

Life against States of Emergency

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Introduction

“You Are Treaty, Too”

Treaties are not just words written on paper or empty promises. They are not contracts for the sale of land. They are agreements by which our ancestors confirmed that we would share these lands, without interference but with respect for each other. Today, we need to better understand these values and renew these relationships which build on all of the relationships that have existed for millennia between all parts of Creation. These relationships help us understand our responsibilities in these territories we call home.

– Aimée Craft, *Treaty Words*

Treaty as a Living Relationship

A TREATY IS A RELATIONSHIP. Sometimes, relationships flourish. Sometimes, they break down and need repair. As Cree political theorists Gina Starblanket and Dallas Hunt articulate, it is time to reimagine treaty relations in Canada: “The implementation of treaties requires a commitment to envisioning a fundamentally alternative form of relationship, one which evidently lies outside of Canada’s current political imaginary.”¹ This book attempts to join in the collective reimagining, one that focuses not on the past, but on connecting past, present, and possible futures to engage in a critical conversation about what a futures-oriented treaty relationship based

on care, respect, reciprocity, and renewal might look like. What might a consideration of treaties as mutually life-giving, enduring agreements look, feel, and sound like?

Writing a book enables authors to consider their core messages. I spoke numerous times with Theresa Spence about the aims and audiences of this book, and she repeatedly reminded me that treaties are not simply archival documents from the past or static legal agreements – they are animate, embodied, and felt relationships that reverberate through time. This chimes with the words from Cree legal scholar Aimée Craft that open the chapter.² In her rich and insightful children’s book *Treaty Words*, Craft discusses the power of listening and observation to learn about treaties. As she explains, when we listen, we learn about what is sometimes referred to as “natural law,” where “all beings have a part to play in making sure Mother Earth continues to thrive.”³ This includes humility and a recognition that humans must listen to and learn from their environments.⁴ Craft writes that “natural law gives us an understanding of treaties, or what I call ‘agreements to make relationships’ that would allow us (Indigenous and settler) to live well together, in harmony, in accordance with those laws.”⁵ She cites Indigenous legal scholar John Borrows to emphasize that treaties have the potential to build Canada on more solid ground.⁶ Principles of respect, responsibility, and renewal guide and affirm these relations. Listening is a core element of critical (eco)feminist scholarship.⁷ It is a way of knowing. This ethical orientation extends to how researchers listen to the communities in which they work and to more-than-human environments.

When I sat down with Theresa Spence for our initial interview, she said, “You are treaty, too.”⁸ With this acknowledgment comes a requirement for accountability, a responsibility to bear witness to the stories that were shared with me. This pairs with a commitment to educate others about a healthier approach to treaties. What I took from my conversation with Theresa is that she was calling me to action, as an educator and writer-activist, to work alongside her and her community to reframe colonial portrayals of Canadian-Indigenous relations.

Although this book focuses on futures-oriented treaty relations, examining the history of Treaty 9 is useful in understanding why it matters today. In brief, Treaty 9 is a formal agreement between the Crown, Ojibway (Anishinaabe), Cree (including the Omushkegowuk), and other Indigenous nations, including Algonquin peoples.⁹ Dating from 1905–06, it encompasses the western watersheds of James and Hudson Bays. Adhesions to its

territory were made in 1908 and again between 1929 and 1930. The largest of Ontario's forty-six treaties, it covers about two-thirds of the provincial landmass, including the Hudson Bay Lowland and Boreal Forest regions. Its intent was to pave the way for colonial settlement and to open up much of northern Ontario for natural resource development.¹⁰ Conflicts over mining and resources persist, as evidenced by the legacy of the De Beers Victor diamond mine and issues related to exploration in the Ring of Fire.¹¹ Treaty 9 embodies a multijurisdictional governance relationship between Indigenous peoples, the Crown, and provincial and federal authorities. As a result of broken treaty relations, environmental law scholar Dayna Scott and her collaborators argue that for many Indigenous peoples, the daily struggles of "living on the margins of society with limited control over what happens on their own homelands" shapes their futures and are "exhausting and disheartening."¹² It is this consideration of *futures* that requires revitalization in treaty relationships today.¹³

In the simplest terms, a treaty is a formal agreement between two or more nations who determine how they will share land and resources, and live together in peace and friendship to the benefit of all parties. It establishes the promises, obligations, benefits, and commitments of each party. Treaty and Indigenous rights are recognized in the Canadian Constitution.¹⁴ Before the time of Confederation, many Indigenous communities engaged in treaty agreements with each other and other environmental beings, including lands, waters, plants, and animals.¹⁵ These agreements included oral lessons and teachings, passed down from generation to generation. The Mushkegowuk Council, a governing body of Treaty 9 Cree nations, explains that Indigenous people did not consider land as property to be owned, but saw themselves as caretakers with sacred responsibilities and relationships to their natural environments.¹⁶ Accounts of the Crown's approach to treaty negotiations reveal that colonial authorities did not initially want to sign treaties; however, the discovery of natural resources added pressure to expedite the negotiations: "By April 1904, the discovery of minerals in northwestern Ontario added urgency to Canada's desire to extinguish Indigenous title and develop the territory's mining potential. Further expansion of the rail network, timber development, and hydro-electric production were also on the horizon."¹⁷ Provincial and federal authorities began to discuss the terms of Treaty 9, but Ontario delayed until 1905, as it desired jurisdiction over more territory with hydro-electric potential.¹⁸ In July 1905, the Government of Canada and the Province of Ontario reached an accord regarding the terms of the

treaty. However, its ratification required agreement from the Indigenous peoples who lived in the territory, none of whom had been involved in generating the terms of the document.¹⁹ The three government commissioners who travelled through the James Bay watershed to negotiate the treaty with Indigenous leaders and communities were not permitted to change its terms.

