

# Belonging to Lake Nipissing: Knowledge, Governance, and Human-Fish Relations

by

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## Abstract

Fishing constitutes an essential relation through which Nipissing peoples belong to Lake Nipissing. Belonging in and through human-fish relations is an affective, embodied, and dynamic relation. It is a reciprocal relation that expresses an Anishinaabe cosmology and rich knowledge and governance traditions. The diverse ways that Nipissing peoples belong to the lake are not represented in provincial fisheries policy and dominant epistemic frameworks; on the contrary, current provisions for Aboriginal Traditional Knowledge, ecosystem-based management, and Aboriginal partnerships preserve what Douglas Harris calls the legal capture of fish. In this dissertation, I write beyond the question of how Indigenous Knowledge Systems can improve *Canadian* fisheries management to center the diverse ways that Nipissing peoples value fish, know the lake, and enact their laws. Theorizing *with* difference, with that which seems contradictory and fragmented, my research performs important bridging work. Drawing on Nipissing and Anishinaabe theories and embodiments of power, change and transformation, my work seeks to interpret the efforts by Nipissing First Nation members to maintain relations with a hotly contested resource in a deeply challenging historio-legal environment.

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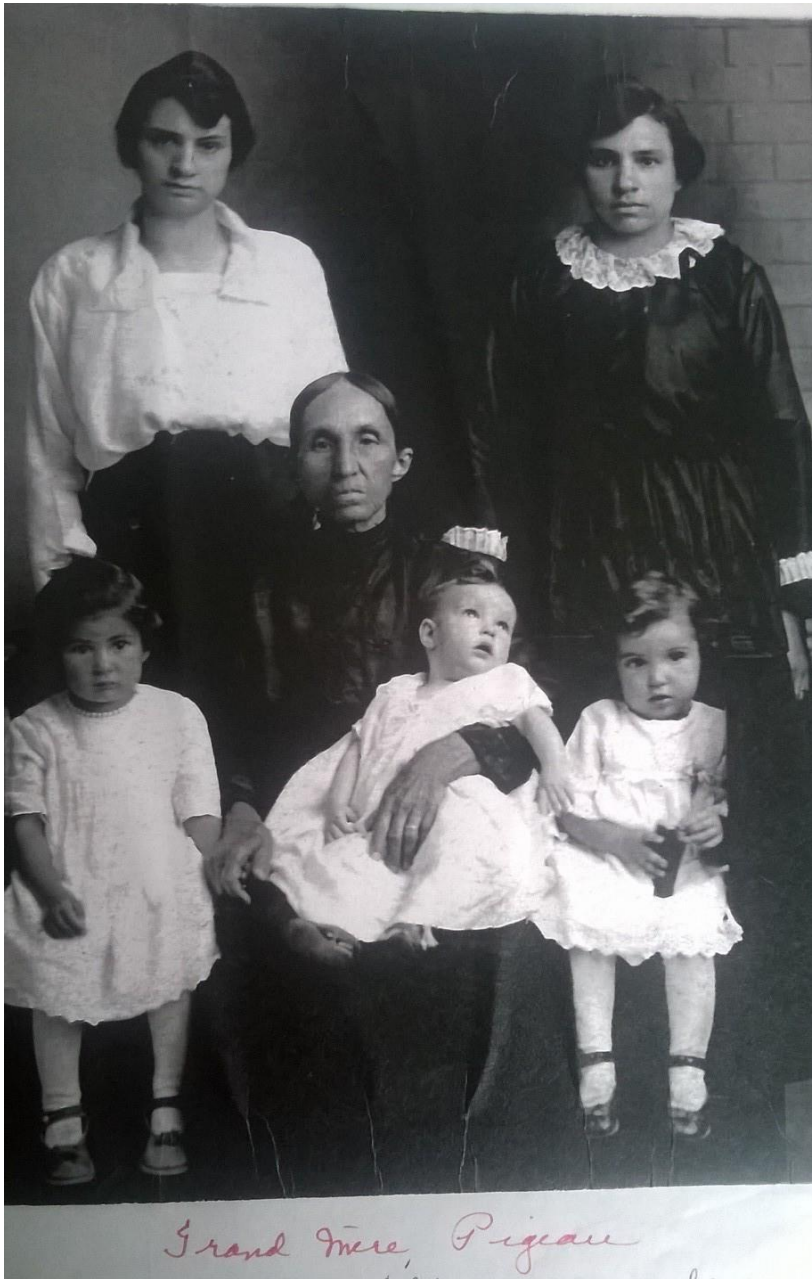
## Prologue

An Indigenous research paradigm (IRP) prioritizes the relationships and responsibilities researchers carry with respect to Indigenous lands, peoples, and systems of knowledge and governance. An integral component of an IRP, researcher preparation helps to mediate the fraught politics of knowledge production. Consisting of reflection on one's self-location, purpose, and sources of knowledge (Kovach 2009; Geniusz 2009), it fosters respect for difference, forges connections, and builds relational accountability into all stages of the research. It allows an ethical space of engagement to take shape (Ermine 2007). Including a prologue "brings our personal experiences into the narrative" (Creswell 1998, 19), which similarly serves important functions in both critical qualitative and Indigenous research methodologies.

The information here also orients the reader, as the researcher's story is woven throughout the epistemological framework, theoretical and interpretive lens, and methods chosen (Kovach 2009). For the purpose of this prologue, I will limit my reflection to one aspect of my social location, as it has proven generative both methodologically and theoretically (I discuss my purpose in the Introduction and Methodology chapters, and my sources of knowledge are cited throughout this work). I revisit these themes and relationships in the final paragraph of my conclusion, coming full circle.

In the photograph below, a copy from my great-aunt Odile St. Jean (nee Pilon), my maternal great-great-grandmother, Marie-Louise Graveline Pigeau, can be seen seated. Two of her daughters are standing behind her, siblings to my great-grandmother, Annie Pilon (neePigeau). The babies are cousins of my grandmother (Yvonne Buckner, nee Pilon).

**Plate 1: Connections I**



For me, the photograph speaks (in part) to an erasure of Indigenous identity and loss of cultural, socio-political and territorial relations. My maternal extended family is French speaking and Catholic; they present and identify as white. While there are stories not only about Marie Louise Graveline but also other ancestors being “pure Indienne”, we do not know to which Indigenous peoples we belong. I can guess that Marie-Louise was Algonquin as she was born at the Mission du Bois Franc on the Noire River, a tributary of the Ottawa River and part of

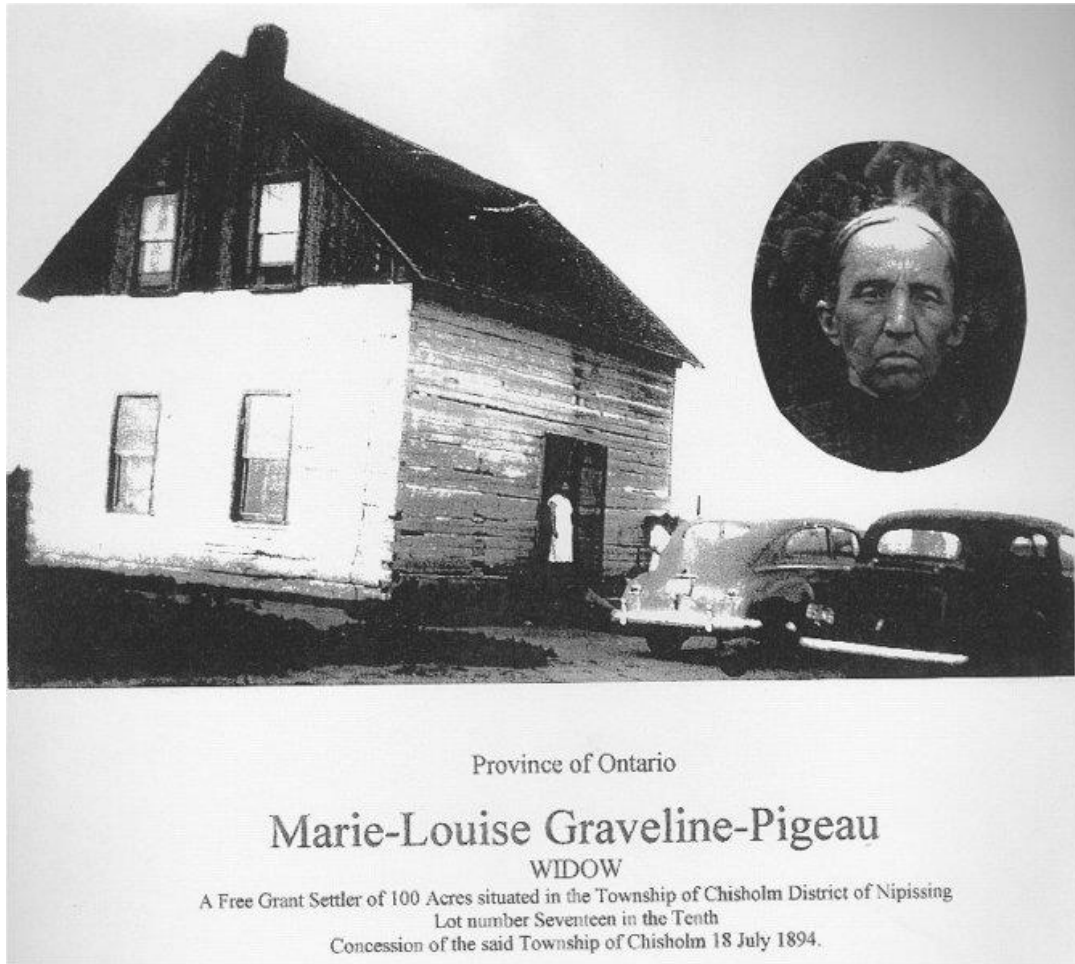
traditional Algonquin territory, but it has proven impossible (so far) to know for sure, i.e. through documentation, relatives, etc.

There are gaps in knowing who we are, but when I write of loss and erasure, I do not mean to say that we are fragmented - as individuals or as a family. Bonita Lawrence (2012) writes that many Algonquins were dispossessed of their lands in the nineteenth century on account of logging, white settler encroachment, infrastructure development, and racism. Many were non-status. For reasons that I can only estimate, Marie Louise left the Quebec side of the Ottawa River and wound up acquiring “free” land in Nipissing territory. In the next photograph, she is shown as a *Free Grant Settler* of 100 Acres in the District of Nipissing in the year 1894. While I do not know how my great-great-grandmother would have identified, her social location as visibly non-white *and* a settler would seem to embody a contradiction. However, the settler-Indigenous dichotomy is in many ways a false opposition, a product of racist logics that have been concretized through the *Indian Act* and other sexist and racist institutions of Indigenous assimilation, elimination, and dispossession. It fails to account for her life as a whole person and the decisions she would have made within a family and community context. It fails to account for the ways in which her story is not that unusual (Lawrence 2012; Goeman 2013).<sup>1</sup> Thus, my family history is connected to the historical geography of settler-colonialism, and *also* to the resilience, resistance, and survivance of Indigenous peoples, on Turtle Island.

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<sup>1</sup> The story goes that Marie-Louise was an “illegitimate” child, adopted at the age of one by a French-Canadian family, and that she lost Indian status when she married her husband, Pierre Pigeau.

## Plate 2: Connections II



Family photographs, narratives, and material history speak to my family's deep entanglement in the institutions of colonial re-settlement and white settler subjectivity, yet they inspire me - not to identify with fragmentation - but to understand the mechanisms and conditions that mediate experiences of exclusion, dissonance, and contradiction. Equally, they inform my exploration of that which unites, including that which only *seems* to fragment.

Thus, in what follows, I engage the institutions of colonial fragmentation and work to uncover connections that transcend that violence. The final photograph depicts an example of the 'bridging work' that permeates my approach: a photograph of my mom on a research trip with me to the French River museum in the summer of 2015. In it, we are both learning about the social history and lands that constitute our existence. It is to these ends that I dedicate my efforts.

