

CASE STUDY #4 by C. Gauthier

CLIMATE CHANGE AND THE ASUBPEESCHOSEEWAGONG ANISHINABEK (GRASSY NARROWS FIRST NATION)

Root cause analysis

The Asubpeeschoseewagong Anishinabek (Grassy Narrows First Nation) have been living within their traditional territory, nurturing relationships with land and relatives in the boreal forest since time immemorial (Asubpeeschoseewagong Netum Anishinabek 2018). Their territory extends over nearly 6,500 square kilometers in the northwest of modern-day Ontario, Canada and holds a wealth of memory, life and connection in stories, waterways, and other-than-human communities (Grassy Narrows Organizers n.d.).

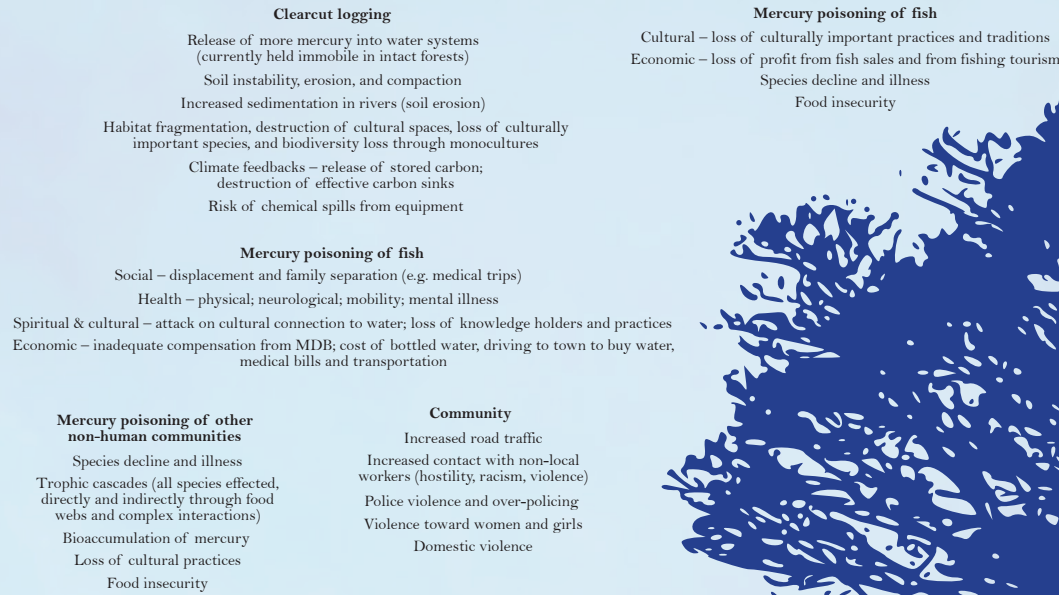
In more recent generations however, these vibrant, life-giving relationships have been faced with the authoritative, exploitative and anthropocentric ways of relating asserted by the settler colonial nation-state. In 1873, the Anishinaabeg Grand Council of Chiefs were signatory

to Treaty No. 3, drafted and administered by various agents of the Dominion of Canada (Treaty No. 3 1873; Seymour 2015; McCrossan 2018; Filice 2016). This agreement served to outline rights and responsibilities of the Canadian state and of the represented Indigenous Nations in regards to an area of over 14 million hectares of Anishinaabeg territory (Filice 2016; Treaty No. 3 1873). The treaty describes the objectives of the Dominion of Canada to motivate settlement by non-Indigenous subjects, and to reward land clearing and agricultural production by Indigenous communities (Treaty No. 3 1873). The enactment of this agreement highlights the assertion of ownership and domination of the settler colonial government over territories and communities thriving therein.