Their expedition took place over the summers of 1905 and 1906.²⁰ Commissioners Duncan Campbell Scott and Samuel Stewart represented the federal Crown, and Daniel G. MacMartin spoke for Ontario. The team also included two police constables and a doctor. English professor Pelham Edgar and artist Edmund Morris joined the 1906 expedition.²¹ In classically Canadian fashion, these journeys required considerable travel by canoe, involving many portages. Materials held at the Archives of Ontario include detailed documentation of these canoe trips through hundreds of photographs, many on glass negatives. Attawapiskat was not among the thirteen Indigenous nations that signed Treaty 9 during the 1905–06 expedition, which underscores its sovereignty over its unceded lands then and to this day.²² The treaty document was presented to Indigenous communities in English, without meaningful negotiation of the terms. Community members signed the document with their mark, speeches were delivered, some individuals received a “gift” of eight dollars and the promise of a four-dollar annuity in perpetuity, a Union Jack flag was presented to signatory communities, and a celebration feast took place.²³ After the singing and the feasting, the commissioners moved on to the next community.

Many leaders were left with unanswered questions about the continuity of their hunting, trapping, and fishing rights, and their ways of life generally. The treaty negotiators – led by one of Canada’s most notorious colonial administrators, Duncan Campbell Scott – offered misleading promises about the safeguarding of their livelihoods.²⁴ As archival accounts reveal, many Indigenous leaders envisioned that the treaty would ensure *pimatisiwin* – happiness, prosperity, and protection of their traditional ways of life.²⁵ As historian John Long explains, *pimaatisiun* can be understood as living, being alive well, or the good life.²⁶ Diary accounts and oral histories disclose that the commissioners told Indigenous leaders that “the treaty would last as long as the sun shines, the grass grows, and the winds blow,” and that the traditional activities of the signatory communities would be protected.²⁷ However, page 2 of the treaty contained the caveat that the Crown could take up lands for settlement, mining, logging, trade, or other purposes. This

is in stark contrast to an agreement to share land as long as the sun shines, grass grows, and winds blow. These uneven terms and interpretations remain the subject of debate, inspiring the 2014 film *Trick or Treaty?* by Alanis Obomsawin and *After the Last River* by Victoria Lean.²⁸ These documentary films highlight that Treaty 9 was not a peace and friendship agreement negotiated in good faith. In fact, it represented a clash in values and perspectives. For the colonial authorities, it was a land surrender. For many Indigenous communities and leaders, it entailed a relationship of “mutual assistance and care.”²⁹ The execution of Treaty 9 was not based on mutually beneficial, caring relations.

During my research, I sought out multiple sources of information regarding treaties.³⁰ I visited archives, consulted federal, provincial, and Mushkegowuk digital archival collections and materials, read journal articles and books, watched documentary films, and interviewed Attawapiskat community members and leaders, such as Theresa Spence and Adrian Sutherland. Visits to the archives made me come to terms with the haunting realities of what happens when treaties are negotiated unfairly and when their transactional – instrumental, one-time event – approaches break down. What might a transformative treaty process look like? Corey Snelgrove underscores that Indigenous treaty visions emphasize responsibility, relationships, renewal, sharing, and obligation.³¹ His argument shows that this transformative approach to treaty relations has been obscured in Canadian political thought. Following Snelgrove, how might we conceive of treaty as a necessary concept for radical theory and practice in contemporary colonial contexts?³² Going farther, how might we think about treaties as *pimatisiwin/pimaatisiun*, as living well now and into the future?

Some historical context is important to understand the origins and legacy of treaties. In a detailed journal article, D.L. Feir, Rob Gillezeau, and Maggie E.C. Jones document how the historic treaties signed between 1701 and 1923 unevenly affected the long-term economic development of communities in present-day Canada.³³ In many communities that signed the historic treaties, incomes are much lower than elsewhere in Canada. This too is a result of the transactional approach, rather than one that evokes an ongoing dialogical relationship. According to Feir, Gillezeau, and Jones, “During the colonization of North America, European Powers engaged with Indigenous nations through both violence and negotiation.”³⁴ Much of the lands in present-day Canada were colonized by the British Crown, who entered into a succession of treaties with Indigenous nations. These agreements gave details

about promises for cash payments, hunting and fishing rights, and “the maintenance of peace in exchange for land.”³⁵ But what do peaceful relationships look like today? My conversations with Theresa Spence confirmed that many Indigenous people including herself continue to feel pain rather than peace. Over the years, many Canadian-driven treaties were grounded in a need to form military alliances with Indigenous nations or a desire to assimilate them rather than in a genuine partnership.

