons duly nominated for the office of Councillor, after any appeal has been determined, is less than nine, the Chief Electoral Officer shall ask the Council of Elders, the Women's Council and the Youth Council, to each nominate one person until at least ten persons are duly nominated.

#### *Access to media*

62. Every candidate is entitled to equitable access to media in Cross Lake.
63. A candidate for the office of Chief is entitled to tape up to fifteen minutes of election message.
64. A candidate for the office of Councillor is entitled to tape up to ten minutes of election message.
65. Appointments for taping will be booked on a first-come basis.
66. Election messages, if taped in a timely way, will be broadcast at least three times before election day, if possible between the hours of 7 p.m. and 11 p.m.
67. A candidate is entitled to obtain, on a first-come basis, one two-sheet, two-sided copy of an election pamphlet for each house in Cross Lake.
68. Subject to budgetary limits, taping, broadcast and copying services for access to media under the preceding sections may be provided at the expense of the Band.
69. Freedom of expression in access to media under this Law is subject to reasonable limits in accordance with community standards.

#### *Appeals re media access*

70. A candidate may within 24 hours appeal in writing to the Women's Council any decision concerning access to media under this Law.

71. The Women's Council may, without notice, hear, or not hear, any person upon an appeal under the preceding section, and its decision is final and binding on all persons.
72. A candidate who is aggrieved by the procedure of the Women's Council under authority of the preceding section may petition the Council of Elders orally or in writing.
73. Upon such petition, the Council of Elders may give direction for future procedure but should not otherwise interfere with the decision of the Women's Council.

#### *Electors' list*

74. The Chief Electoral Officer shall oversee preparation of an alphabetical list of electors as of the date of the notice of election and may, before the close of voting, correct the list where satisfied that the correction is appropriate.
75. The Chief Electoral Officer shall record the reasons for every correction to the electors' list.

#### *Polling places*

76. Polling booths shall be within the traditional territory of the Nation at such location or locations as the Chief Electoral Officer may designate.

#### *Polls*

77. The Chief Electoral Officer shall ensure that there are a sufficient number of ballot boxes, ballot papers, pencils or pens, and directions for voting, and shall cause them to be delivered to the polling place before the polls open.
78. The Chief Electoral Officer shall provide separate ballot papers for the offices of Chief and of Councillor.
79. The Chief Electoral Officer shall arrange for voting privacy.

80. The Chief Electoral Officer shall request two peace officers to attend at the polling place.

81. The Chief Electoral Officer should arrange for polls to open at eleven o'clock in the morning and to close at seven o'clock in the evening on polling day.

82. The Chief Electoral Officer may keep the polls open as needed to give effect to the intent of this Law.

83. In any event, the Chief Electoral Officer shall keep the polls open for at least eight consecutive hours.

84. An elector who is in the polling place at the close of polls is entitled to vote.

85. When an elector is given a ballot, the Chief Electoral Officer shall mark their name on the electors' list and the elector shall not be entitled to vote again in that election.

86. An elector requiring assistance may be assisted by a person of his or her choice, and the Chief Electoral Officer shall record in writing the names of the elector and the assisting person and accompany them to the polling booth to verify that the vote is voluntary, but shall not otherwise intrude upon voting privacy of the elector.

#### *Observers*

87. The Chief Electoral Officer shall request each of the Council of Elders, the Women's Council and the Youth Council to authorize in writing two observers to attend at each polling place during the hours of polling.

88. Other than polling officials, the Chief Electoral Officer, the deputy Chief Electoral Officer, and observers appointed under the preceding section, no person shall be, remain at or re-enter a polling place except for the purpose of voting.

89. For greater certainty, agents for candidates shall not be, remain at or re-enter a polling place except as permitted by the preceding section.

***Voting for Chief***

90. Candidates for the office of Chief shall be listed on a separate ballot.
91. Each elector may place a mark opposite the name of one candidate for the office of Chief.

***Voting for Councillor***

92. Candidates for the office of Councillor shall be listed on a ballot separate from the ballot for the office of Chief.
93. Each elector may place a mark opposite the names of no more than eight candidates for the office of Councillor.

***Spoiled ballots***

94. An elector may surrender a spoiled ballot to the Chief Electoral Officer and obtain a replacement and the Chief Electoral Officer shall cancel and keep the spoiled ballot.

***Counting votes***

95. The Chief Electoral Officer shall open the ballot boxes and begin counting the votes forthwith after polling is completed.
96. The observers for the traditional Councils and the candidates or their agents, authorized in writing, may observe the counting.
97. Subject to the following sections, a ballot is valid when the intention of the elector is evident to a reasonable person.
98. Any ballot for the office of Chief, which is marked opposite the names of more than one candidate so as to leave the intention of the elector in doubt, shall be disregarded.
99. Any ballot for the office of Councillor, which is marked opposite the names of more than eight candidates so as to leave the intention of the elector in doubt, shall be disregarded.

100. Upon opening the ballot boxes, the Chief Electoral Officer shall:

- a) count the votes cast for each candidate with valid ballots;
- b) set aside and not count any ballot which records votes for too many candidates or which identifies the voter;
- c) set aside and not count any ballot which is so marked that the intention of the elector cannot be determined with reasonable certainty; and
- d) note, and decide, every objection to a ballot.

101. Upon opening the polls, the Chief Electoral Officer shall cast ballots for the offices of Chief and of Councillor and shall seal them in marked envelopes and place them in the ballot box.

102. The Chief Electoral Officer shall open the appropriate envelope, and count the relevant ballot, only in the event of a tied vote.