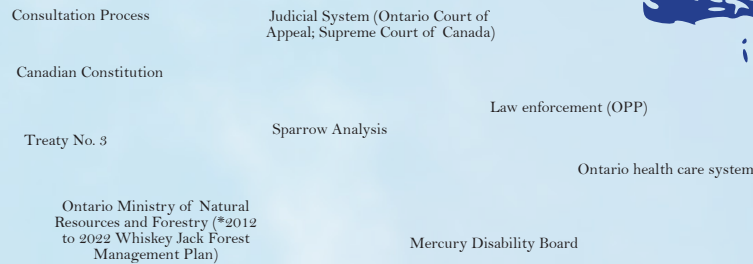
Generations after its signing, Treaty No. 3 continues to legitimize the exploitation and

Asubpeeschoseewagong
Anishinabek (Grassy
Narrows First Nation)

DAILY IMPACTS



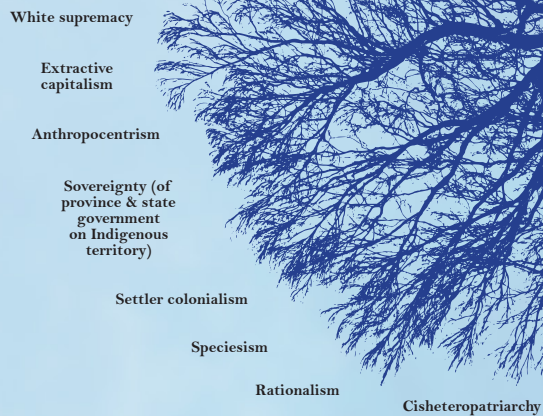
STRUCTURES/INSTITUTIONS



ROOT CAUSE IDEOLOGIES

ROOT CAUSE ANALYSIS of climate change and the Asubpeeschoseewagong Anishinabek (Grassy Narrows First Nation)

From Perera’s “Ineqaulitree,” used here with appreciation. Leaves represent daily impacts (Perera’s “everyday symptoms”), the trunk represents structure and institutions, and roots represent root cause ideologies.



dispossession of numerous human and other-than-human communities under Canadian law. The treaty is but one of many articles of Canadian law that sanctions the recurrent assaults on the livelihoods and wellbeing (spiritual, social, economic, health, safety, environmental) of the Asubpeeschoseewagong Anishinabek and their relations. Today, the devastating impacts of settler colonialism and extractive capitalism permeate many aspects of daily life in the community, and are upheld by Treaty No. 3, government bodies, and powerful corporate entities.

Since the 1960s and 1970s, the people of Grassy Narrows First Nation have suffered extensive complications from mercury dumping from the Reed Paper mill in Dryden, Ontario (Porter 2017; “The Story of Grassy Narrows”). The profound health effects of mercury poisoning have extended across three generations due to processes of bioaccumulation, and are shown to affect 90% of the community today (Porter 2017).

Non-human communities in the territory have also suffered extensively throughout this period, as waterways continue to be contaminated from stored caches of mercury effluent and from persistent leakage (Grassy

Narrows Organizers 2017). The poisoning of various communities has disrupted relationships within the territory, magnifying suffering into spiritual and social realms. As River People, members of the Grassy Narrows First Nation have described their experience of the poisoning of their waters as a direct attack on a deeply valued member of the community (the late Chief Steve Fobister, “The Story of Grassy Narrows”). In addition, the poisoning of fish has threatened an important relationship and traditional food source for the Grassy Narrows First Nation, as well as the local economic benefits of fishing and tourism (Porter 2017; Grassy Narrows Organizers n.d.). Thus, the extensive and complex tolls of mercury poisoning have fed into cycles of violence, despair, addiction, mental illness, and various other impacts of settler colonialism (Porter 2017; Grassy Narrows Organizers n.d.).

In 1986, following a court settlement between the Grassy Narrows First Nation and various parties implicated in the decade of chemical dumping, the Mercury Disability Board (MDB) was established in order to provide compensation for community members affected by mercury poisoning (Porter 2017). Despite studies highlighting the overwhelming

effects of mercury poisoning in the community, the MDB continues to deny 75% of claims made (Porter 2017). In addition, the funds received from the MDB are largely insufficient to support community members, who are often debilitated and unable to work or participate in traditional practices (Porter 2017). of extractivism. However, part of my lineage is rooted in Venezuela, a country that, while inflicting colonial violence on Indigenous people, is also afflicted with legacies and present realities of Canadian and US imperialism.