As formal agreements, treaties set the expectations for each party, including access to land and resources, and the establishment of legal and political jurisdictions. The historic treaties can vary quite substantively, and they do not cover all of Canada. Their enduring effects differ from community to community, and from nation to nation, and their contents do not evenly reflect the intent of each party in a fair and balanced manner. In my home province of British Columbia, the treaty-making process is ongoing, and several Indigenous nations are negotiating land and other treaty rights with the provincial and federal governments. Over time, treaty relations have been characterized in differing ways, such as peace and friendship, land surrenders, and numbered, comprehensive, and modern treaties.³⁶ Their negotiation relates to the perceived and desired costs and benefits of each partner. The presence of natural resources, the fertility of the soil, and the proximity to waterways also determine negotiations. The parties that entered into treaties were not necessarily in possession of accurate information about these resources. An ongoing challenge to the fair interpretation of treaty agreements is that their enforcement generally relies on the colonial legal system of Canada. Another challenge is that most Canadians have little understanding of what treaties mean, either historically or today. This book is one attempt to contribute to an enriched conversation about treaty relations.

In a presentation about treaties, Cree legal scholar Sharon H. Venne states, “If you stopped ten people to ask ‘What are your treaty rights?’ most of them would consider the question irrelevant. ‘Treaty, what’s that?’ Every non-Indigenous person should know his or her treaty rights. The simple fact is that without the treaty, no one other than Indigenous Peoples has the right to live in our land.”³⁷ Non-Indigenous Canadians like myself have a responsibility to learn more about and be accountable to treaties.

Speaking about Treaty 6, Venne reflected on the teachings offered by her Elders and Chiefs about treaties. On the basis of intergenerational oral teachings, she remarked that they reflected the rich lives of Indigenous

peoples, and she recalled the Elders stating that the treaty would last “as long as the sun shines, the waters flow, and the grass grows.”³⁸ This passage carries multiple meanings. On the one hand, we might think of a body of water, perhaps the Saskatchewan River, where Treaty 6 applies. Yet, on the other hand, following Venne, we could think about “the water that breaks when a woman gives birth. Because the treaty is supposed to last for as long as water flows when women give birth, those words tie Cree women like me to the Treaty process.”³⁹ In this articulation, women are life-givers, with unique responsibilities for the protection and nourishment of future generations. What if we think about treaty relations as akin to the first fluid connection between a birthing body and a newborn, like those corporeally linked for generations to come?

To be clear, all of present-day North America is Indigenous territory. As Venne puts it, “At the time of the treaty-making, Indigenous Peoples never gave up the land. When Indigenous Peoples talk about the land and the making of Treaty, we are talking about our life and the life of the future generations. Land is central to this process.”⁴⁰ Cree legal traditions stem from an enduring commitment and duty to honour and protect land. Respect for more-than-human relations is a central attribute of this treaty perspective. This duty of care connects with how we can understand peace treaties. According to Venne, “This is the meaning of a peace treaty. It needs to be lived. It is not an empty phrase or value; it is a living spirit.”⁴¹ Peace implies mutual respect, self-determination, and non-interference. Venne discusses the significance of the peace pipes and prayers offered by Elders to honour relations between nations. The peace pipe contrasts starkly with the ceremonial mace that convenes democratic deliberation in Canadian legislative assemblies. The right to live in peace requires mutual respect and recognition. Venne examines the conflict at Oka, Quebec, during the summer of 1990. When non-Indigenous residents sought to build a golf course on Mohawk ancestral lands, which included a cemetery, the Mohawk erected a barricade. Canadians sent in the military. They responded with violence. In doing so, they interfered with the self-determination of the Mohawk.⁴² This is an example of not honouring treaty relations based on peace and mutual respect. In contrast, Venne discusses living treaty rights every day. Being in a treaty relationship is a way of life, not a static, ancient agreement.

Conflicts like the one at Oka arise when transactional treaty relations break down. Venne states,

Sharing our resources, a treaty right of non-indigenous peoples, has led to the colonizing government assuming control over all the resources above and below the surface. This is a treaty violation. One of the main treaty rights of the non-indigenous person is to respect the land. This is not being done. Our lands are being destroyed by the non-indigenous peoples. Our animals, our birds, our fish, and all living things are disappearing. The ones that are left behind are suffering. This rich land is being destroyed. This is a violation of the treaty by the non-indigenous people. The non-indigenous people are forgetting to have respect for the land and all its relationships.⁴³

Evident in this statement is that treaty relations encompass more-than-human beings, such as animals and plants. These ideas underpinned many historic Indigenous understandings of treaty relationships and are often at odds with Eurocentric legal understandings. Many westerners see treaties as cessation or surrender agreements that release land to colonial authorities. This asymmetrical, limited, hierarchical, and oppressive approach does not honour mutually beneficial relationships between humans and living environments. As Snelgrove suggests, “treaties are frameworks for co-existence and mutual flourishing, *not* contracts to dispossession.”⁴⁴ Indigenous peoples did not sign treaties with the intent of relinquishing their governance, lands, rights, legal systems, children, or ways of life.