103. After counting all the votes, the Chief Electoral Officer shall forthwith provide to the Women's Council a written report showing the number of votes for each candidate and the number of rejected ballots, and shall publicly declare the results of the election.

***Oaths***

104. Before taking office, the Chief and Councillors shall with appropriate ceremony take a public oath, to be administered in English or Cree by the Traditional Chief or the Women's Chief in the following form:

"I, [name], do solemnly undertake:  
to diligently perform the office of [Chief or Councillor];  
to vigilantly uphold the constitution and Laws of the Nation; and  
to faithfully observe my fiduciary duties and the Code of Conduct."

***Safekeeping***

105. The Chief Electoral Officer shall seal the ballot papers and poll records in envelopes and deliver them to the Women's Council for safekeeping.
106. The Women's Council may destroy the ballot papers and poll records three months after the election.

***General duties of Chief Electoral Officer***

107. Subject to matters prescribed by this Law, the Chief Electoral Officer may decide every matter incidental to the conduct of the election and may have regard to standards generally accepted in Canada for the conduct of elections.

***Transition***

108. The incumbent Chief and Council may continue in office until the 7th day after the election but the new administration shall have immediate access to all records of the Nation and the Band.

***Vacation of office***

109. The Chief or a Councillor shall vacate their office by:
- a) death;
  - b) permanent incapacity as determined by the Women's Council; or
  - c) resignation in writing delivered to the Secretary to the Councils.
110. Resignation of a Chief or Councillor shall be effective only upon its acceptance by the Women's Council.

***By-elections***

111. At any time after the office of a Councillor becomes vacant, the Chief may in writing direct the Chief Electoral Officer to conduct a by-election in accordance with the principles of this Law.

112. When the office of the Chief becomes vacant, the Councillor who was elected with the largest number of votes in the previous complete election shall be deemed to be the Acting Chief, and the Chief Electoral Officer shall forthwith publish the name of the Acting Chief, and shall, in the event of a tie, decide the appointment.

113. Subject to the next section, an Acting Chief appointed under the preceding section has all the powers of a Chief under this Law.

114. When an Acting Chief under authority of the preceding section fills the office of Chief, the Women's Council may at any time by resolution in writing direct the Chief Electoral Officer to conduct a by-election in accordance with the principles of this Law.

***Appeals***

115. Except as otherwise provided in this Law, a candidate may deliver an appeal in respect of any decision of the Chief Electoral Officer to the Women's Chief in writing within 24 hours of the matter arising.
116. The Women's Council may, without notice, hear, or not hear, any person upon an appeal under the preceding section, and its decision is final and binding on all persons.
117. A candidate who is aggrieved by the procedure of the Women's Council under authority of the preceding section may petition the Council of Elders.
118. The Council of Elders may provide guidance for future procedure but should not otherwise interfere with the decision of the Women's Council.

***Remedies***

119. Except as otherwise specified, a mistake in giving effect this Law may be corrected in such public manner as may be fair and practical.

*Alternative*

120. If the Women's Council is unable for any reason to act as provided by this Law, the Council of Elders may act in its stead.

*Regulations*

121. Chief and Council may, by regulation approved by the Council of Elders and by the Women's Council, provide for the administration of this Law.

*Related amendments*

122. The First Written Law is amended by replacing:

"Cross Lake First Nation" with  
"Pimicikamak Cree Nation",

"the membership" with "the citizens",  
and

"members" with "citizens",

throughout.

123. Sections 6 to 11, 15 and 19 of the First Written Law are amended to read as follows:

"6. In order to become a Law, a proposed law must be first approved by the Council of Elders and by the Women's Council, then accepted by the citizens, and then adopted by Chief and Council.

"7. Before submitting a proposed law to the Council of Elders or the Women's Council for approval, Chief and Council shall obtain, and the Secretary to the Council shall make available to any citizen upon request, the written opinion of counsel as to the harmony of the proposed law with the Constitution of Canada.

"8. Notice shall be given by community radio or community television at least three days before a meeting of the Council of Elders or the Women's Council to consider approving a proposed law, and the meeting may be

adjourned one or more times without giving further notice.

"9. The Council of Elders and the Women's Council may approve or disapprove a proposed law, or either of them may return it to Chief and Council with a recommendation that it be amended.

"10. If amended, a proposed law shall be submitted again to the Council of Elders and the Women's Council for approval.

"11. The Council of Elders and the Women's Council may decide by traditional consensus or in any other manner which that Council may determine from time to time.

"15. A proposed law that has been approved by the Council of Elders and the Women's Council may be accepted by the citizens at a general assembly, where notice has been given by community radio or community television of the time and place of the assembly, and the subject matter of the proposed law, and the assembly may be adjourned one or more times without giving further notice.

"19. A proposed law that has been approved by the Council of Elders and the Women's Council and accepted by the citizens may be adopted by resolution of Chief and Council through traditional consensus at a Council meeting, or by a clear majority of the full number of Chief and Council."

*Indian Act*

124. The Secretary to the Councils shall provide, without fee, a certified copy of this Law to the Minister of Indian Affairs.

125. It shall be unlawful for any person to purport to take any step to conduct an election of Chief and Council under the Indian Act after this Law takes effect.

*Date of effect*

126. This Law takes effect on the day after it is adopted or such later day as may be specified by Chief and Council in a resolution adopting this Law.

**Proposed** by Chief and Council: 22 June, 1999

**Approved** by Council of Elders: 29 June, 1999

**Approved** by Women's Council: 29 June, 1999

**Referred** to Youth Council: 29 June, 1999

**Accepted** by General Assembly: 1 July, 1999

**Adopted** by Chief and Council: 1 July, 1999

**Effective date:** 2 July, 1999.

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