### Plate 3: Connections III





# Introduction

## Fish-WIKS

My dissertation research with Nipissing First Nation (NFN) is part of a national research partnership, called Fish-WIKS: “understanding how Western and Indigenous Knowledge Systems can improve the sustainability of Canadian fisheries” (FishWIKS 2016) (Figure 1). It is a five-year, multi-sited project that aims “to identify the commonalities and differences in Indigenous knowledge systems across the Pacific, Arctic, Inland and Atlantic regions and in four distinct coastal communities in Canada”: Tla-o-qui-aht, British Columbia; Naujaat, Nunavut; Nipissing, Ontario; and Eskasoni, Nova Scotia (Ibid.). Partners include Indigenous coastal communities, universities, Indigenous organizations, and students in each of the four regions: West coast, Arctic, Inland, and East Coast.<sup>2</sup> As the Fish-WIKS PhD student for the Inland region, I have focused on NFN’s thriving treaty- and inherent rights-based commercial and traditional subsistence fisheries on Lake Nipissing.<sup>3</sup>

**Figure 1: Fish-WIKS**



The project is built on the following problem context: the failure of current western science-based knowledge systems to effectively manage Canada’s fisheries. Lucia Fanning, principal investigator, argues that the hierarchical governance regime is at odds with both stakeholder demands for inclusion and the growing legal recognition of Aboriginal and treaty rights. Moreover, it conflicts with government’s goal of implementing holistic, place-based

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<sup>2</sup> Pangnirtung (NU), Eskasoni (NS), Tla-o-qui-aht (BC), and Nipissing First Nation (ON); Dalhousie University, University of Toronto, University of Guelph, and Vancouver Island University; Assembly of First Nations, British Columbia First Nations Fisheries Council, Unama’ki Institute for National Resources, and the Government of Nunavut.

<sup>3</sup> “Commercial” is a politically loaded and legal category that does not reflect First Nations traditional fishing activities (Harris and Millerd 2010). Non-Indigenous tourist operators on Lake Nipissing are also ‘commercial’ fishers.

ecosystem approach to fisheries. In contrast to the federal regime, Fish-WIKS hypothesizes that Indigenous Knowledge Systems (IKS) “offer a better framework for the implementation of ecosystem-based management of fisheries” (SSHRC proposal Significance). IKS are based on place-based worldviews and are personal (experiential), rooted in shared history, holistic, and transmitted orally through language that’s culturally dependent. The intellectual leadership and expertise among First Nations and Inuit communities to advance knowledge aimed at the sustainable governance of Canada’s fisheries resources are part of the project’s underlying principles. The research questions are timely given the increasing interplay between federal and indigenous decision-makers, efforts within Canadian legislation to support IK, and the growing need to improve Canadian fisheries governance given the complexities of ecosystems and uncertainties posed by climate induced changes.

Key questions center on the extent to which western and indigenous knowledge systems influence fisheries governance at multiple scales and how distinct IKS can improve current practice (proposal- Summary). The focus of the research is on the processes by which indigenous and non-indigenous decision-makers at multiple levels acquire, value, control and disseminate knowledge (a “knowledge system”, which includes underlying worldviews and values), allowing for the identification of similarities across the different knowledge systems and for enhanced fisheries governance and management in Canada (Proposal- Goals). PhD students working with each of the four Indigenous coastal communities in Canada are tasked with, i) studying the commonalities and differences between Indigenous and non-Indigenous knowledge systems used to manage fisheries resources at local, regional and national levels, and ii) providing policy relevant recommendations on how fisheries governance in Canada can be enhanced.

Evidently, the project is premised on the potential compatibility of knowledge systems and the need to produce viable policy recommendations. The ‘WIKS’ suggests an interest in both Western and Indigenous knowledge systems. However, the latter constitutes the primary object of study. In the Fish-WIKS SSHRC proposal, the purpose is to improve fisheries governance and management in Canada (and internationally) by understanding if and how *IKS* can enhance the

current regime for decision-making (proposal- Steering).<sup>4</sup> There are challenges inherent to this formulation of knowledge and presumption of Canadian jurisdiction over fisheries resources.

## Challenges and opportunities

By formulating IKS in relation to Western knowledge systems, and in order to improve *Canadian* fisheries decision-making, Fish-WIKS takes the current epistemic and resource regulatory regime for granted. It forces IKS into a foreign interpretive box, reifies difference (a point I develop in the section, Race and the politics of difference), presumes Canadian jurisdiction over fisheries resources (not to mention control over all Indigenous lands, resources, and politics), and assumes that inclusion and sustainability are mutually shared goals. I navigate these limitations in what follows and also highlight opportunities offered by the Fish-WIKS project in order to arrive at my research objectives.

The knowledges of Indigenous peoples - whether traditional ecological knowledge (TEK), Aboriginal traditional knowledge (ATK), traditional knowledge (TK), or IKS, are not uncontested in the literature. Indigenous knowledge of and relationships to the environment have “always” been of interest to non-Indigenous people (Menziés & Butler, 2006, 4). Historically, the earliest travelogues produced by Europeans in the Americas represented ‘Indians’ through discourses of savagery and the untamed terrain of the frontier (Beier 2002), which helped to justify dispossession in the name of progress and improvement (Byrd 2011). Considering traditional ecological knowledge, ‘traditional’ is often employed to denote static culture and facilitate the denunciation of perspectives currently held by Indigenous peoples regarding land use practices (Nadasdy 1999, 4; White 2006); ecological or ‘environmental’ is biased towards a Euro-Canadian understanding of humans as separate from the natural world, itself the underlying assumption of scientific management (Nadasdy 1999, 4); while the ‘knowledge’ of Indigenous peoples is subject to the violence of western epistemic conventions that are inscribed by imperialism, racial hierarchy, and liberal multiculturalism (Da Silva 2007; Kuokkanen 2007). Extensive literatures account for of the extractive nature of research and policy work on

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<sup>4</sup> Another of the project’s titles is, *Exploring distinct indigenous knowledge systems to inform fisheries governance and management on Canada’s coasts*.

Indigenous knowledge traditions (Battiste and Henderson 2000; Latulippe 2015a; Nadasdy 1999; Shackeroff & Campbell 2007; White 2006)

Fish-WIKS is not unique in its objective to “tap” into, “capture”, or “harvest” TEK (Johnson in McGregor 2004, 395); that is, to value the knowledges of Indigenous lands and peoples instrumentally for its ability to enhance the dominant regime for environmental decision-making while eliding historically embedded uneven relations of power and the territorial claims, interests, and legal-governance systems of Indigenous peoples (see Berkes, 2009, 2012; Hutchings, 2014; Nakashima et al. 2012). The Fish-WIKS objective to include Indigenous communities in, and to enhance, state management frameworks has limited purchase at NFN; that is, limited in the absence of fundamental reconsideration of *whose* standards and to what ends ‘enhancement’ would be measured. At NFN, commercial fisheries are governed according to community-derived law, exceeding the provincial framework for Aboriginal fisheries. This self-determination follows multiple generations of state-led harassment, intimidation, and criminalization of harvesting practices. Community research liaisons pointed out the inequity of being expected to shoulder disproportionate burden for restoring a collapsing fishery *after* having their fisheries resources expropriated, being marginalized from the local fishing economy and excluded from resource-related decision-making, and witnessing the *mismanagement* of pickerel stocks for decades and even centuries (Couchie 2013). At this point, looking at IKS to mitigate the effects of climate change or to fix Canadian resource management is another example of the “second-class treatment” identified by Culhane, i.e. with regards to federal policy for instance, land only becomes eligible for return to Indigenous peoples *after* clear-cut logging has been completed or abandoned (316).

While Fish-WIKS engages frameworks of state recognition, inclusion, and sustainability, seeking to “improve current practice”, new legislative provisions for Indigenous knowledges often reflect the “cunning” of state sanctioned forms of recognition and accommodation (Povenelli 2002; Lawrence 2012). Coulthard (2014) writes that concessions, such as “delegated administrative powers ... over relatively minuscule reserve lands” (4), are offered by the settler-colonial state in exchange for ongoing Indigenous dispossession and expropriation. Designed largely “in the interests of the hegemonic partner in the relationships”, recognition preserves and reproduces colonial relations of power; that is, facilitates continued access to Indigenous lands and resources (Coulthard 2014, 17). Calls for “mutual recognition” (RCAP 1996, xi) risk

reinforcing the very political, ethical and legal institutions that “maintain Indigenous dispossession” (Byrd 2011, xix); seeking recognition from the settler state bolsters its assertion of sole sovereign and risks reifying it as the “guarantor” of inherent rights (Moore et al. 2003, 41) and source of political order (Beier 2002, 92). Moreover, working to understand how Western and Indigenous knowledge systems can improve the *sustainability* of *Canadian* fisheries reproduces dominant thinking whereby society takes from the earth, versus gives back (McGregor 2004b), reifies the alchemy of sovereignty through which natural resources fall under the putative authority and jurisdiction of the Crown (Borrows 1999), and elides, if tacitly, the distinct claims and goals of First Nations in Ontario involving access and benefits to their resources (Linden 2007; Teillet 2005; Nashkawa 2005).

Notwithstanding these challenges, the Fish-WIKS project and focus on knowledge does provide an opportunity to conduct research with NFN in a manner that respects and contributes to the community’s political, social, economic, and other aspirations. The project itself does a number of things very well. It encourages cross-cultural dialogue and the co-creation of knowledge “through a mutual respect for and integration of indigenous and non-indigenous research paradigms” (Fish-WIKS Statement). It has built Indigenous partnership into the project from the outset, recognizes the leadership of Indigenous communities and knowledge systems, seeks to leverage the increasing interplay between Indigenous and non-Indigenous decision-makers, and puts fish at the heart of inquiry, central to Indigenous values, claims and interests (see below). Moreover, increasing consideration of Indigenous knowledges in provincial, federal and international policy contexts also presents an opportunity (see McGregor 2014a; McGregor 2014b; GOO 2012, 2014; WCED 1987; UN 1992, 2007; TRC 2015). Given the dearth of mechanisms to facilitate involvement in land use planning, resource management, and environmental governance (Borrows 2002; Linden 2007), TK offers a “powerful tool in the establishment of Aboriginal influence in environmental and resource management regimes” (McGregor, 2004, 396), particularly when Indigenous values and traditional governance and protocols lead the way (Bowie, 2013). As a partner community doing innovative work that is worth investigating, the chance to work with NFN also allows for engagement with the First Nations’ political aspirations and priorities, challenges and complexities – often simplified in colonial discourses.

Evidently, Indigenous knowledge, conceptualized in a number of forms (see next section), is compelling in resource management (OMNRF 2014; 2015), academia and community development contexts. It generates support from Canada's top funding agency (McNaughton & Rock, 2003; SSHRC, 2014) and continues to generate interest among academics (Crawford and Varghese 2015; Fish-WIKS). Indigenous communities and organizations are developing their own knowledge-related protocols (COO 2008; NAHO 2005; McGregor 2014a), and they are liaising, cooperating, and collaborating with outside agencies, whether government, non-governmental, academic, and others (see CTKW 2014; Reo et al. 2017). Many Indigenous groups and organizations desire to participate meaningfully in broader work on natural resource management and environmental governance, albeit through respectful and appropriate relationships and modes of engagement at regional, provincial, federal, and international levels (see Smith 2016).

Connecting to broader, affirmative work on knowledge and governance systems conducted by and with Indigenous communities, I recognize that Fish-WIKS offers an important opportunity – especially considering that NFN became a partner in the project long before I came along as a student researcher. While the challenges and limitations related to this kind of research are many, Indigenous peoples have rich knowledge and fisheries management traditions that are worth exploring, sharing, and enriching; key is that these processes must be determined by Indigenous peoples themselves – a principle that informs my research design and practice.

At NFN, community representatives expressed to me interest in a research process and outputs that would enhance their ability to govern their fishery according to their own values and priorities (i.e. to add value and capacity to ongoing activities and decision-making processes). Early in research design, I sought to move away from the priorities and interests espoused by both the research project and extant policy frameworks (i.e. OMNRF 2014; 2015) and, instead, to privilege Nipissing's priorities and interests. In one of my initial talks with NFN about my prospective research, I suggested a research focus that would investigate how NFN could more meaningfully participate or be included within provincial fisheries decision-making processes (this idea is in keeping with the recommendations of the Report of the Ipperwash Inquiry, one of

my foremost teachers in this field).<sup>5</sup> The response from leadership was instructive: “we already make decisions regarding Lake Nipissing!” From this meeting, self-determination, resource equity, treaty implementation, and a research project that would enhance the community’s ability to implement their Fisheries Law, became my clear focus.

The work of Indigenous scholars added greatly to the design of this research. For instance, McGregor (2004) recommends that care be taken to challenge non-Aboriginal constructs of TEK; to attribute expertise and ownership to knowledge holders, not researchers; to challenge the state system of environmental and resource management as the standard by which TEK is measured; and to counter the dominance of non-Aboriginal people, research methods, and purposes in the field of TEK. Meanwhile, Battiste and Henderson (2000) have argued that Eurocentric categories and methods are inefficient as a point of departure. Researchers should strive “to see Indigenous knowledge as a new *sui generis* (self-generating) path” (Battiste and Henderson 39).