Despite efforts to assimilate Indigenous peoples through the Indian Act system of governance and subsequent federal policies, treaty rights are enshrined in the Canadian Constitution. They are also recognized and affirmed by international bodies such as the United Nations. Canadians must come to terms with the fact that multiple sovereign entities exist within these contested Canadian lands. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was passed by 144 nations at the General Assembly in 2007, with four votes against: Australia, Canada, New Zealand, and the United States. Not until 2021 did the Government of Canada pass UNDRIP into law, when Bill C-15 received Royal Assent on June 21.⁴⁵ British Columbia passed UNDRIP into law in November 2019, the first Canadian province to do so. At the time of writing, the rest – including Ontario – drag their heels in introducing UNDRIP legislation or creating an implementation plan. Institutions across sectors, from universities to government bureaucracies, are now coming to terms with what it means to implement principles of respect for Indigenous self-determination and free,

prior, and informed consent, whether in a classroom, a boardroom, or at the negotiation table for an impact benefit agreement (IBA) or environmental assessment.

Environmental Justice

The predominance of transactional treaty relations is apparent in continued struggles for environmental justice in Attawapiskat and across Treaty 9 territory. This point is made clear in the documentary films *After the Last River* and *Trick or Treaty?* What these films discuss, and my archival research and review of relevant literature reveal, is that the Treaty 9 agreement sought to exclude Cree communities such as Attawapiskat from access to mining and development. Given the domestic and international demand for natural resources, governing bodies with jurisdiction over northern Ontario will continue to face pressure to explore and develop these territories.⁴⁶ This includes mining, logging, and potentially the generation of hydro-electric power.⁴⁷ Development commonly involves the implementation of IBAs, which are private agreements negotiated between entities such as corporations, federal and provincial governments, and Indigenous nations.⁴⁸ Serious questions have arisen about the balance between their impacts and their benefits. Ultimately, this is a matter of environmental justice, highlighting the uneven distribution of environmental goods and bads. Dayna Scott notes that “there are serious concerns about the equitable distribution of both benefits and potential harms.”⁴⁹ Furthermore, questions remain about whether or not IBA negotiation processes are truly democratic. Industry proponents and band councils commonly confer in private, often with limited community input, which casts doubt on whether consent was truly informed and community engagement was meaningful.⁵⁰ These processes show gaps in democratic decision making and input, revealing the exclusion of directly affected parties. They highlight problems of environmental injustice, related to distributive, procedural, and discursive dimensions.

Contemporary negotiations over IBAs and environmental assessments follow from a long-standing tradition of colonial approaches to environmental governance and management. The Treaty 9 commissioners made a point of not situating Indigenous reserves in areas that could potentially be targeted for hydro-electric development.⁵¹ In a similar fashion, IBAs – such as the agreement between De Beers and Attawapiskat – did not offer substantive benefits for infrastructure, including roads, housing, or water

treatment.⁵² The Attawapiskat leadership repeatedly sought to reopen the IBA and to revisit its terms, a request that was denied on multiple occasions. As Theresa Spence shared in *After the Last River* and as we often discussed, a treaty relationship means that all parties will return to the negotiating table to revisit its terms for the mutual agreement of distributed benefits.

This uneven access to land and resources reflects asymmetrical power relationships in the distribution of goods and services. It also has implications for what Jeffrey Ansloos and Shanna Peltier refer to as unlivable presents, which appear in the realities of interrelated structural violence and suicide.⁵³ Environmental justice scholarship often refers to distributive, procedural, and discursive dimensions.⁵⁴ Each of these is prevalent in Attawapiskat. Although this book contributes to all three, it focuses on the discursive dimension by amplifying the perspectives and stories of those who experience the environmental harms, highlighting how they envision alternative decolonial relations. In *Slow Violence and the Environmentalism of the Poor*, Rob Nixon discusses the kind of violence that takes place out of sight and out of mind, such that it is often not seen as violence at all.⁵⁵ The layered issues related to vital infrastructure including housing and drinking water, as well as mental health and well-being, can be understood as an environmental emergency in slow motion. They may be out of sight and out of mind for most Canadians, but they constitute everyday realities for Attawapiskat. They expose Canada's failures to live up to its treaty commitments. Spence's fish-broth fast served as a call to action to Canadians and public officials.⁵⁶

The slow-moving environmental emergency in Attawapiskat took place over a century. As explained in *After the Last River*, many of its homes were built during the 1970s, with materials that were not suitable for subarctic conditions.⁵⁷ Due to the terms of the Indian Act, decisions about housing are often made in Ottawa, and decisions about resource extraction are also commonly made far from the territories and peoples they hurt the most. The context and wording of Treaty 9 reveal that its purpose was to lay the groundwork for resource extraction, not for peaceful and mutually beneficial relations between Canadian settlers and Indigenous peoples.⁵⁸ Canada may pride itself on its peacekeeping reputation and commitment to reconciliation, inclusion, and diversity, but it has a long history of extraction. Extraction implies taking something. What would it look like instead to conceive of treaty relations as mutually beneficial agreements that entail

continuous give and take, rather than simply taking – as was the Canadian government’s approach in Treaty 9.