Despite these obvious consequences of industrial activity, the Ontario Ministry of Natural Resources and Forestry (MNR) has continued to issue logging permits throughout Grassy Narrows traditional territory (Ontario Ministry of Natural Resources of Forestry 2012). To challenge the authority of the MNR to grant industrial access to treaty lands the Grassy Narrows First Nation initiated a court case against the provincial government in 2005 (Thibodeau 2015). Despite an early victory handed down by a provincial judge, the Supreme Court of Canada ruled in 2014 that the government of Ontario holds the right to “take up” lands within Treaty No. 3 territory, and to suspend the hunting

and fishing rights of Grassy Narrows First Nation assured by the treaty (Thibodeau 2015; Young et al. 2014; Townshend 2017; Seymour 2015). This outcome stands in stark contrast to the 2016 Ontario Superior Court ruling that exempted Weyerhaeuser (a major wood products company) from obligations of environmental monitoring and protection at the former Reed Paper mill (Weyerhaeuser Company Limited v Ontario (Attorney General) 2016). These cases serve to emphasize the priorities and values of the settler colonial state, as exercised through the various court systems. Extractive capitalism holds a firm place of importance for the Canadian state, allowing historic treaties to be bent and indemnities paid in order to protect the interests of industry.

In spite of extensive opposition to industrial processes by community members, the MNR maintains the clearcut harvest plans for the Grassy Narrows First Nation territory until at least 2022 (Seymour 2015; McCrossan 2018; Grassy Narrows Organizers n.d.). Scientific researchers and community members share concerns that clearcut logging may lead to the release of stored mercury into waterways, compounding the existing health and environmental effects

(Brotten and Gilmore 2017). In addition, the sanctioned logging practices have affected communities of moose, marten, wild rice and blueberries, and have led to widespread environmental degradation through habitat fragmentation, chemical spills, soil erosion, and monoculture production (“The Story of Grassy Narrows” 2016). The destructive practices also present clear climate threats due to the removal of effective carbon sinks (boreal forest), and the release of stored carbon (decomposition, fire).

The lack of accountability from the governments of Canada and Ontario are deplorable, although not unexpected. The underlying ideologies (extractive capitalism, speciesism, settler colonialism, anthropocentrism) that have formed the Canadian settler state have been designed to delineate membership and attribute worth to different beings, and to control Indigenous territories and other-than-human communities for use in “resource” extraction. Such extractive activities are designed to maximize the profit of a certain strata of society (cis-heteropatriarchal, white supremacist), while continuing to undermine and refute the experiences and rights of Indigenous people. These values underpin the institutions that continue to impose devastating consequences on Indigenous

communities, such as the state judicial system, the MNR, and the Ontario Provincial Police (OPP).

Positionality statement

As a white settler with family history extending multiple generations in Canada, the enormous basis of privilege I have held throughout my life has been fundamentally built on the institutions and ideologies that have driven the subjugation of the Grassy Narrows First Nation. The basis of Canadian citizenship has been built on land seizure and environmental exploitation, and extends today through industrial practices supported by the Canadian government worldwide (Chewinski 2016). I have lived most of my life on Anishinaabeg traditional territory that has been appropriated and enclosed as private property by the state through various treaties. My continued presence on these territories as a member of the settler colonial state incessantly reasserts the “profound epistemic, ontological, cosmological violence” of colonialism (Tuck and Yang 2012).

In addition, as a resident of Ontario, I have benefitted from revenue generated from industries affecting the Grassy Narrows First Nation (logging,

mining, hydroelectricity), through access to public services funded by royalties collected from industrial processes. Finally, as a person employed in the forestry industry in Canada, my income is directly derived from the same industrial logging practices that are being combatted by the community. These are significant and direct implications that reveal the benefits I reap through the settler colonial project, and the depth of my association to these impacts is disturbing.