Eurocentric thought must allow Indigenous knowledge to remain outside itself, outside its representation, and outside its disciplines. It cannot attempt to capture an incommensurable knowledge system in its web of purposes. Eurocentric contexts cannot do justice to the exteriority of Indigenous knowledge (Battiste and Henderson 2000, 38).

As “a complete knowledge system” containing its “own concepts of epistemology, philosophy, and scientific and logical validity”, a “different method” is needed to understand IK (41). In line with Wilson, they write, “[IK] can only be fully learned or understood by means of the pedagogy traditionally employed by these peoples themselves, including apprenticeship, ceremonies and practices” (Daes in Battiste and Henderson 2000, 41). Such a methodology involves the enactment of one’s responsibility to live and renew IK as a daily practice (39- 41).

My ability to pursue this methodology has been limited given my social location and cultural knowledge framework (though I am learning!), something I elaborate upon in my

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<sup>5</sup> In 2003, the Ipperwash Inquiry was established to both investigate the shooting death of Dudley George during a First Nations land occupation and make recommendations to prevent future incidents of violence in similar circumstances. Like the RCAP (1996), Commissioner Linder found that First Nations in Ontario experience disproportionately high levels of poverty and violence, as well as ongoing dispossession and exclusion from natural resource-related benefits and decision-making (Linden 2007). The 2007 Report of the Ipperwash Inquiry argued that in order to avoid future conflict, government ought to deal in a fair and expedient way with land and treaty grievances, and incorporate Aboriginal rights and interests into the management of natural resources through resource benefit sharing and co-management arrangements

Methodology chapter; however, I can still consider IKS on their own terms, as a ‘self-generating’ path and not in relation to Western systems of knowing or in an attempt to extract or acquire the contents of IK. I do so through a focus on *relationships* and *process*.

## Research objectives

Indigenous theory (Creation stories) and scholarship has impressed upon me that IK *is* relationships (McGregor 2004; Battiste and Henderson 2000).<sup>6</sup> It is relational and processual. And Kyle Whyte (2013) writes that, “care must be taken to show that [TEK] invites participation to a long term process of mutually respectful learning. And more effort needs to be taken to understand what these processes should look like” (10). This speaks to the need to elucidate mechanisms that facilitate peace, friendship, and respect, essential to the Nation-to-Nation relationship. Understanding Indigenous knowledges and knowledge systems as process and relationship compels an exploration of the multiple relations, for instance between communities of knowledge holders, decision makers, and resource users. As self-generating, the study of IK or IKS also compels attention to its diverse processes, including change, inconsistency, conflict, contradiction (Battiste and Henderson 31; 40), re-generation and re-creation (McGregor 2004).

The study of relations, processes, and systems of knowledge also includes, by necessity, those of governance. From an Anishinaabe cosmological framework, it is impossible to separate knowledge from the land - intelligent, willful, agentic, and sovereign - or from the people (Watts 2013; Danard n.d.). Indigenous knowledge is expressed as proper conduct and a way of life (McGregor 2004a), inseparable from its ethical and moral context (Reo and Whyte 2011) and from governance. Kyle Whyte (2013) writes that Indigenous knowledge *is* a living system of environmental governance rooted in indigenous cosmologies as they relate to environmental change and challenges over many generations. Centering principles of law and governance reorients the project, bringing all beings - fish, human and others - into questions of wellbeing and responsibility (Atleo 2012; McGregor 2004b).

Thus, my approach to this research is to seek a relational understanding of the knowledge and governance systems in effect on Lake Nipissing. More interesting and useful than

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<sup>6</sup> As a relational concept, Battiste and Henderson describe IK as “the expression of the vibrant relationships between people, their ecosystems, and other living beings and spirits that share their lands” (in McGregor 2004, 390). IK *is* “the relationship with Creation; ... the way that one relates” (Ibid., 394).



reinscribing difference, something I discuss at length below, is to construct a narrative about relationships, those complicated interactions mediated by intensely violent histories and continued power differentials, but also by incredible “love, power, and vision” of the ancestors (Walters).

Viewing IKS as a relationship that exists within political and legal-governance contexts, my **primary research objective** is to explore the multiple *relationships* between communities of knowledge holders, resource users, and decision makers involved in the Lake Nipissing fishery, and to understand how the current inland governance regime can it be enhanced to reflect a treaty partnership of sharing healthy ecosystems. My sub-objectives are to:

- 1) Understand inland fisheries governance within political, historical, and socio-cultural contexts;
- 2) Explore the interface between knowledge systems and fisheries decision-making across and between First Nations and non-First Nations jurisdictions;
- 3) Identify barriers to and opportunities for the expression of Indigenous knowledge systems and the participation of First Nations in fisheries decision-making; and
- 4) Identify alternative fisheries governance models or mechanisms that reflect shared stewardship.

## Research rationale, orientations, and contributions

In this section I introduce the concepts, literatures, and debates animating my research. I seek to do a number of things: explain *why* this research is important, provide orienting ideas and narratives, and introduce research contributions forthcoming from this dissertation. I present this information in five short essays that speak to the value of studying the following: the knowledges of Indigenous peoples, race and the politics of difference, fish and human-fish relations, Lake Nipissing fisheries, and Nipissing First Nation. Following this section, I outline my chapters before moving into my next chapter on methodology.

Some theory is introduced in what follows, but theory is also engaged in each of the chapters themselves, including that which is not explicitly covered in these introductory remarks. Because I believe that methodology encompasses both a knowledge belief system (epistemology and ontology) and methods (Kovach 2009), I also include a theoretical framework in my Methodology chapter - not a literature review but my overall philosophical and ethical

orientation to the research. Suffice here to say that in this research I am grounded in critical colonial and Indigenous theories. In this work, I pay particular attention to difference, contradiction, and complexity; when approached in a respectful (accountable to community-based research), culturally appropriate, and affirmative (constructive) way, productive tensions and knowledge gaps provide an opportunity to think creatively and productively, something acknowledged in various literatures:

- Indigeneity, race, settler-colonialism, and knowledge production (Byrd 2011; da Silva 2007; Radcliffe 2017; Simpson 2007; Smith 2014);
- Indigenous geographies, including land use, resource management, environmental governance, and geographical knowledge (Coombes et al. 2012; Hunt 2014; Todd 2014);
- Indigenous: knowledges (Battiste and Henderson 2000), research methodologies (Kovach 2009; Coombes et al. 2014), politics, theory (Smith 2014; Sinclair 2013; Stark 2013), and law (Borrows 2010; Napoleon 2007);
- The politics of belonging (Wright 2015; Coombes et al. 2013), dialogue (Ahmed 2004; Armitage et al. 2010; Blaser 2005; Morgensen 2011), healing and decolonization (Georgis 2013).

## The knowledges of Indigenous peoples

In previous work (Latulippe 2015a), I describe four political projects or orientations in the literature on Indigenous knowledges – ecological, critical, relational, and collaborative - each with a set of assumptions, values, outcomes, and implications. At the time of writing, each orientation is at work in contemporaneous policy contexts: Ontario is interested in the *ecological* dimensions of ATK, evident in their most recent provincial fish strategy (2015) and the fisheries plan for Lake Nipissing (2014); a *critical* colonial orientation is evident in the report of the University of Toronto's committee tasked with responding to the Truth and Reconciliation Commission of Canada (U of T 2017); First Nations are engaged in important work to articulate their *relational* approach to TK with respect to Canadian legislative frameworks, including the *Fisheries Act* and environmental assessment (Pastora Sala and Dilay 2016; AFN 2017); and innovative *collaboration* is taking place around climate change, Indigenous knowledge, and environmental governance (CTKW 2014; Reo et al. 2017). My point here is two-fold. First,

Indigenous knowledges remain highly relevant to Indigenous politics and political advocacy, to policy conversations about resource management and environmental decision-making, to educational initiatives and to Indigenous community development. Indigenous peoples and their knowledges are “known” in many fields beyond environmental policy and resource management, discussed in this work, where colonizing as well as powerful decolonizing work is taking place: anthropology (Simpson 2014), political economy (Coulthard 2014), geography (Johnson et al. 2007; Pualani Louis 2007), science and technology studies, new materialisms, and the ontological turn (Blaser 2014; Hunt 2014; TallBear 2012, 2016; Todd 2016f), queer settler-colonialism (Morgensen 2011), and so on. This means that my research findings on the relationship between knowledge and governance have the potential to extend beyond fisheries management, Lake Nipissing, and NFN. Second, because multiple actors take up Indigenous knowledges in myriad ways, I believe that researchers on this topic ought to begin by situating their work, by outlining their approach to Indigenous knowledges (Latulippe 2015a). In what follows, I outline how I employ founding concepts and terminology in this work (my overall research methodology is fully delineated in the subsequent chapter).

Generally, I echo the terminology used in the work I am engaging. For instance, I use traditional knowledge (TK), Aboriginal traditional knowledge (ATK), and traditional ecological knowledge (TEK) in reference to scholarly literature and policy documents that routinely employ such terminology; this includes the use of TK and TEK by Indigenous people, communities and organizations (see COO 2008; Danard 2008). Where IKS is used, I am almost always referring to the Fish-WIKS project and its assumptions, rationale, and intent. I am aware that a systems approach to conceptualizing Indigenous knowledge (i.e. knowledge as part of a whole society) is a positive advancement that long precedes Fish-WIKS; for instance, it has been put forward by Henry Lickers in his work with the Mohawk Council of the Akwesasne (1997) and the Eastern Ontario Model Forest (2012); and above by Battiste and Henderson (2000). Moreover, the knowledge systems approach is prevalent in Indigenous policy contexts at the time of writing, including the Truth and Reconciliation Commission (2015, 8), collaborative climate change initiatives (CTKW 2014), and First Nations’ review of the *Canadian Environmental Assessment Act* (AFN 2017). However, I tend to write about IKS as it is employed in the Fish-WIKS context - as a comparative concept, a point I develop in the following section on ‘Race and the politics of difference’, not to diminish other work on knowledge systems, but to focus my argument as it

stems from the challenges and opportunities outlined above and is developed in this work, i.e. that knowledge is relational, not fixed, binary, discrete, and/or lost.

Thus, beyond descriptive use of terminology, an additional layer of critique and analysis is present in my use of terms. For example, Deborah McGregor writes that there are at least two versions of TK (2004): a dominant Eurocentric view that reflects colonial attitudes, and an Indigenous view that “start[s] with Indigenous people and [their] own understanding of the world” (McGregor 2004 386). This distinction is reflected in Battiste and Henderson’s (2000) use of Indigenous Knowledge (IK) instead of TK. Similarly, Wendy Geniusz writes not about “knowledge”, but about “Anishinaabe-gikendaasowin...*our* own knowledge, given to us by our ancestors and the spirits”, emphasizing that it belongs to Anishinabek and that its sources and intent exceed any exogenous model or management policy. As this work progresses, I tend to use the terms ‘Indigenous’, ‘Anishinaabe’ or ‘Nipissing’ knowledge to mark its distinction from static, externally delineated, often government terminology such as ATK, which I deconstruct in a later chapter.

Where I engage directly with the words of Nipissing research participants or reflect observations and teachings from Nipissing, I use terminology used by my interlocutors. Because it is central to my research, I spend time in my Knowledge chapter working through concepts and terminology that most appropriately describe Nipissing knowledge concepts. I arrive at ‘the tradition of fishing’ and ‘the tradition of being Anishinaabe’. Derived from research participants, this language also resonates with Indigenous scholarship that depicts knowledge or epistemology as only one part of ‘TK’ as it is inseparable from and interconnected with both practice and beliefs, i.e. ethics and instructions (Reo and Whyte 2011). Holistic and multi-dimensional, alive and action oriented (McGregor 2004), knowledge from an Anishinaabe worldview empowers one to live life “[as] an Anishinaabe” (Geniusz 2013, 8). Subsequent to this section, I tend to use these Nipissing-specific terms to refer to ways of knowing and being, to what is considered proper conduct and a way of life at NFN. In these ways, my use of terminology evolves as the ideas in this dissertation develop (another example of my iterative and interpretivist methodology, described in the subsequent chapter).