Asymmetrical treaty relations are matters of environmental injustice, as explained in *Cobalt*, written by Charlie Angus, NDP MP for Timmins–James Bay since 2004. He details the historical context and continued legacy for Canada’s desire to become a resource extraction superpower and notes that “the removal of Indigenous peoples from their lands was the first step to securing control of the North.” Treaty 9 “transferred some of the richest natural resources in the world to the Canadian state, while pushing the Indigenous communities onto impoverished reserves that were little more than internal displacement camps.”⁵⁹ Settlers looked to northern Ontario as a development frontier, and its rich mineral deposits still make it a site of resource extraction ambitions. These concerns reflect issues related to the distributive dimensions of environmental justice – equitable access to environmental goods and services – which, as stories related to Treaty 9 reveal, includes lands and resources. Such issues persist through diamond mining development in Attawapiskat territory and proposed mining throughout the Ring of Fire.⁶⁰

To connect distributive and procedural dimensions of environmental justice, we need to look at how decisions about the management of infrastructure, lands, and resources are made. As briefly mentioned above, an IBA is considered a business deal. It is a private, negotiated contract, often made with limited community input.⁶¹ Leah Levac and I argue in *Creating Spaces of Engagement* that if transformative, justice-oriented, democratic decision making is to take place, affected parties must have input into the decisions that shape their lives.⁶² IBAs are generally negotiated between hierarchical authorities and their legal representatives. As Scott suggests, they ask communities to “believe that consent has a price, and that it can be bought and sold in a private market.”⁶³ They raise important questions about community voices, democracy, and political representation. Like treaties, IBAs reflect fragile relationships.⁶⁴ They present a “thin cover of consent.”⁶⁵ How might an understanding of a treaty as living and continuous reconfigure these relations to make them more horizontal, reflective of community voices, and ultimately more democratic?

De Beers likes to proclaim that a “diamond is forever,” an infamous tagline that often appears in its advertising.⁶⁶ But leaders such as Theresa Spence like to emphasize that relationships, between each other and the

waters, lands, plants, and animals that give Attawapiskat life, are forever. In *After the Last River*, Victoria Lean hands Spence a De Beers promotional book whose title is *Catching a Dream*. On reading it, Theresa responds, “More like catching a nightmare.”⁶⁷ This exchange shows the importance of discursive dimensions of environmental justice, that the voices and experiences of those most affected by policy decisions matter. When Attawapiskat signs an IBA, it hopes to forge mutually beneficial relations, the “Benefit” part of the agreement. Yet, the breakdown in the relationships frequently leads to direct actions, such as blocking road access to a diamond mine or commencing a ceremonial fast to raise awareness about the need to revisit the terms of a treaty.⁶⁸ When Attawapiskat blocked the road to the mine, it was sending a message, signalling a breakdown in communication. These actions cast light over the dark shadows of uneven resource sharing agreements and the need to revisit their terms for more balanced, equitable relations.

State of Emergency Declarations

Declaring a state of emergency is an extreme focusing event, a cry for help in which one governing body solicits aid from another. Such declarations attract attention and try to mobilize resources in response to highly charged political environments. They occur during times of war, such as when President Volodymyr Zelensky declared a thirty-day state of emergency in response to the Russian invasion of Ukraine. Their meaning differs, depending on the jurisdiction. They are double-edged swords, with the power to move resources and mobilize the military, but they can also be used to suppress civil liberties. The Canadian government issues them only infrequently, reserving them for extreme warlike conditions to galvanize military resources or, in a recent example, to forcibly remove a convoy of noisy truckers from downtown Ottawa, as it interrupted the serene rhythm of the city.

In British Columbia, during the first six months of my son’s life in 2021, provincial leaders declared several states of emergency in response to wildfires that were worsened by an unprecedented heat dome and to flooding that displaced thousands, all during a pandemic. Local governments, such as the City of Port Coquitlam, made state of emergency declarations to close down public parks. The declaration is an administrative tool to get government jurisdictions working in the same direction. We live in crises-laden times, where unstable political environments require precise, swift,

executive decision making. But what happens when these declarations become pattern or are ignored altogether? Does a declaration for a slow-moving emergency generate the same attention and response as one for a global, national, or provincial crisis? These declarations emerge at the edges of democracy while reinforcing hierarchical decision making. As a Canadian society, we have a lot to learn about the health of our democracy when a state of emergency is declared.

Year after year, Attawapiskat leaders were left with limited options to address the slow-moving environmental emergencies in their community. Sewage overflow, contamination, uninhabitable housing, and a youth mental health crisis prompted them to make state of emergency declarations. On October 28, 2011, after consulting with Attawapiskat, Grand Chief of the Mushkegowuk Council Stan Louttit declared a state of emergency in response to the pressing housing concerns of the Indigenous nations under his jurisdiction. This was followed by Attawapiskat's own declaration on November 11, 2011, due to deficient housing.⁶⁹ The pattern, frequency, and experiences of these conditions weigh heavily on the shoulders of leaders. "I feel like we don't exist," Theresa Spence shared in *After the Last River*. These sentiments compelled MP Charlie Angus to craft a 2011 *Huffington Post* letter titled "What If They Declared an Emergency and Nobody Came?"⁷⁰ Angus notes that the Ontario and federal governments continue to neglect their treaty responsibilities. These emergencies are not created naturally, but by design. As Midnight Shine musician and Attawapiskat leader Adrian Sutherland explains, Attawapiskat citizens are treated like a burden, as if they impede resource development: "It's not any different than the colonial period, except it's done legally and administratively." He added, "They don't even take our treaty seriously."⁷¹ These feelings and realities propel leaders and citizens to take direct action.