Climate presents and futures

Under provincial legislation, the MNR regulates logging operations and awards harvest licenses to logging companies on the traditional territory of the Grassy Narrows First Nation through the Whiskey Jack Forest Management Plan. In 2008 however, after years of direct action, boycotts, urban protests, public media attention, and fierce community statements, the final logging company working in the territory, AbbitibiBowater Inc., withdrew from operations (Bell 2008).

Despite this success, the current Whiskey Jack Forest Management Plan has not been altered and still authorizes clearcutting in the area until 2022 (Ontario Ministry of Natural Resources of Forestry

2012). Numerous community demands have called for the end of clearcut logging on the territory (Grassy Narrows Youth Group 2014; Clan Mothers of Asubpeeschoseewagong 2007; Grassy Narrows Asubpeeschoseewagong Anishinabek 2014), notably the 2018 Asubpeeschoseewagong Anishinabek Aaki Declaration. The Declaration asserts the sovereignty of the Grassy Narrows First Nation over their traditional territories, and commits to the honourable stewardship of their lands for the health, safety, respect and connection to all life forms and relatives through time. The Declaration calls on the governments of Ontario and of Canada to recognize and uphold its assertions in the support of reconciliation, respect, consent, and accountability.

In visioning a hopeful and more equitable climate future, the governments of Ontario and Canada would uphold the Declaration and withdraw (or refrain from renewing) the Whiskey Jack Forest Management Area before its 2022 expiry. In further effort to actively support the community, these governments may assist the Grassy Narrows community in their work of building community resilience, committing to cultural resurgence and healing,

protecting and purifying poisoned territories, and reclaiming food sovereignty.

In 2017 the Ontario government pledged \$85 million to the restoration and rehabilitation of the Wabigoon River system (Grassy Narrows Organizers 2017; Bruser et al. 2017). So far,

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at least \$2.5 million has been spent on initial sampling and analysis of target sites (Bruser et al. 2017). In a hopeful climate future, this pledged amount would be dedicated to locating and ending the continued contamination of the river system from old reservoirs and from suspected ongoing leaks (Grassy Narrows Organizers 2017). In addition, efforts would be focused on restoring thriving aquatic communities. This restoration plan represents the first acquiescence by the government of Ontario to demands from the Grassy Narrows First Nation. Primary

community demands include: a mercury care home and fair compensation for survivors of mercury poisoning, access to quality healthcare in the community, an environmental monitoring center, and a ban on industrial logging on their traditional territory (Grassy Narrows Organizers 2017).

In addition to the environmental effects of mercury poisoning, the provincial government must formally acknowledge the generations of physical suffering endured by the Grassy Narrows community from mercury poisoning and neglect from the colonial government. The government of Ontario must commit to ensuring local access to quality healthcare. In addition, the framework of the MDB must be corrected to provide more just compensation for survivors of mercury poisoning. These actions are essential for promoting health, safety, empowerment and resilience within the community. In addition, they may serve to build relationships of respect, reconciliation, and accountability between the provincial government and the Grassy Narrows First Nation.

The processes of environmental restoration will take many decades and the Grassy Narrows First Nation will likely require active support from government,

settler communities, and allies throughout this long and difficult period to maintain healing, nurturing relationships with their relations. Community support may take the form of acknowledgement of harm, protection, restoration, and financial compensation as discussed above, or other actions requested directly from the community. Attention and support must be given to community members to develop livelihoods in accordance with the Declaration that also protect them from continued exposure to lethal levels of mercury. It is imperative that all forms of outside support address and respect the self-identified needs of the Grassy Narrows First Nation, and are not empty enacted through paternalism or settler guilt.