## Race, knowledge, and the politics of difference

As will be recalled from above, Fish-WIKS PhD students are expected to *compare* Western and Indigenous knowledge systems, with the assumption that IKS can help to improve the current regime for fisheries management and decision-making in Canada. However, comparison has the potential to reify difference, which carries a violent history in racist, settler-colonial projects, particularly as it pertains to knowledge. The assumption that to *know* more of Indigenous people and their knowledge systems will generate benefits for Indigenous peoples – an objective that is not unique to the Fish-WIKS project (see RCAP 1996; Linden 2007; Von der Porten et al. 2017) - ignores the racist logics through which Indigenous peoples and their ways of knowing and being are systemically ‘known’ and rendered legible as the affective Other. Violence towards the Other is constitutive of both settler-colonialism and the Western knowledge system (da Silva; Byrd; Smith 2014). In this section, I discuss how ascribed, racialized difference factors into questions of what is knowable and by whom, particularly in a settler-colonial context. I provide further rationale for why a relational perspective is taken up in this project, and elicit interest in how this may advance a more liberatory politics and research agenda.

The western subject and racialized ‘other’ are co-constitutive via racist conceptualizations of the human (Said 1995; da Silva 2007;). Like a seesaw, racial discourse works to privilege some bodies at the expense of others (Sexton 2008, 26). The *Indian Act*, for example, drove Indian bodies into “an economy of constraint” so that an equal and opposite “economy of mobility” could be achieved within the settler population (Sexton 2008, 41). Elimination of the ‘Indian’ through the 1857 *Act to Encourage the Gradual Civilization of the Indian Tribes* and successive iterations of the *Indian Act* enabled non-status ‘Indians’ to be alienated from lands sought by the settler project (RCAP 1996, 12-13). By constraining mobility, the *Indian Act* accomplished the marking of ‘Indian’ bodies as impoverished and inferior, which bolstered the founding ontological statement of modernity: that self-determination and improvement define the modern subject (da Silva 2007, xiv).<sup>7</sup> The inferiorization of the ‘Indian’ through impoverishment worked to evict her from both modernity and humanity (Thielen Wilson 2012, 57), and cast the ‘Indian’ as object (da Silva 2007, 2).

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<sup>7</sup> Not coincidentally, Enlightenment thinking, colonization and racialization emerged together (Byrd 2011, xxiii; da Silva 2007, 2; Beier 2002, 85).

That the modern subject is marked by race is important to this research. Race marks the distinction between subject and object, between who is presumed *to know* and what is *knowable*. In the edited volume, *Theorizing Native Studies* (2014), Andrea Smith argues against making Indigenous peoples “more knowable” (213). According to post-Enlightenment thought, the Western subject knows itself as one who exercises power over others, but is not affected by others. In contrast, “the Native is known” (214), as ethnographic object and “affectable other” through which self-reflexive and self-determining settler subjects constitute themselves (Smith 208; 209). Because the division between who knows and who is knowable is exceedingly tenuous - nobody is actually self-determining or free from the conditions of affectability, the Western subject *needs* boundaries in both space and time to mark it as separate from the affectable other (i.e. First versus Third Worlds; modern versus primitive). Such boundaries are constituted by race. The creation and reproduction of racial categories marks the separation between the self-determining, universal Western subject and the affectable other.

We see this at work within the Canadian Aboriginal legal context. For instance, the Crown’s expert anthropological evidence in *Delgamuukw* (1997) relied on “the notion that being a member of the dominant Euro-Canadian culture is evidence that the raw potential exists for an individual to develop an ability to discover the unmediated ‘*truth*’ through the rational application of reason” (Culhane 278-9). Conversely,

“within this ideological framework, membership in marginalized cultural groups, like First Nations, is evidence of the opposite: they are considered not to have the raw potential to overcome subjectivity and achieve objectivity. In the place of reason and rationality, they have feelings and ‘culture’. This was the rationale that lay behind the clause in the Indian Act that remained in effect until 1951 which automatically stripped legal Indian status away from any Aboriginal person upon graduation from university. Obtaining a university degree, which presumably evinces the capacity for rational thought, was considered antithetical to being Aboriginal” (Ibid.).

Accordingly, Indigenous knowledges are rendered abstract, universal, and objectively *knowable* (Culhane). Similar to the work of *terra nullius*<sup>8</sup>, they represent a blank page, or *tabula rasa*, void of social and cosmological contexts, “await[ing] European discovery, analysis and exploitation”

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<sup>8</sup> Britain proclaimed sovereignty by virtue of *discovery* of “vast and empty land” (264), and British law automatically became the law of the land (47).

(Culhane 264). Questions of jurisdiction, sovereignty, and legal traditions kept off the “blank page” of Indigenous knowledge (297).

The criteria that mark racial difference are subject to shifting criteria. Historically, racial difference has been mobilized regardless of the extent to which peoples were seen as “strange and alien” (e.g. white colonizers versus brown Indigenous colonized) or “similar and familiar” (e.g. English versus their Irish neighbours) (Culhane 1998, 39). Neither “natural” nor inevitable, boundaries are “challenged, changed and recreated by people over time” (Ibid., 40). For instance, ‘Indianness’ has been used to signify both an adaptable, assimilable culture, and an essential, ontologically distinct racial category, i.e. “always and only” an Indian (Brownlie 2003, 124). Contingent in its application, the meaning of ‘Indian’ has depended on the particular needs of the colonial project. Department of Indian Affairs (DIA) officials wanted “Aboriginal people to be like whites only when it suited the department’s needs”; for instance, to rationalize assimilation policies (Ibid., 129). In other cases, they would resort to “the rhetoric of difference” - immutable Indian difference - to quell agitation for more equitable treatment; for instance, to legitimize First Nations exclusion from the Great Lakes commercial fishery (i.e. commercial fishing is not part of a ‘primitive’ economy), to avoid matching local non-Indigenous relief rates during the Depression, and to justify the role of the Indian agent (Ibid., 154; Culhane 1998).<sup>9</sup> While the racialized ‘Indian’ other connotes a “radically ‘different’” people (Culhane 1998, 39), the border delineating Indian difference has never been fixed. Racialized difference is created, reified, and employed according to the needs of imperial policy-makers and settler-colonists, both explicitly and tacitly in everyday life; for example, material culture, mode of life, and subsistence economy are captured in historical tropes of the ‘Indian’ (Brownlie 2003; Culhane 1998). Ultimately, these boundaries are fluid social constructs that categorize and re-categorize groups of people according to changing contexts and social relations.

Thus, in the present context, the idea of distinct knowledge systems that are objectively knowable could be used as criteria to (re)iterate racial difference and hierarchy. Fish-WIKS does not talk about validating IKS against a Western knowledge system, but it does focus on their comparison, which depends on notions of intelligibility and difference. Harmful consequences of

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<sup>9</sup> Even though the purported aim of the DIA was to assist First Nations to become self-sufficient and adopt a western work ethic, the “Indian agent’s job was predicated on the presumed inability of First Nations people to run their own affairs” (Brownlie 154)

this could include essentializing IKS (and people, practices, underlying belief systems, etc.), reinforcing dualistic, binary oppositions that reproduce epistemic oppression - i.e. wild savage vs. civilized industrial society, human vs. nature, primitive custom vs. civilized law; nomads and barbarians vs. settled agriculturalists (Culhane) - diverting attention away from uneven relations of power that are embedded in dominant structures and discourses (i.e. worrying about management issues to the exclusion of governance and the question of jurisdiction), and empowering colonial interests and values to squeeze robust IKS into narrow policy frameworks (e.g. reconciling IKS to flawed mechanisms such as consultation and accommodation). Like the self-serving use of the term 'Indian' described above, what happens when IKS do not cohere with the norms, interests and values of Euro-Canadian decision-makers; or when IKS fail to be 'authentically' Indigenous or 'distinct' from Euro-Canadian systems? Will they be marginalized, rendered unworkable, "unreasonable" and dismissed as "ridiculous" (see Brownlie 2003, below). Like the idea of the Indian, IKS could be used for or against Indigenous peoples, depending on the Crown's objective. Employed as cultural difference, IKS could be used to absorb, capture, appropriate and/or assimilate Indigenous knowledges, practices, lands, and so on; as racial difference, IKS could be used to abject the Indian Other, using apparent internal contradictions, within a binary framework, to delegitimize Indigenous peoples' claims and interests (see Howard and Widdowson). In a Western, settler-colonial system, key is that difference is routinely used to (re)inscribe racial and spatial hierarchies. Because of the colonial project to which it has served, it is necessary to question the idea of discrete, binary knowledge systems.

Indigenous peoples and their knowledge and governance systems may be distinct, but it is not for non-Indigenous interests and institutions to 'know', define, evaluate, or include/integrate that difference. Instead of reifying difference and presuming the simple, objective legibility of Indigenous peoples, cultures, knowledge, and politics, there are other ways of leveraging the growing interest in IKS to achieve more liberatory politics and research. A relational framework is one way of doing so.

As I have outlined above in my research objectives, as will proceed in my mixed-methodology, and as my findings show, a relational framework is exceedingly generative. For instance, NFN routinely utilizes Western knowledge in their fisheries program. Knowledge



systems as dynamic assemblages of experiences, explanations, engagements, and entities,<sup>10</sup> rather than a discrete, internally homogenous, and mutually exclusive, makes it possible to ask interesting questions; for instance, instead of seeking to know how IKS can be better integrated into Western frameworks, Laurie Richmond (2016) asks how tribal fisheries programs are transforming mainstream fisheries knowledge and management. A relational knowledge framework makes Whyte's notion of TK as a collaborative project viable, with the potential for knowledge co-production, legal pluralism, and coexistence visible against currently narrow policy provisions for TK. A relational perspective acknowledges the dynamic connections between knowledge and governance, between fish, colonialism, and Indigenous futurities. It acknowledges that Indigenous peoples have always been "willing to adapt to new influences and circumstances" (Brownlie 2003, 129).<sup>11</sup>

Part of this relational perspective, to which I now turn, also includes attending appropriately to difference. While it is important not to concretize white settler ideas about 'Indian' difference, I also want to avoid collapsing difference. Working to achieve this balance gives rise to interesting problems that I grapple with in this work.

As will be recalled from above, change, inconsistency, conflict, and contradiction are processes that reflect IKS as a self-generating path (Battiste and Henderson 31; 40). In part, they express political tension (Koenig 2005), the disruption of Indigenous land use, expropriation from territories, and limited resource access (Borrows in Menzies and Butler 2006, 13). As a "healthy sign" (Koenig 2005, 150), internal contradiction, conflict, and criticism also indicate potential for adjustment and improvement, a step towards addressing challenges in fisheries management and enhancing self-determination. Ultimately, difference and political complexity are not to be ignored, especially within the colonial "grid of intelligibility" (Smith 2014, 214) through which Indigenous peoples are held as "singular in their infinitely knowable aspirations" (Ibid., 230; A. Simpson 2014). Indigenous political aspirations, sovereignty and self-determination are "simply apprehended" (Smith 2014, 229) - and, I argue, so are their knowledge systems. Emptied of meaning, they are measured against false, normalizing, and exogenous constructions of 'authenticity' and knowability. Alternatively, Indigenous communities and

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<sup>10</sup> Here I borrow language from Simpson and Maniowabi (2013) who use the word theory to mean "entities, explanations, and engagements that bring about meaning to both the individual and the collective" (292)

<sup>11</sup> As forced assimilation policies barreled down on communities, "people desired continuity with the past, combined with the ability to benefit from European knowledge and technology" (Brownlie 2003, 130).

nations are working “to delineate” the content of their political goals (Harjo in Smith 229), including the messy bits. This requires “complex analysis and articulation” (Smith 229), including engagement with Indigenous “political complexity and contradiction” (230). Otherwise, argues Smith, “[Indigenous peoples’] political debates and disagreements become occluded within and outside Native communities” (229): certain political positions become ‘condemned’ as representative of all Indigenous peoples or ‘rejected’ as not ‘authentic’ enough, while entire political projects or claims are ‘dismissed’ (230). This is apparent in my research with regards to ‘the right way’ to fish (Fish chapter), disparate knowledge claims (Knowledge chapter), and ‘proper’ conduct (Governance chapter).

Thus, in my research I seek to challenge “the grid of intelligibility under which the Native is known” (Smith 2014, 214) by challenging binary logics that reify racial difference, embedding my interest in IKS within a larger field of Indigenous and Nipissing politics, drawing on a relational framework, and engaging the data across difference. I also strive to remain cognizant of the limits to what I can ‘know’. Ideas such as “ethnographic refusal” (Simpson 2007), “productive confusion” (Hunt 2014) and “productive friction” (Tsing 2005), the “right to obscurity” (Glissant in Smith 2014, 214), and weak theory (Wright 2015) help to make “gaps in regimes of knowledge” do work (Smith 2014, 214). They make otherwise unintelligible knowledge - that which is partial, emergent, and relational - visible within the academy (Hunt 2014), and remind us of what does not belong in or to the academy.