States of emergency can also channel debate on topics of high significance. In 2016, Charlie Angus called for an emergency House of Commons debate on the "situation in Indigenous communities" to discuss the tragic injustices of youth suicide in Attawapiskat. Urging MPs to be "hope-makers," he put forward a non-partisan policy recommendation as an incentive for transformative change: that Indigenous youth should be brought together and asked about their hopes and visions for the future. "Then," he suggested, "we can bring it to a national level, where they can address the Parliament of Canada to say what it will take, from their points of view, and give us the instructions, as the adults, to start moving forward." This plan would give

Indigenous youth the authority to speak, calling upon parliamentarians to *listen*. Demanding an end to “band-aids and emergency flights,” Angus stated that a systemic response and a nation-to-nation relationship were required.⁷² The theme of nation-to-nation relations was elaborated by Georgina Jolibois, the Indigenous MP for Desnethé – Missinippi – Churchill River:

Nation-to-nation first of all means to me language retention. I speak Dene, and I want to be able to have our first nation communities teach Dene to continue our language, and across Canada, with other first nations and Métis.

Nation-to-nation also means spirituality being acknowledged. These are practices of sweetgrass burning; medicine smudging; having access to an elder, a priest, a pastor of any kind, for the ability to pray.

Nation-to-nation means that I feel respected and welcomed. As an aboriginal woman, it means I do not have to feel scared in Canada, because statistics prove that as an aboriginal woman I run the risk of being murdered or going missing.

Nation-to-nation means for me, and for all first nations and Métis people across Canada, feeling safe and valued.⁷³

Many other MPs contributed to the discussion. Justice Minister Jody Wilson-Raybould said that she was proud to stand as an Indigenous woman to elaborate the government’s commitment to nation-to-nation relationship building:

The Prime Minister has tasked us to work with indigenous peoples to establish a nation-to-nation relationship that is based on recognition. A relationship based on recognition is transformative. It is a relationship based on respect, co-operation, and partnership. In doing so, we can make real progress ...

For Attawapiskat, and for all first nations, the Indian Act is not a suitable system of government. It is not consistent with the rights enshrined in our Constitution, the principles as set out in the UN Declaration on the Rights of Indigenous Peoples, or the calls to action in the Truth and Reconciliation Commission report ...

A nation-to-nation relationship is one of the most challenging public policy issues of our time, and I challenge all members of the House to work with us in building this relationship. There are no quick fixes to

these issues. A substantive nation-to-nation discussion with indigenous peoples is needed. We need to sit down and work jointly to ensure that indigenous communities are strong and healthy, and in charge and in control of their own destiny. We need to bring life to and move beyond the scattered programs and initiatives. Reconciliation is a national project that requires full engagement and commitment at the highest levels of government.⁷⁴

At midnight, after an evening of back-and-forth between MPs and cabinet ministers, the session adjourned. The theme of justice came up again and again. But what does that mean administratively, in policy and practice? Despite these promises and transformative possibilities, states of emergency conditions persist in some communities, including Attawapiskat.

In 2019, the Attawapiskat leadership declared a state of emergency due to water contamination. This problem is all too familiar to residents, who still struggle to obtain clean drinking water, and the leadership declared yet another state of emergency due to contaminated water in the same year. Speaking to *CBC News*, Attawapiskat resident Adrian Sutherland referred to a tweet from Environment Minister Catherine McKenna, who mentioned the purity of Ottawa tap water.⁷⁵ Irked, Sutherland tweeted an image of himself wearing an industrial respirator to make a point about life in the everyday emergency conditions of a toxic political environment. The



Adrian Sutherland
self-portrait via
Twitter, July 2019.

lack of regard for access to safe drinking water in Indigenous communities is but one example of the colonial government's efforts to ignore its duties to uphold reciprocal and respectful treaty relations.

Reframing Relationships through Storytelling

As critical ecofeminist scholarship notes, matters of environmental justice can be felt through our bodies and experiences. Greta Gaard explains, "Critical ecofeminism is rooted in a relational standpoint that illuminates inequalities from the personal to the political – ecological, economic, socio-political, promoting just and equitable relations by raising questions such as, who benefits, and who pays?"⁷⁶ This approach informs my understanding of the events that led up to and surrounded Theresa Spence's fast, including what compelled Attawapiskat leadership to make state of emergency declarations. A critical ecofeminist orientation to the study of power connects political environments with personal experiences and offers an embodied approach to environmental justice. The discursive aspects of this lens emphasize framing and storytelling. Thus, inspired by Gaard's scholarship, I examine who and what is missing from a particular story, whose voices count, and how we as a society can enhance our capacities to listen.