Ideally, over the course of the proposed environmental restoration efforts and the termination of industrial operations, communities throughout the area will begin to recover. In a future where mercury levels are controlled to non-lethal concentrations, the Grassy Narrows community may safely maintain their relationships with their waters, reestablishing fishing-based livelihoods and practices once threatened by mercury poisoning. Renewed relationships between all community life

Renewed relationships between all community life forms will begin to thrive once more as traditional stewardship practices are revived and health, safety, and respect are attributed to all beings.

forms will begin to thrive once more as traditional stewardship practices are revived and health, safety, and respect are attributed to all beings. A commitment to community support, environmental protection and accountability will be required of the provincial and federal governments in order to ensure that the original and evolving elements of the Asubpeeschoseewagong Anishinabek Aaki Declaration are upheld.

TIMELINE of climate change and the Asubpeeschoseewagong Anishinabek (Grassy Narrows First Nation)

Events related to climate, race, and the Fenix mine; inspired by the opening activity of Conversations.

Time immemorial
Asubpeeschoseewagong Anishinabek living within their traditional territory nurturing relationships with land and relatives (Asubpeeschoseewagong Netum Anishinabek 2018).

1873
The Anishinabeg Grand Council of Chiefs are signatory to Treaty No. 3, incorporating over 14 million hectares of territory to the Dominion of Canada (Treaty No. 3 1873; Filice 2016; Townshend 2015; McCrossan 2018). At this time, the Grassy Narrows First Nation is granted sustained hunting and fishing rights throughout their traditional territory under Canadian law, as well as a reserve on the Wabigoon River (Brotten and Gilmore 2017).

1912
Roughly two thirds of the territory encompassed in Treaty No. 3 is incorporated into the province of Ontario without consultation with any of the Indigenous Nations in the region (Townshend 2015; Young et al. 2014).

May 1970
The Ontario provincial government bans commercial fishing in Ball Lake and the English-Wabigoon river system, and “Fish for Fun” signs are posted to discourage people from consuming fish (Mossa and Duffin 2017). Significant income and employment are lost in the Grassy Narrows community due to the closure of the commercial fishery (Brotten and Gilmore, 2017).

March 1970
The Ontario Minister of Energy and Natural Resource Management orders the Dryden Chemical Company to stop dumping mercury into the English-Wabigoon river system (Mossa and Duffin 2017).

1960s-1970s
Throughout this time over 9,000kg of mercury are dumped into the English-Wabigoon river system from the Reed Paper mill in Dryden, Ontario (Porter 2017; Mossa and Duffin 2017). Release of mercury will continue for decades, and the impacts of mercury poisoning will be felt for generations in aquatic, animal, plant, and human communities (Porter 2017; Mossa and Duffin 2017; Grassy Narrows Organizers n.d.).

1985
Court settlement (initiated in 1977) between the Grassy Narrows First Nation, the province of Ontario, the government of Canada, and the two paper companies responsible for mercury dumping (Porter 2017; Brotten and Gilmore 2017). Grassy Narrows First Nation receives nearly \$17 million in compensation for health effects (Brotten and Gilmore 2017). In addition, the government of Ontario grants an indemnity to the past and future owners of the Dryden, ON paper mill, and assumes all environmental liabilities from the mill and mercury dumping (Brotten and Gilmore 2017).

1986
The Mercury Disability Board is established to provide compensation to community members for mercury poisoning as part of the 1985 court settlement (Porter 2017).

2002
The Slant Lake blockade against clearcut logging is established (and continues today) (Porter 2017; Grassy Narrows Organizers n.d.; Asubpeeschoseewagong Netum Anishinabek 2018).

2005-2014
Grassy Narrows First Nation v. Ontario (Natural Resources) court cases initiated and settled throughout this period (Brotten and Gilmore 2017; Seymour 2015). Initial case against the government of Ontario found that the granting of timber harvest licenses within Grassy Narrows territory violated Crown obligations and the rights of the First Nation under Treaty No. 3 (Thibodeau 2015). However, in 2014 the Supreme Court of Canada ruled in favour of the province of Ontario, affirming the province's right to “take up” lands outlined by Treaty No. 3 for industrial practices, and to restrict the treaty rights of the Grassy Narrows First Nation when “acceptable” under the Sparrow analysis (Townshend 2015; Young et al. 2014).