## Fish and human-fish relations

Fish and relations with fish are important to Indigenous peoples and compelling in the research for a number of reasons.<sup>12</sup> Known and valued as food, source of livelihood, specimen, spirit, medicine, relation, and otherwise, in this work I explore the varied expressions of what fish and fishing mean to the Nipissing people. Moreover, fish and their management reveal key mechanisms of settler colonialism and the concomitant resistance and resurgence of Indigenous

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<sup>12</sup> This research focuses on fish, fisheries management and decision-making (mostly pickerel), and human-fish relations, but I acknowledge that multiple fish species and other animals, plants, foods, and medicines (like deer, berries and vegetable gardens) are not unconnected. They form important and complex relationships amongst each other and with the Nipissing people. I talk about fish not to exclude these other relations (see Ryan 2014), but to provide a focused scope for this research. My research is also limited by language, as many of the concepts and relationship expressed in Anishinaabemowin are lost in English.

peoples, a key relationship that I discuss in the Historical Context. Finally, I engage questions of “ontology”, relationality, and agency in relation to fish and to human-fish relations.

Fisheries have been and remain central to Indigenous cultures and economies (Harris and Millerd 85; Brownlie). Of the Opwaaganisining First Nation, Thoms writes, “[t]he importance of the fisheries to these [northern Lake Superior Ojibwa] people may be understated from the scholarly literature” (1999, 172). He’s writing in relation to the well-known importance of game to Indigenous peoples in this region, arguing that the Nipigon River formed the “heart and hub” of the community’s traditional hunting territories (172). Sturgeon fisheries constituted an important resource base within the nineteenth century regional economy, while some northern Ojibwa groups subsisted primarily on fish, along with game, birds, and rice. Across the Great Lakes region, fish have been central to diets and to livelihoods (Brownlie). In addition to economies, fisheries are important to Indigenous cultural, spiritual, and political lives. Brownlie writes of an Anishinaabe cultural understanding of fish and animals as resources placed on the land by the Creator for their benefit and sustenance. Hunting game and spearing and netting fish are integral to Indigenous identity (Brownlie 82; Lawrence). Metis scholar Zoe Todd (2014) writes of the Paulatuuqmiut-fish relationship: fish are “ubiquitous” (Todd 2014, 222), at once central to survival as a source of food, and in terms of “human-fish relationships”, also representing “a whole host of social, cultural, and legal-governance principles that *underpin* life in Paulatuuq” (Todd 2014, 2017, 218, emphasis mine; Koenig 2005). Fisheries are a priority for First Nations food security and cultural survival. In the Nipissing context, fish go to the “heart” of a community actively engaged in nation building (senior administration).<sup>13</sup>

Fish are also a source of law, vital to Indigenous legal orders and governance systems. Anishinabek exercise natural resource laws in their relationship with the fish nations, maintaining accountability for how fish ‘resources’ are used (Mills 2010, 129). Legal obligations concern where and when people fish, how much is taken, sharing, and the enactment of appropriate ceremonies (Simpson 2008). Obligations to the fish nations are reciprocal; they ensured the “health and wellness of the people” (Simpson 2008, 36-37). On the Nuxalk traditional salmon food fishery in northern British Columbia, Doyle-Bedwell and Cohen (2001)

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<sup>13</sup> For instance, the Assembly of First Nations “has committed (over the next five years) to developing and implementing a national fisheries management strategy focused on making fish a priority for food security and cultural survival of First Nations” (Bavington 2015, 27).

write of the important role social stigma and shaming play in salmon stewardship as well as the long-standing tradition of River Guardians (Ixwanaisa), those “who hold special responsibilities to enforce protection of the river” (190). For Zoe Todd, thinking with fish as political citizens (with their own legal orders) is key to rebuilding Metis legal orders (2016d).<sup>14</sup> She writes that fish are “citizens within the territories we inhabit” and part of “share[d] treaties and governance relationships” between humans, animals, plants, and other beings (Todd 2016a, 3). In this dissertation, I explore Nipissing law with regards to fish and to fisheries, drawing on Borrows’ five sources of law (2010b).

Fish are also central to settler-colonialism in Canada. The “legal capture” of fisheries has been integral to colonization, with powerful sport fishing lobbies, the department of Indian Affairs, and fisheries management providing the requisite logics and mechanisms for it to take place (Brownlie; Harris 2001; Thoms). In British Columbia, Canada ensured that First Nations would continue to have access to their fisheries (which did not happen), which justified extremely small reserve allotments compared to those set aside in the rest of the country (Walkem, 305; Harris 2008). Since its inception, Canadian fisheries management has reallocated fish to non-Aboriginal interests (H&M, 85); we see this agenda at work in the prioritization of non-Aboriginal fishing activities - operationalized through ever-expanding grounds for infringement, particularly in the *Van der Peet* trilogy (1996; Harris and Millerd, 88).

While fish are important for understanding how settler-colonialism operates, they also tell us a great deal about Indigenous resistance and refusal. Indigenous peoples have used the courts to successfully fight to regain access to their fisheries. Fishing rights cases have produced a number of interpretive principles that are designed to enhance Indigenous access, benefits, and participation in resource management (Linden 2007). Moreover, these decisions have been central to clarifying the broader meaning of the Aboriginal and treaty rights recognized and affirmed (but not defined) in Canada’s *Constitution Act*, 1982 (H&M, 84-5). However, the gap is wide between the definition and implementation of these hard-fought rights. For a host of reasons, including the cultural politics of race and nature, Indigenous fishing rights have been subject to vociferous contestation and even armed confrontation (King; Koenig; H&M 89; Mills

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<sup>14</sup> Through human-fish relations, ‘fish law’, she seeks to deepen her understanding of Metis law and apply it to the creation of relationships based on an ethic of kinship, relationality, care and tenderness; and to move conversations from rights to responsibility, reciprocity, and how we co-constitute other beings (2016a; 2016d; 2016e).

151; Linden 118-119). Indigenous commercial fishing rights, especially, are “political dynamite in Canada” (Casey 2009, 189). Even seemingly favourable court decisions entrench non-Indigenous access to Indigenous lands and resources (Harris and Millerd; Doyle-Bedwell and Cohen; Mills), pointing to the inherent limits of state-recognized channels to resist colonial policy (Coulthard). As such, refusal is another approach.

I find it helpful to think of resistance and refusal as overlapping strategies used to content with settler colonialism. Offering a helpful interpretation, Noah Theriault (2016) draws on the work of Indigenous scholars Audra Simpson and Kyle Whyte to clarify a distinction between the two tactics: while resistance requires some degree of acceptance - albeit forced, cumulative or performed (not necessarily willful), of the current order as fact, circumstance, or reality, refusal takes as its starting point rejection or negation.<sup>15</sup> Refusal is not absolute, because grave power differentials make “total refusal impracticable”, but the capacity to refuse depends on political decisions and ontological assumptions, also cumulative and collective, that make other worlds possible. He writes, “[w]e refuse what we hope never to accept, and we resist what we can no longer refuse”. He provides an example of the withdrawal or disappearance of plants, animals, and other life forms on account of human mistreatment as an act of *refusal*; a perspective through which Indigenous peoples can be said to *refuse* the dystopian future argued by Anthropocene narratives (Theriault). Though acts of refusal, Simpson demonstrates the “interrupted *and* interruptive capacity” of Indigenous life, peoples and places (2014, 33).

The politics of refusal certainly pertain to fish.<sup>16</sup> At NFN, people know that their right to fish is not bestowed by the Crown or by Treaty. By rejecting state fisheries regulation, Indigenous harvesters reveal the always-incomplete status of settler-colonialism. Such refusal may end up in the court, which speaks to the mutually constitutive nature of acceptance, resistance, and refusal (they are not mutually exclusive). But the point I wish to make here is that such actions negates the certainty/fixity/truth/reality of settler-colonial beliefs and claims of jurisdiction over natural resources in Canada.

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<sup>15</sup> In her 2016 piece, *Consent's Revenge*, Audra Simpson asks, “How [...] do those who are targeted for elimination, those who have had their land stolen from them, their bodies and their cultures worked on to be made into something else articulate their politics?...They refuse to consent to the apparatuses of the state” (In Theriault 2016).

<sup>16</sup> Fish refuse, resist, and otherwise exert agency as well (different actors have difference ways of explaining this)—see chapter 3

My final thought about why the study of fish yields interesting results is this: human-fish relationships ask us to think and act relationally, to consider that sentient landscapes along with agentic fish beings are enmeshed in a constant state of flux (creation and re-creation) and co-becoming. Drawing again on the work of Zoe Todd, fish are more than food; they are “also citizens, interlocutors, story-tellers, and beings [that are] owed reciprocal legal-governance and social duties” (2016a, 2). As opposed to thinking about fish or fishes, thinking with human-fish relations is to consider the “intimate and fleshy relationships between humans and fish in place” (Todd 2016c). It means that fishing conflicts *are* about fish, and not merely a stand-in for conflicting belief systems (see King 2014; Latulippe 2016); or rather, they are about ubiquitous human-fish relations that “underpin life” in many Indigenous communities (Todd 2014, 218). It means that fish, through their “bones, bodies, and movement” (Todd 2016b, 4), are also agents in “experiencing” and “dismantling” colonialism (Todd 2014, 231). And it means that most places in Canada are fish places (Todd 2016c; 2016d): by relating to landscape - that is, by fishing, Indigenous peoples survived, as did the missionaries and settlers who were taught how to relate to the land by fishing and in other ways. Thinking with these fish places, Todd asks us to consider who was there, how did they operate, who came and how, and what were their relationships? Thinking with the fish, Todd asks what their tumors, quantity, food sources, and movement tell us; how would we enact our duties to fish and to watersheds, and ethically relate to other nations and with ourselves, if we considered fish and other beings as kin (2016e; Haraway 2016) and as our first relatives (Johnston 2006)? What does thinking “beyond the human” mean for reconciliation in Canada (Todd 2014, 218)?

These questions engage a set of ideas concerning the nature of being, subjectivity, agency, and relationality, known in different literatures as more-than-human (Whatmore 2006; Wright 2015; *Nelson 2014*), post-human (Briadotti 2013), and non-human (Watts 2013; Whyte 2014) worlds; new materialisms (Coole and Frost 2010), the ontological turn (Latour 2004), radical relationality (Smith 2014, 222), and affective ecologies (Singh 2015). They are taken up in the discipline of geography (see *Cultural Geographies*, Volume 21, Issue 1, 2014), and in Indigenous studies, both critically (see Todd 2016f; Hunt 2014; TallBear 2011, 2012, 2016), ambiguously and ambivalently (see Nelson 2014; Watts 2013; Whyte 2014). Thus far, I have been using Todd’s “human-fish relations” (2014, 217) to refer to what might be called a socio-natural assemblage in other contexts (Soper 1995; Castree and Braun 2001; De Landa 2006).

Later, I ground my engagement with these ideas in an Indigenous worldview - in the Anishinaabe Seven Fires of Creation story (Benton-Benai 1979; Bell et al. 2010) and the concept known as Place-Thought (Watts 2013) (see Historical Context Part I). In the Fish chapter, I develop ideas that circulate specifically at Nipissing First Nation about human-fish relations, and I consider these against non-Indigenous narratives about “ontology” and the circulation of agency in a “more-than-human” world (Wright 2015). In the Governance chapter, I discuss natural law, and in Power and Vision I think with stories about the serpent of Lake Nipissing, *Old Shig-Nabic*, and the serpent people.

If the importance of Indigenous fisheries is “understated” in the literature (Thoms 1999, 172), I take this as an opportunity to add insight into the fishy relations that underlie Indigenous resource management and environmental governance, as well as sovereignty, territory, and power relations more generally. There is a substantial body of work on the historical expropriation of Indigenous peoples’ fisheries resources in Ontario (Brownlie; Jasen 1995; Thoms 1999; Thorpe;) and across Canada (Culhane; Harris 2001; 2008; Newell 1993; Tough 1999), aligning with broader literatures on the symbolic and material structures through which colonialism dispossessed (Harris 2004; Linden 2007; RCAP 1996). These works help to historicize my observations of events taking place on lake Nipissing. But my research adds an important contemporary analysis. I explore the most recent iterations of colonialism’s ‘capture’ of fisheries as well as Nipissing “resistance, refusal, and resurgence” (Whyte 2016, 3). Additionally, this research adds to conversations taking place across a range of literatures about relations between humans and other beings.