Envisioning alternative ecological futures requires the power of imagination and the creation of new knowledges. By making space for the emergence of new ideas, knowledges, and perspectives through the collaborative process of storytelling, I share the capacity to speak back against unjust policies. Following the lead of Ansloos and Peltier, if we centre the experiences of those who live with the injustices of structural violence, agency and freedom can be nourished, enhancing livability for individuals, communities, and environments in the shadows of empire.⁷⁷ When Adrian Sutherland tweeted the photo of himself wearing a respirator, he hoped to signal to viewers the unlivable conditions that are the norm in his community. Bodies of knowledge, as felt knowledges, can trouble existing troubling relations. Drawing upon the scholarship of Billy-Ray Belcourt, Ansloos and Peltier explain that "bodies are acted upon by structures – in this case, settler colonial structures – and that action produces certain biological and affective responses, such as misery, which can quicken death."⁷⁸ These structures were created, not by accident, but by colonial design, and they deny the sovereignty to live a flourishing life. In her act of *corporeal sovereignty*, Spence sought to challenge this structural violence.

When her fast was presented as a hunger strike or liquid diet, it was widely misunderstood by most Canadians.⁷⁹ As Thomas King informs us in *The Truth about Stories*, “Stories are wondrous things. And they are dangerous.”⁸⁰ They shape consciousness, perspectives, and understanding. They can be a form of medicine.⁸¹ Canadians seemed not to grasp that Spence’s fast was a refusal of colonialism, a call for the revitalization of treaty relations, and a demand for transformative justice. This kind of radical justice requires “both the large-scale transformations of society, and the everyday ways in which our work makes living possible, and desired.”⁸² Justice is not merely an abstract concept but is felt through the body. Given this, a justice-oriented approach to broken treaty promises must take seriously the “ethical problem of pain.”⁸³ Complacency is not an option.

When stories become marginalized or ignored, people suffer. Following in the footsteps of scholars such as Rob Nixon and others who research slow violence and environmental justice, we can use our words to revise narratives, highlight stories, amplify voices, and speak back to policy. This co-creation ethic, working and writing with and alongside communities of concern, is related to my overall intent to understand, enact, and educate about affirmative and animate treaty relations. A treaty is a way of life, and though it enshrines a formally negotiated agreement and a legal understanding, it can also be upheld through our corporeal actions and ways of relating to each other and our environments.

More than once, Theresa Spence told me that I had treaty commitments and responsibilities. I take her words to heart, as well as those of Ansloos and Peltier, who say that we must “not settle for the world as it is.” Instead, we must join Indigenous peoples in the shared work of justice, and in doing so, “centre the ethics of desire, care, and love in our resistance to violence.”⁸⁴ Theresa is calling for all Canadians to collaboratively envision alternative possible worlds. This requires humility, creativity, and dedication.

All too often, the treaty stories we hear today recirculate ideas and images about the lack of funding for Indigenous peoples, the denial of services such as health care and education, and the imposition of colonial ways of life, the most egregious being the residential school system. Yet, simply telling the stories about the non-fulfillment of promises misses the mark for a revitalized treaty relationship. Frequently, the stories fail to understand what a treaty is and what it means. There is a great need for more serious engagement with Indigenous interpretations of treaty relations. This book aims to create deliberative space for these voices and perspectives by drawing from

literature in Indigenous political theory and Indigenous law, as well as directly from community members.

If we wish to understand a particular treaty relationship, we must go farther than simply reading the written document. Understanding the intent and implication of a treaty agreement “requires depth, consideration, and knowledge” that lies beyond the text.⁸⁵ Treaty dynamics are shaped by the specific circumstances and political environments that were in place during their negotiation. Further context, including that provided in letters, briefing notes, oral histories, and testimonies given in various legislative forums, reveals insights, principles, and norms that inform how these agreements were and are interpreted. Many Indigenous perspectives discussed in this book emphasize an enduring, life-giving, and futures-oriented approach to treaties rather than the colonial narratives of secession or surrender.

As Aimée Craft puts it, treaties “form the bedrock foundation of the relationship between the treaty Nations and the government of Canada. It is from the treaties that all things must flow in the treaty relationship. Treaties represent the common intersection both historically and politically between nations.”⁸⁶ To date, Indigenous interpretations of treaty relations have been marginalized in the courts, educational institutions, and the media. This book offers a contribution to recalibrate the hegemonic, colonial depictions of treaties. As Craft writes, “It is not enough to understand the Crown’s objectives and perspectives leading up to the treaty and the historical record surrounding the treaty, recorded from the Crown’s standpoint.”⁸⁷ A storytelling approach helps to bring balance into these uneven relations.

Our lives are made of stories. As Thomas King remarks, “The truth about stories is that’s all we are.”⁸⁸ They are also “boundary drawing” – telling a story tells us something about who we are.⁸⁹ Stories are gifts. When we listen to a story, we become a witness to it. This act of listening carries ethical responsibilities related to its retelling. Stories can also evoke a sense of resurgence, a revitalization of lived experiences previously marginalized or silenced.