2007

The Grassy Narrows First Nation enacts a moratorium on “all industrial activity within their traditional territory without community consent” (Grassy Narrows Organizers n.d.).

December 2007

The Clan Mothers of Asubpeeschoseewagong issue an eviction notice to loggers on their traditional territory (Grassy Narrows Organizers n.d.; Clan Mothers of Asubpeeschoseewagong 2007).

2008

Amid pressures from protests, blockades and boycotts, the last logging company holding harvest licenses on Grassy Narrows territory (AbbitibiBowater Inc.) withdraws from the area (Bell 2008; Grassy Narrows Organizers n.d.).

August 2014

Youth from Grassy Narrows with nearly two dozen Anishinaabe and non-Indigenous supporters deliver a letter of demands to Weyerhaeuser at the Kenora Timberstrand Truss Joist Mill (Grassy Narrows Youth Group, 2014).

2015

Grassy Narrows First Nation declares a state of emergency as a result of unsafe drinking water. Turbidity levels of water were found to be 120 times the safe limit (Grassy Narrows Organizers n.d.).

June 2016

The government of Ontario pledges \$85 million to be dedicated to cleaning and restoration of the Wabigoon River (Porter 2017).

2018

The Grassy Narrows First Nation issues the Asubpeeschoseewagong Anishinabek Aaki Declaration (Asubpeeschoseewagong Netum Anishinabek 2018). This statement upholds bans on all industrial practices within their traditional territory, outlines guidelines for use by community members, and describes the permissions required for outsiders seeking specific use rights within the territory. Importantly, the Declaration calls on industry and all levels of government to acknowledge and honour the statements made therein, and the rights of the Grassy Narrows First Nation to protect all relatives within their territory.

September 2016

A scientific report finds that 90 percent of the population of the Grassy Narrows and Wabaseemoong First Nations show dangerous signs of mercury poisoning (Brotten and Gilmore 2017; Porter 2017).

July 2016

The Ontario Superior Court exempts Weyerhaeuser (major wood products company) from environmental monitoring requirements in Dryden, ON based on the 1985 indemnity (Weyerhaeuser Company Limited v Ontario (Attorney General) 2016).

Works cited

- Asubpeeschoseewagong Netum Anishinabek. Asubpeeschoseewagong Anishinabek Aaki Declaration. Grassy Narrows, Ontario: Grassy Narrows First Nation, October 10 2018. PDF available at <http://freegrassy.net/2018/10/10/grassy-narrows-land-declaration-bans-all-industrial-logging/>.
- Bell, J. “How an Indigenous Community Defeated a Logging Giant.” *AlterNet*, June 23 2008, https://www.alternet.org/2008/06/how_an_indigenous_community_defeated_a_logging_giant/.
- Brotten, D. and Gilmore, C. “The Story of Grassy Narrows.” *Watershed Sentinel*, 2017. Retrieved from: <https://watershedsentinel.ca/articles/story-grassy-narrows/>.
- Bruser, D., Benzie, R., and Poisson, J. “Ontario commits \$85 million to clean up ‘gross neglect’ at Grassy Narrows.” *The Toronto Star*, June 27 2017, <https://www.thestar.com/news/gta/2017/06/27/ontario-gives-85-million-to-clean-up-gross-neglect-at-grassy-narrows.html>.
- Chewinski, Max. “Mining as Canadian Nation-Building: Contentious Citizenship Regimes on the Move.” *The Canadian Journal of Sociology*, vol. 41, no. 3, 2016, pp. 349-374.
- Clan Mothers of Asubpeeschoseewagong. 2017. Eviction Notice. Retrieved from: <http://freegrassy.net/home/grassy-narrows-clan-mothers-issue-eviction-notice/>.
- Filice, M. (2016). Treaty 3. In *The Canadian Encyclopedia*. Retrieved from: <https://www.thecanadianencyclopedia.ca/en/article/treaty-3>
- Grassy Narrows Organizers. Free Grassy Narrows. freegrassy.net. n.d. Accessed January 20 2019.
- Grassy Narrows Organizers. “Grassy Narrows wins \$85 million for a mercury cleanup!” Free Grassy Narrows. freegrassy.net. Accessed January 20 2019.
- Grassy Narrows Asubpeeschoseewagong Anishinabek. “On The 12th Anniversary Of The Grassy Narrows Blockade, We, The Women Of Grassy Narrows Make A Statement.” *Intercontinental Cry*, December 2 2014, <https://intercontinentalcry.org/12th-anniversary-grassy-narrows-blockade-women-grassy-narrows-make-statement/>.