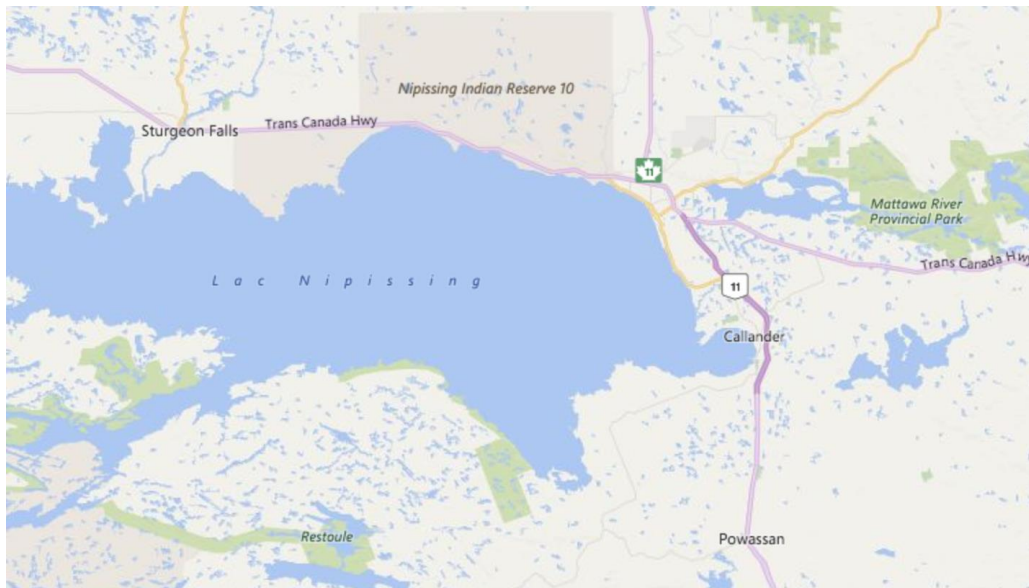
## Lake Nipissing fisheries

In Algonquin, ‘N’bisiing’ comes from ‘Nbi’ meaning ‘water’ and ‘siing’ meaning ‘little’, in reference to the Great Lakes (Norm Dokis in MNRF, 2014). It drains southwest into Georgian Bay (Lake Huron) via the French River as it cuts through the Precambrian Shield (Leatherdale 1978). To the east, over the height of land and the La Vase portages, Trout Lake is drained by the Mattawa River, which cuts through the Shield in the opposite direction (Ibid.). One of the largest lakes in Ontario, it contains an important fishery that is compelling for a number of reasons.

**Figure 2: Map of Lake Nipissing (Google Maps)**



**Figure 3: Map of Nipissing First Nation I (University of Toronto Map & Data Library)**

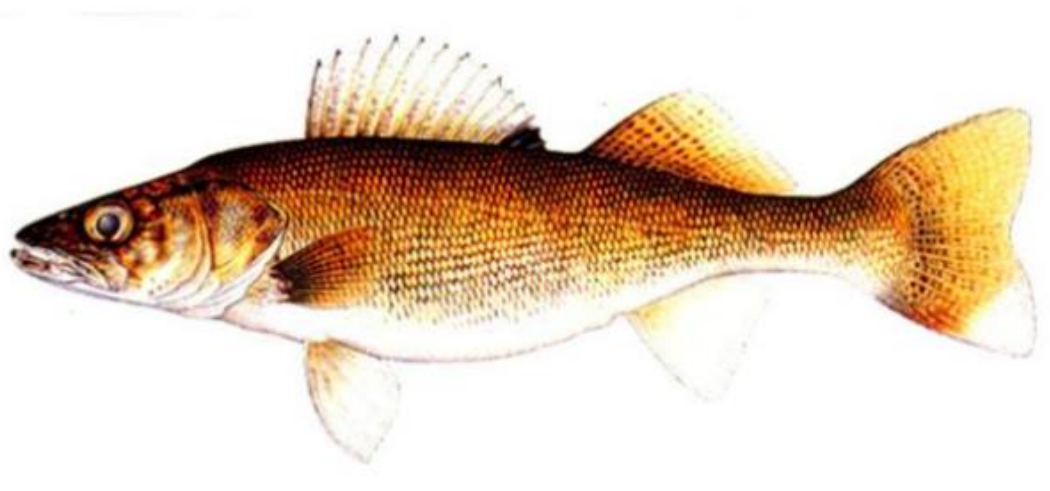


Lake Nipissing is considered Specially Designated Waters. Not part of a Fisheries Management Zone (FMZ), the standard management unit in Ontario, the lake has “a long history of being managed individually” (OMNRF 2014, 9), including detailed fisheries assessments



beginning in 1967 (Morgan 2013).<sup>17</sup> A relatively large lake, Nipissing is the seventh most fished lake in the province (including Great Lakes), with fisheries being an important economic and social engine for the region and for local communities (OMNRF 2014). Both Nipissing and Dokis First Nations rely on the lake for subsistence fishing, while NFN also has a court-recognized treaty right to commercially fish the lake.<sup>18</sup> NFN operates the commercial fisheries on Lake Nipissing (i.e., walleye, whitefish and northern pike). In 2014, Chief Marianna Couchie estimated there were approximately six crews of between two and four gill netters (active commercial fishers) on the lake (in Young 2014). NFN shares statistical information with MNRF, while MNRF manages the recreational fisheries. Walleye (*Sander vitreus*), referred to locally as pickerel, is the most prized fish species in Lake Nipissing economically and socially.

**Figure 4: Walleye (Pickerel) (Ontario Ministry of Natural Resources)**



Lake Nipissing is “outstandingly productive” in terms of ideal habitat for walleye (Casey 2009, 186); however, intense fishing pressure since the 1960s has created a stressed walleye population. Today, “crisis management” is *the* “defining context for the Lake Nipissing fisheries management plan” (OMNRF 2014, 2).<sup>19</sup> The issue is a flashpoint for Indigenous/non-Indigenous

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<sup>17</sup> “In general, fisheries are managed at a landscape scale. Lake Nipissing, however, is a major component of the fishery resources within FMZ 11 and it has its own unique use patterns and consequential effects, partly rooted in the history of resource development. It is understood that there may be major differences in the resource or objectives between Lake Nipissing and the broader FMZ which may require different approaches to management within the Zone” (OMNRF 2014, 11).

<sup>18</sup> The MNRF recognizes the Aboriginal and Treaty right of both Dokis and Nipissing First Nation’s to fish Lake Nipissing for sustenance. In addition, *R. v. Commanda* 1990 has recognized Nipissing First Nation’s right to commercially fish Lake Nipissing. (2014)

<sup>19</sup> Declining biomass is “the significant sustainability issues facing the fishery” (Ibid.).

conflict in the region. To say that “[s]port anglers and [Indigenous] net fishers - divided by ethnicity, social class, geography, and purpose – do not coexist happily” (Casey 2009, 188-9) is, I believe, an understatement. Not only does “[e]ach group accuse[...] the other of taking too many fish” (Ibid.), colonial orthodoxy is such that Indigenous peoples are routinely blamed for resource degradation (Lawrence 2000). This blame ensues even though historic recreational and commercial non-First Nations fisheries are responsible for the near extinction of the sturgeon and complete disappearance of blue walleye in Lake Nipissing. Moreover, the MNR quietly admits that the ongoing walleye population decline is an outcome of a serious decline that occurred in the 1990s, which was “likely due in part to high exploitation in earlier decades”; that is, due to “very high” non-Native walleye harvest throughout the 1970s and 1980s, at a time when First Nations fishing was criminalized and effectively marginalized (OMNRF nd). Considering these factors, and that the lake is subject to two very recent policy documents, developed with stakeholder and First Nations engagement (OMNRF 2014, 2015), Nipissing showcases the values, political economic priorities, knowledge and legal-governance systems that drive non-Indigenous fisheries management in Ontario, and it contributes to an understanding of the tensions and debates concerning reconciliation in Canada.

The leading policy document for Lake Nipissing, *The Fisheries Management Plan for Lake Nipissing* (OMNRF 2014), and the province of Ontario, *Ontario’s Provincial Fish Strategy: Fish for the Future* (OMNRF 2015)<sup>20</sup>, speak volumes about those values, priorities, and systems. They are consistent with the core mandate and organizational goals of OMNRF (GEM), including dual-foci on biological conservation and sustainable ecosystem management (OMNR 2014, 2015).<sup>21</sup> They also emphasize resiliency against natural hazards, protection of property and economies, risk-aversion and a results-based framework (OMNRF 2015).

Each of these generates critique. Overall, fisheries management has serious limitations in terms of taking care of fish populations and fisheries-based livelihoods (Bavington 2015; Hutchings 1999; Usher and Tough 1999). Risk-based frameworks are used regularly by the state

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<sup>20</sup> The strategic planning context for *Ontario’s Provincial Fish Strategy: Fish for the Future* (2015) is guided by other MNRF strategic direction, including *Our Sustainable Future: A Renewed Call to Action* (2011); *Biodiversity: It’s In Our Nature* (2012); MNRF’s *Statement of Environmental Values* (SEV); the *Joint Strategic Plan for Management of Great Lakes Fisheries* (OMNR 2014, 2015).

<sup>21</sup> Four key documents at the provincial level provide strategic direction for managing fisheries resources in Ontario: (1) *Our Sustainable Future: A Renewed Call to Action*; (2) *Government Response to Ontario’s Biodiversity Strategy*; (3) *The Strategic Plan for Ontario Fisheries (SPOF II)*; (4) *NRF’s Statement of Environmental Values* (OMNR 2014, 2015).

to manage and violently discipline of First Nations ‘hotspots’ where Indigenous peoples’ self-determining practices are seen to pose a serious threat to Canada’s putative sovereignty claims (Diabo and Pasternak 2011), while resiliency modeling depoliticizes and dehistoricizes the uneven environmental (and socio-economic) harms experienced by First Nations, historically and in the present as they bear the brunt of adverse climate change impacts and adaptation strategies (Whyte 2016b). Fisheries management continues to serve its historic function and value of securing access to and revenues from expropriated Indigenous resources for non-Indigenous actors (Brownlie 2009). In the case of Lake Nipissing, the local recreational fishing and tourism industry contributes an estimated \$69-125 Million, annually (OMNRF 2014).<sup>22</sup> And of course, even with their emphasis on post-positivist ecosystem dynamics (i.e. complexity, uncertainty, and adaptive management), conservation and sustainability policies remain wholly Eurocentric as they fix nature and humans/culture in separate spheres, with devastating and disproportionately felt impacts (Carroll 2014; McGregor 2004b).