To inject life into Indigenous interpretations of treaty relations, Aimée Craft asks how we are to breathe life into our stories.⁹⁰ She offers the examples of ceremonies, passing down oral histories through intergenerational teachings. An appreciation for this emphasis on storytelling and awareness of stories as gifts is foundational to Indigenous research methodologies.⁹¹ Stories can be passed down from one generation to the next. As Craft points out, women carry unique responsibilities for treaty stories.⁹² Theresa Spence



The Attawapiskat flag flies high above the community during National Aboriginal Solidarity Day, June 2016. | Photograph by Mandy Alves

embodies these relations, expressed through her ceremonial fast. Storytelling is a matter of life and death. Many of us tell stories to process pain, to communicate, to feel heard. When a narrative starts to make us feel destroyed, it is time to tell another. So, rather than simply concentrating on what life is like during the environmental violences of repeated states of emergency, this book writes *against a state of emergency* to centre the emergence of alternative futures, grounded in the voices and experiences of leaders such as Theresa Spence, musicians like Adrian Sutherland, and the young people who contribute to the Reimagining Attawapiskat project.

Chapter Summaries

[Chapter 1](#) opens with a discussion of the significance of treaty dialogue, education, and political mobilization in pursuit of decolonization and

reconciliation, concentrating on various articulations of resistance. It touches on the focusing event for this book: Theresa Spence's fast. Moving beyond positioning her or her community as vulnerable or in need of outsider intervention, it explains the corporeal sovereignty concept to discuss the fast as a pivotal moment of Indigenous self-determination.

Chapter 2 fleshes out the connection between interpretive analysis and community-engaged research. It details the critical feminist discourse analysis that informs the methodology in this book. Taking a multilayered approach, it explains the significance of challenging colonial, biopolitical state framing in community narratives. The following chapters apply this methodology to the systemic discursive and material conditions that confront Attawapiskat on an ongoing basis, revealing the prevalence of slow violence and quiet colonialism today.⁹³

During her fast, Chief Spence was very clear about her motivation, which was to prompt a different kind of recognition from the Canadian state. She argued that a treaty must be understood as much more than a surrender, contract, or secession. In response, **Chapter 3** deals most directly with the question of what it means to be in a treaty relationship today. Drawing from her life story, it goes beyond the official hegemonic narratives of Canadian-Indigenous relations that are offered by the media and political speech. It engages with the themes of treaty rights, respect, responsibilities, and relationships by illuminating her story as a counternarrative to the colonial status quo.

Chapter 4 brings Attawapiskat's lived experiences into focus through youth engagement. This chapter centres community voices in the telling of multiple stories about Attawapiskat as a means to intervene in hegemonic narratives and stereotypes, including the common overemphasis on crisis events. It does so by explaining the community-engaged mixed media storytelling approach and the creation of the Reimagining Attawapiskat online gallery, focusing on community members' life-giving articulations of the relationships between culture, community health, and their environments.

Chapter 5 examines the discursive dimensions of environmental justice based upon the community's relationship with the resource extraction sector and the media representation of its protest efforts. It opens with a discussion of the mace at Queen's Park and problematizes Canada's claims to be an inclusive and democratic nation while simultaneously celebrating violence, extraction, and wealth disparity. Through critical discourse analysis methods, this chapter examines mainstream media representations of Attawapiskat

and discursive responses to Chief Spence's fast, many of which questioned her authenticity as an Indigenous leader and obscured her key concerns. Rather than discussing her call for the revitalization of treaty rights, responsibilities, and relationships, they concentrated on the themes of crisis, blame, and accountability.

A turn to the past informs the colonial present, but it does not foreclose possible alternative futures. Inspired by Foucault's notion of genealogy and Elizabeth Grosz's conception of time travel, this book does not always proceed in linear, unidirectional, chronological fashion.⁹⁴ Rather, as [Chapter 6](#) elaborates, in an attempt to disrupt a dominant "settler-centric chronology" of history, it discusses ensembles of power, with the aim of critiquing the present and opening up the future to other possibilities.⁹⁵ Aligned with Laurie Bertram, I attempt to decentre Canada's "colonial chronology and geography" that privileges histories "inscribed with Euro-Canadian notions of development, settlement and permanence."⁹⁶ Following Grosz, I am interested in the emergent *becoming* of the present conditions – and the emergence of alternative possible futures.⁹⁷

Building upon archival research, [Chapter 6](#) explores Canada's relationship to the British Crown and its contemporary manifestation through colonial interpretations of treaties. By highlighting various narratives of treaty making – surrender, sharing, and sovereignty – the chapter animates the expressions about and desire for the recognition of treaty relationships that were articulated by Chief Spence and her community. It offers a genealogical account of Treaty 9 to unsettle these static colonial interpretations and look to alternative treaty relations grounded in Indigenous sovereignty and self-determination.

In [Chapter 7](#), *Life against States of Emergency* integrates community perspectives alongside environmental justice and critical Indigenous scholarship to address the contemporary meanings and expressions of democracy, justice, and transformation. In closing the book, it highlights the importance of these principles in a charged context of reconciliation, which entails the practical application of international commitments such as UNDRIP. In brief, *Life against States of Emergency* aims to contribute to ongoing conversations about forward-looking treaty relations, co-create responses to slow-moving environmental violences, and imagine alternative ecological futures that uplift and nourish human and more-than-human lives now and for generations to come.



Drumming with Jack Linklater Jr., Vezina
Secondary School art classroom, Attawapiskat,
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