Grassy Narrows Youth Group. “Grassy Narrows Youth Deliver Demands to Weyerhaeuser: No Logging in Our Territory.” *Intercontinental Cry*, August 21, 2014, <https://intercontinentalcry.org/grassy-narrows-youth-deliver-demands-weyerhaeuser-logging-territory/>.

McCrossan, Michael. “Eviscerating Historic Treaties: Judicial Reasoning, Settler Colonialism, and ‘Legal’ Exercises of Exclusion.” *Journal of Law and Society*, vol. 45, no. 4, 2018, pp. 589-616.

Mossa, A. and Duffin, J. “The interwoven history of mercury poisoning in Ontario and Japan.” *Canadian Medical Association Journal*, vol. 189, no. 5, 2017, pp. E213-E215.

Ontario Ministry of Natural Resources of Forestry. (2012). Summary of the 2012 to 2022 Whiskey Jack Forest Management Plan.

Porter, Jody. “Children of The Poisoned River.” *CBC News*, April 30 2017, www.cbc.ca/news2/interactives/children-of-the-poisoned-river-mercury-poisoning-grassy-narrows-first-nation/. Accessed January 27 2019.

Seymour, Janine. “Casenote: Grassy Narrows First Nation v Ontario (Natural Resources).” *Indigenous Law Bulletin*, vol. 8, no. 18, 2015, pp. 30-33.

“The Story of Grassy Narrows.” YouTube, uploaded by PSAC-AFPC, 21 June 2016, www.youtube.com/watch?v=9E06pWtCHIg.

Thibodeau, M. “Grassy Narrows v Ontario: A legal battle against logging lost, the political fight continues.” *CanLII Connects*, 2015. Retrieved from: <https://canliiconnects.org/en/commentaries/38552>.

Townshend, HW Roger. “What Changes Did Grassy Narrows First Nation Make to Federalism and Other Doctrines?” *Canadian Bar Review*, vol. 95, no. 2, 2017, pp. 459-488.

Treaty No. 3. Canada and the Anishinaabeg Grand Council of Chiefs. October 3 1873. Retrieved from: <https://www.aadnc-aandc.gc.ca/eng/1100100028675/1100100028679>.

Tuck, E. and Yang, K. W. 2012. “Decolonization is not a metaphor.” *Decolonization: Indigeneity, Education & Society*, vol. 1, no. 1. pp. 1-40.

Weyerhaeuser Company Limited v Ontario (Attorney General), 2016 ONSC 4652 (CanLII). Retrieved from: <https://www.canlii.org/en/on/onsc/doc/2016/2016onsc4652/2016onsc4652.html>.

Young, J. M., Annibale, J. J., and Ryan, B. 2014. “Court affirms right of Province to ‘Take up’ Treaty Lands – Grassy Narrows First Nation v. Ontario (Natural Resources).” *Aboriginal Law Bulletin*. Retrieved from: <https://mcmillan.ca/Court-affirms-right-of-Province-to-Take-up-Treaty-Lands-Grassy-Narrows-First-Nation-v-Ontario-Natural-Resources>.