Additionally, provincial and Lake Nipissing policies contain problematic conceptualize Aboriginal fisheries, traditional knowledge, and First Nations partnerships. From my reading, Aboriginal fisheries are framed in two ways [OMNRF 2015]: as constitutionally protected, and in reference to Aboriginal Traditional Knowledge (ATK). Firstly, in the framing of Aboriginal and treaty rights to fish for food, social and ceremonial purposes, including mention of “several” Aboriginal commercial fisheries, no mention is made of the considerable (and ongoing) efforts on the part of the province of Ontario and the federal Crown to ensure that fishing *did not* “continu[e]” to play a significant dietary, social, cultural and economic role in the lives of Aboriginal peoples (OMNRF 2015, 6). Such reflexivity would add much needed analytic depth to help explain and address fisheries “overexploitation” on Lake Nipissing (OMNRF 2014, 31). Also in terms of Aboriginal fisheries, governments have a legal duty to consult “when any proposed activity or decision may adversely impact those rights” (OMNRF 2015, 6), but standard consultation protocols in Ontario fall far below what First Nations expect of the Crown’s fiduciary duty (Linden 2007). Furthermore, because Aboriginal harvesting “traditionally” occurs year-round, during fish spawning, and involves the use of nets - practices

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<sup>22</sup> According to Casey (2009): “Some 5 percent of all angling in Ontario is done on Lake Nipissing alone, an astounding one million angling hours per year” (188). Almost half of this time is spent ice fishing. In the nineties, a survey counted 2000 fishing huts on the frozen lake, 12% of Ontario’s total. Sport angling on Lake Nipissing brings nearly \$100 million tourism dollars, with 125 fishing lodges on Lake Nipissing (Casey 2009).

that fall outside of provincially-sanctioned regulations and norms, MNRF is careful to establish that (ever-expanding) grounds exist to legally infringe upon Aboriginal and treaty rights (Harris and Millerd); they state, “conservation of fishery resources [remains] the first priority” (2015, 6). Secondly, Aboriginal fisheries are framed in terms of Aboriginal Traditional Knowledge (ATK), valued instrumentally for Aboriginal peoples’ “interest” in “fisheries resources management” (OMNRF 2015, 6). Framed this way, ATK is uncoupled from First Nations’ territorial and resource-based claims, Indigenous legal-governance orders, and the role of other beings, not only human, in the function of ecology/creation. Ontario does acknowledge the role of ATK in decision-making and notes that Aboriginal interest in fisheries management is ongoing, not just a thing of the past, but they fail to adequately articulate a strategy that would appropriately and respectfully consider ATK in decision-making.<sup>23</sup> The ministry seeks to “involve” First Nations and it identifies “effective partnerships” as key to achieving its outcomes (OMNRF 2015, 57, 6); however, outcomes are determined by the ministry and I question the extent to which involvement equates to meaningful fisheries governance from a Nipissing perspective.<sup>24</sup>

The Lake Nipissing policy framework exemplifies an “ahistorical and depoliticized” account of Indigenous peoples, their politics, cultures (A Simpson 2014, 11), and relations with the environment. In contrast, my research situates fisheries management and decision-making in the context of continued Indigenous dispossession, expropriation of resources, and exclusion from environmental decision-making in Ontario (Linden 2007) and across Canada (RCAP 1996; Borrows 1997) since at least the early nineteenth century. My research confirms that “[t]he time of Indigenous ‘inclusion’ into state-led marine policy making is ending. Indigenous peoples are increasingly asserting their rights to *primary roles* in policy- and decision-making that affect their traditional homelands, freshwater bodies and oceans” (von der Porten et al. 2017, 68, emphasis mine); however, I challenge the notion that governments will meaningfully “support[...] the self-determining goals” of Indigenous nations in their marine and resource

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<sup>23</sup> see Reo et al. (2017) for principles for effectively working with Indigenous peoples and their knowledges.

<sup>24</sup> Aboriginal perspectives were *incorporated* into the plan via both Nipissing First Nation and Dokis First Nation involvement on the Advisory Council - Objectives developed by the Lake Nipissing Fisheries Management Plan Advisory Council (LNFMPAC; participants Appendix 2) were considered *where appropriate* during the development of this plan (2014, 11-12), and through other discussions [\*to what extent?]. *Appendix 4* provides a summary of Aboriginal Consultation during the planning process. (2014)

policies (Ibid.).<sup>25</sup> The reasons why the Aboriginal/non-Aboriginal relationship shifted from cautious cooperation to displacement and attempted assimilation (RCAP 1996) *still* stand: lopsided population mix; economic need for Indigenous lands and resources; nonexistent political will to ally with (or even to recognize) Indigenous nations; and prevalence of racist Eurocentric ideology proclaiming white-settler supremacy. Against this enduring impetus and “structure” of settler-colonialism (Wolfe 1999), I challenge calls for Indigenous inclusion, recognition, and participation in state frameworks. Public education, civic solidarity, and participatory policy recommendations (RCAP 1996; Linden 2007; Fish-WIKS) can only push back so far against entrenched structures and discourses that shape political ecologies in Canada.

This work moves with and adds to rich literatures on Aboriginal fisheries, ATK, partnership, and other policy frameworks, colonial conflict over fisheries and marine resources (King 2014; Koenig 2005; Nesper 2002; Rossiter 2008; Whaley and Bressette 1993), as well as recognition, reconciliation, and the cultural politics of race and nature (Anderson 2001; Jasen 1995; Thorpe 2011). I ask different questions of taken-for-granted problems, such as the fisheries management ‘crisis’ and ecological remediation, consider directions for reparative policy, and make space for radical “accounting” (A. Simpson 2014, 11) and “reality-making” (Blaser 2014, 55) in place of what is often confined to positivist truth telling within Western science and policy circles.

## Nipissing First Nation

Koenig (2005) asserts that an Indigenous approach to fisheries is yet to be fully articulated, but “[it] appears that native community members are in the process of sorting this out” (141); Borrows (2010) and Napoleon (2007) make similar arguments with regards to the revitalization of Indigenous legal systems, while Bavington looks to NFN as an example of the exercise of Indigenous sovereign rights to regulate fisheries and to refuse external restrictions, an approach that “is spreading in North America” (2015, 23).<sup>26</sup> In this context, NFN is lauded for its “sovereignty” approach to fisheries governance (Pottery 2016), and for the hope it engenders -

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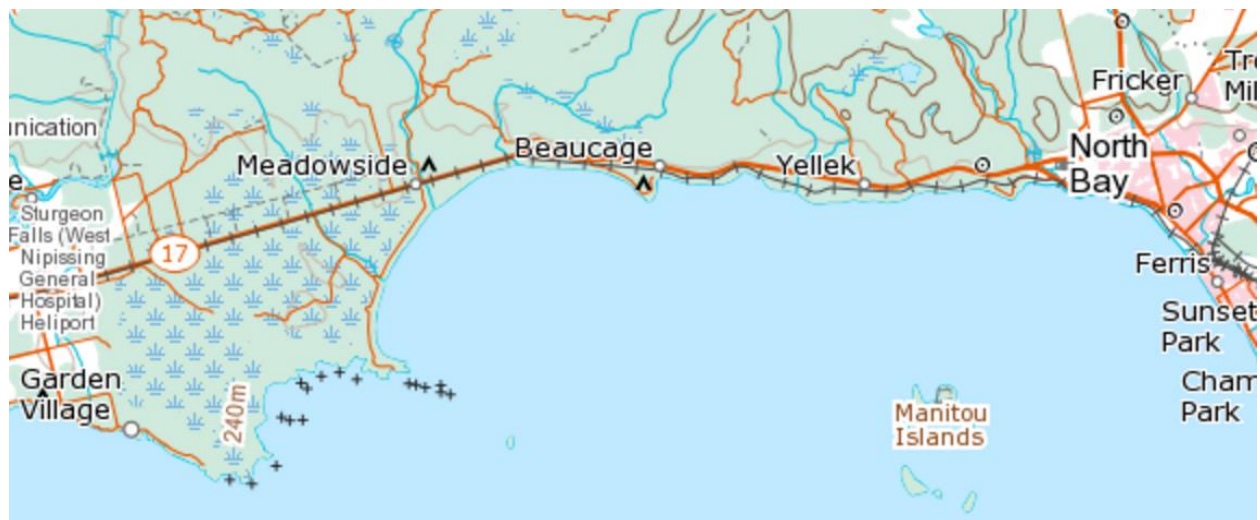
<sup>25</sup> As I expand in the grounded analysis chapters of this dissertation, governments view Indigenous legal and inherent rights as “an opportunity”, not to “accommodate[...] gains in Indigenous influence over decision-making” (Von der Porten et al. 2017, 68), but to advance their interests.

<sup>26</sup> For example, “[t]he Passamaquoddy tribe in eastern Maine is trying to exercise sovereign rights to fisheries resources straddling the Canada/US boundary” (Bavington 2015, 23).

for fish, the local food movement, and for improved relations between competing interests (Bavington 2015). Politically, it is held as a leader for its resistance and refusal of Crown assertions of sovereignty over Nipissing lands and waters (Anishinabek News 2016). Following up on my comments in the section, Race, knowledge, and politics of difference, this research works to articulate some of the content of Nipissing's self-determining approach, including the mechanisms through which it works, and also the challenges and complexities. In this section, I introduce NFN and provide some historical and present context needed to appreciate its approach to fisheries management.

Nipissing First Nation runs along the north shore of lake Nipissing. It is located between the Municipality of West Nipissing to the west and the City of North Bay to the east and consists of small settlements: Garden Village, Duchesnay, Yellek, Beaucage, Beaucage Subdivision, Meadowside, Jocko Point Subdivision, and Veterans' Lane (Goulais 2016; see Image). The Indigenous people who live in the Lake Nipissing area are Anishinaabe of Ojibway and Algonquin descent, part of the Three Fires Confederacy (Goulais 2016; UOI 2016; Corbiere 2013).<sup>27</sup>

**Figure 5: Map of Nipissing First Nation II (University of Toronto Map & Data Library)**



<sup>27</sup> The Ojibway, Odawa and Pottawatomi Nations formed the Confederacy of the Three Fires of peoples who shared similar languages and territories and who met together for military and political purposes. By the mid 1700's, the Confederacy of the Three Fires became the core of the western lakes confederacy. The Huron, Algonquin, Nipissing, Sauk, Fox, and others joined this loose confederacy (UOI 2016).

Nipissing peoples have always been fishers, hunters, and successful traders, “rich” off of their “great catches” of Lake Nipissing pickerel (Leatherdale 1978, 13; Casey). In response to increasing incursions into their territory after the 1763 Treaty of Paris, Anishinaabe leadership, including Chief Shabakeshiek of the Nipissings on the north shore of the lake, and Chief Dokis of the Nipissings on the French River (Leatherdale 1978), negotiated a provision in the Robinson Huron Treaty of 1850 that their people would have “the full and free privilege to hunt over the territory now ceded by them and to fish in the waters thereof as they have heretofore been in the habit of doing” (AADNC; Surtees; Morrison emphasis mine).<sup>28</sup> Indigenous peoples never intended to surrender title to their traditional territories (Linden 2007). Nor did they intend a “total transfer [to the British] of ownership and control over them” in terms of how fishing would be organized (Bavington 2015, 20).

However, the treaty was not honoured. First Nations harvesters were harassed and criminalized vociferously throughout the twentieth century in and around Lake Nipissing (Ball, 1985; Boldt, 1971; Cowan, 1997; Lamarch, 1985; Nugget, 1938, 2005). Despite arrests, the Nipissing people continued to fish, adopting of evasive practices in order to avoid provincial and federal state authorities. For over 100 years the colonial state antagonized harvesters, culminating in the mid 1980s with over 100 arrests (Bavington 2015; ref). After a number of decisive court decisions in the 1990s, it became ‘legal’ for NFN harvesters to fish according to their inherent Aboriginal and treaty rights, including to fish for commercial purposes. Only in 2008 did it become ‘legal’ to for NFN commercial harvesters to sell lake Nipissing fish in the North Bay area (Bavington 2015). Before this time, government considered walleye sold by the Nipissing to be ‘illegal’, as the community lacked a licensed fishing facility (Casey 2009).

In this new legal landscape, NFN instituted policies and mechanisms to strengthen their position. The First Nation refused to negotiate within the provincial Aboriginal fisheries policy framework (the Aboriginal Communal Fishing License). In 2005, amid declining walleye populations, provincial pressure and management actions (OMNRF nd), NFN created their own Fisheries Law and Regulations (see NFN 2017). To implement their community-determined law, NFN hired the former OMNR fisheries biologist, opened a fish processing plant, marketing facility, and certification standards, and instituted an adaptive fisheries management program,

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<sup>28</sup> Leadership was sure to negotiate official recognition from the Crown of their command and authority over traditional hunting grounds in the Robinson-Huron Treaty of 1850 (Surtees).

compliance initiatives, and a restorative justice process (Casey 2009; Latulippe and Becking 2010). Along with the Chi-Naaknigewin, the Fisheries Law codifies customary law and strengthens NFN's self-governance capacity (against great odds) and further establishes their presence and leadership on the water.

The NFN strategy has also included cooperation with the province of Ontario and neighbouring municipalities. The First Nation collaborates with OMNRF on fisheries stock assessment and monitoring (OMNR, 2014), which meant that after decades of antagonism, “the two sides have risked sharing a boat” (Casey 2009, 197); and they participate in the Lake Nipissing Summit with Dokis First Nation and municipalities surrounding the lake, a semi-annual event designed to create awareness and consensus on the need for shared ownership towards the future of Lake Nipissing. Most recently, NFN entered into a Memorandum of Understanding (MOU) with the province of Ontario. It is to this agreement, whose significance stands out against the historic NFN-OMNRF relationship, that I will focus the remainder of my comments.

**Figure 6: Responsible Harvest Sticker**



**Plate 4: NFN Spring Moratorium on Gill-netting**



The MOU was signed in March 2016. It secures capacity support for NFN to implement its Fisheries Law, for which it has been called “an historic first”, “a new approach”, and “a trailblazing activity” (Learn 2016; NFN 2016; NFN 2016, 2; Chief McLeod in Hamilton-McCharles 2015b). However, some community members contest the MOU as an unwelcomed move towards “higher levels of government control” (Turl 2016). In September, 2016, a small



group of NFN commercial fishers openly challenged the authority of NFN, backed by the MOU, to enforce its Fisheries Law, citing a major infringement on their treaty rights (Ibid.). The MOU enables NFN harvesters to be charged under provincial fisheries policy - something that has been fiercely resisted by First Nations, regionally and across Canada. It also mandates increasing information sharing between the First Nation and Crown governments, troubling not in and of itself, but in the context of state 'capture' of Aboriginal fisheries through fish and wildlife regulations, Western science paradigms, and enforcement protocols (Harris; Bavington; Brownlie).

Seemingly conflicting things are taking place. Citing Treaty rights, some flout the NFN Fisheries Law and regulations and openly challenge the new partnership with OMNRF, while others comply with the new regulations, citing inherent responsibilities. The authority of the First Nation to regulate its members' harvesting activities has been publically challenged, as have the fishermen who do not comply with community-derived regulations (see Goulais 2015a). NFN is working more closely than ever with Ontario while the province, tacitly, and the general population, explicitly, continue to pressure and blame the First Nation for declining stocks. Some non-Indigenous communities call on 'equality' to rationalize racist beliefs about fishing rights, while others are actively engaged in reconciliation efforts (see Smith 2017b). There is disagreement on the status of the walleye population, distrust, tension, and disbelief in terms of who knows what, and how they know it. How to account for internal conflict while supporting Indigenous sovereignty, and for conflict with non-Indigenous governments and people in context of new partnership? How to constructively think through tensions and debates – both within and between communities?

Working with helpful ideas from the literature, I take up the challenge to engage “the political contestation *within* Native communities”, instead of condemn disagreeable positions as representative of Native peoples as a whole or rejecting them as not authentic (Smith 2014, 230). Again, Zoe Todd's work is useful for working through contestation and contradiction. Fish pluralities, the “multiple [and at times contradictory] ways of knowing and defining fish” views human-fish relations as an “under-theorized ‘active site of engagement’” in which conflict, negotiation, resurgence and numerous other interactions take place (Todd 2014, 217). At these sites, old meanings are tested and new ones emerge (Ibid.), including ones that account for and reach past the current colonial order (Smith 2014; A Simpson 2014). To perceive this is to reject

strong theory in favour of “weak theory” (Wright 2015) and to reject “clear, neat, linear or straight-forward” analyses (Hunt 2014, 31).<sup>29</sup> From a queer theory perspective, Dina Georgis (2013) disrupts the binary logic that colonized groups have only two, mutually exclusive options, or stories: either resistance or assimilation. Perhaps a ‘better story’, she argues, is discernable by working ethically with that which is non-normative, with that which is “productively confusing” (Hunt 2014, 31). Drawing on these intersections, I then speak to the self-determining practices, innovative governance mechanisms, and interesting collaborations in effect at NFN.

## Introducing the chapters

The structure of my grounded analysis chapters, from three to six, inclusive, progresses from literature, to primary data and analysis, then to discussion, implications, and conclusions. As such, there is no final discussion chapter, only a conclusion where I synthesize findings from this work. A brief summary of the content of each chapter ensues.

### **Chapter 1: Methodology**

In the first half of this chapter, I describe my mixed methodology that combines elements of an Indigenous research paradigm and critical Western qualitative research. Informed by the treaty relationship, I acknowledge the distinctiveness of each tradition and simultaneously work to bridge parallel rows. Through my methodology, I challenge the tendency to gear research on ‘TK’ towards non-Indigenous research objectives and methodologies. Instead, I work to engage Indigenous knowledge, law, and governance systems on their own terms while maintaining the limits of what I can know. Politically, this takes up the call for treaty implementation, anchors my social location and justice orientation, and builds relational accountability in a way that reflects my motivations, teachers, and purpose. In the second half, I present my methods, approach, and process for working with my field data. It is an account of how I *do* relational research, drawing on theory about interpretation, and blended methods of analysis.

### **Chapter 2: Historical Context**

Originally, my historical context began with what is currently titled, Part II: Canada 150. But the story of Nipissing does not begin in the nineteenth century! It is important to disrupt

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<sup>29</sup> When we “attempt to fix...meaning, we are always at risk of just missing something” (Hunt 2014, 31).

historical narratives that privilege settler-colonialism (see RCAP 1996). As per my methodology, I am committing in this work to thinking with Indigenous ways of knowing, which certainly do not begin with the *Fisheries Act* or the *Indian Act*! Part I: In the beginning, is inspired by an experience at NFN hearing the Anishinaabe Creation Story by Elder Jim Dumont and theory, specifically, reflecting on Watts (2013). It contains *seeds* of meaning that are vital for understanding knowledge and governance systems at NFN.

Part II provides essential historical context needed to understand the case study. It describes a structure in which the Crown is continually wresting jurisdiction from Indigenous peoples who continue to resist and refuse, demonstrating that conflict is structural, and the colonial project is incomplete. This incomplete status is important this work, especially the end when I focus on Indigenous (as oppose to settler) futurities.

### **Chapter 3: Fish (Belonging)**

In this chapter, I establish to centrality of human-fish relations to a sense of belonging to Lake Nipissing. I draw on a weak theory of belonging to interpret my data – especially to make sense of seemingly conflicting, contradictory, and difficult debates and phenomena occurring at NFN and around Lake Nipissing. A weak theory of belonging engages difference constructively, while Indigenous scholarship add essential insight into a weak theory of belonging.

Belonging is an active relationship entailing respect, reciprocity and mutual benefit. The effect of someone saying that they belong to a lake has been, for me, to see the lake not just as “more-than-human” (Wright 2015), but also as animate, containing spirit, as a knowing agent. In this way, human beings fit into or are part of an animate, lively world where myriad beings have roles and responsibilities. The lake doesn’t belong to the people, but the people to it. Lake Nipissing been central to the survival of the Nipissing people, and the reverse is also true – especially at this time of ‘crisis’. Evidently, the embodied, storied, affective, and dynamic nature of belonging is a phenomenal strength and opportunity at NFN, though certain conditions are needed for this relation to thrive.

### **Chapter 4: Knowledge**

In this chapter I explore the epistemological frames through which people at NFN ‘know’ and value their relations to the lake and to the fish, and how these are mobilized.

I briefly consider previous work (Latulippe 2015a) in which I characterize existing literature on TK and apply the four “orientations” to the Fish-WIKS question, i.e. ecological and critical frameworks reinscribe difference, relational speaks to Indigenous theories and priorities, while collaborative works through productive frictions towards knowledge-coproduction. This chapter centers on how interview respondents talk and express their knowledge traditions, inseparable as they are from practice, ethics, and decision-making processes. I argue that knowledge sovereignty and Anishinaabe science, both articulating an *elsewhere*, is a far more useful and respectful way to think about epistemological relationality than binary assumptions of discrete knowledge systems.

## **Chapter 5: Governance**

In this chapter I explore pillars of knowledge sovereignty; including self-governance, ethical relations with others, and natural law at NFN. Challenges and opportunities are discussed in the context of a miniature, embedded case study involving the 2016 MOU between NFN and the province of Ontario and its aftermath. Events at this time offer rich material through which to conduct relational analysis, which leads to the conclusion that the MOU is but one strategy among others to assert self-determination and that legal pluralism is critical to the unsettling of structural violence (the ‘fishing wars’) introduced in the Historical Context.

## **Chapter 6: Power and Vision**

For some time my placeholder name for this chapter was, *How Likely*. Here, I would argue that Nation-to-Nation relations were unlikely to be realized. I could not yet see past the question, but hoped to find another way to end the dissertation. Partly, asking how likely reflects my social location, experience at the Union of Ontario Indians (UOI) working on treaty implementation, and my engagement in academic debates concerning the nature of power in settler-colonial spaces. But I have learned new things over these years of research.

In this chapter, I center Indigenous futurities, not the vanishing Indian that is central to settler futurities. Equipped with Indigenous theories of survival and change we can think *beyond* the bounds of settler-colonial violence. Demonstrating this, I explore *The Serpent People*, a contemporary co-creation facilitated by Aanmitaagzi, an artist-run company at NFN. It exudes

epistemological tools for thinking about the *power, love, and vision* that inhabits Nipissing territories and peoples.

# Chapter 1: Methodology

As will be recalled from above, my primary research objective is to explore the multiple relationships between communities of knowledge holders, resource users, and decision makers involved in the Lake Nipissing fishery, and to understand how the current inland governance regime can be enhanced to reflect a treaty partnership of sharing healthy ecosystems. Cognizant of the harms cause by research on or about Indigenous peoples (Smith 1999) and by attempts to integrate traditional knowledge in western resource management frameworks (Latulippe 2015a; Shackeroff & Campbell 2007), an Indigenous research paradigm (IRP) is an appropriate basis from which to construct ethical, cross-cultural research methodology (Latulippe 2015b). The question, then, and one that is not made explicit in the literature, is how researchers working from a western methodological framework might respectfully engage an IRP. I speak to this in my 2015 contribution to the International Indigenous Policy Journal, briefly described below, followed by my mixed, treaty-based research methodology. As my conceptual framework, it guides my research questions, theoretical orientation, data gathering methods and interpretation of data in a spirit of respect. The second half of this chapter is new writing that outlines my data gathering and analysis methods; as per the latter, and adhering to my overall methodology, I pursue an interpretive, relational, and blended approach to deriving meaning from the research.

## Indigenous Research Paradigm

The articulation of an Indigenous research paradigm (IRP) emerged in the wake of Linda Smith's (1999) seminal work (Kovach, 2009; Wilson, 2008). Unlike research *on* and *for* Indigenous peoples, Indigenous scholars are now driving research, shaping ethical protocols, and defining culturally relevant methodologies that are accountable to communities. In existence for millennia, IRPs reflect and provide for the needs of Indigenous people (Wilson, 2008).

A research paradigm is a set of underlying beliefs that guide actions (Wilson, 2008). Wilson (2008) writes that it is broad, made up of ontology (the way we view reality), epistemology (how we think about or know this reality), axiology (ethics and morals), methodology (how we go about gaining more knowledge about reality), and tools. Indigenous ontology is relational. The world is seen as a "web of connections and relationships" (Wilson, 2008, p. 73-74). In this reality, ideas exist in a relational context. They develop through the formation of relationship and lose their integrity when taken out of context. There is no one

fixed, external reality or truth, only “different sets of relationships” (Ibid., p. 8). Indigenous axiology is based on relational accountability, or “being accountable to your relations” (Ibid., p. 77). In a research context, researchers fulfill their roles and responsibilities through their methodology, which is described simply as “the building of more relations” or constructing more “knots” in the web of relationships that produce knowledge (Ibid., p. 79). Relationships uncovered or constructed through research methodology coalesce into theory.

The elements of an IRP are not discrete, but form a circle, which provides a useful metaphor. Relationality “encircles” the elements of an IRP (Wilson, 2008, p.101).

Just as the components of the paradigm are related, the components themselves all have to do with relationships. The ontology and epistemology are based upon a process of relationships that form a mutual reality. The axiology and methodology are based upon maintaining accountability to these relationships. (Ibid., p. 70-71).

Wilson’s conceptualization is derived from a Cree worldview and the influence of other Indigenous perspectives. Margaret Kovach employs Indigenous methodology, research framework, and inquiry interchangeably to describe “the theory and method of conducting research that flows from an Indigenous epistemology” (2009, p. 20). Far from homogeneous, diverse Indigenous peoples nevertheless share values and socio-cultural perceptions “driven by an intimate relationship with the natural environment” (RCAP, 1996; Kuokannen, 2007, 7;). A common epistemological standpoint - that “everything is understood to be alive”, imbued with spirit or energy, and “connected in dynamic, interactive, and mutually reciprocal relationships” - roots diverse Indigenous perspectives (Shaw et al., 2006, p. 270). Accordingly, the objective of knowledge is not to explain an objectified universe, but to understand one’s responsibilities and relationships and to engage in mutual reciprocity in the place in which one lives (Ibid.). Other Indigenous peoples share forms of Wilson’s (Cree) relational accountability; for instance, *whanaungatanga* is described as kinship, relationships or connectivity in a Māori research context (Mane, 2009). Respecting commonalities, the foundation of an IRP is that knowledge is relational, neither static nor objective, and shared by all of creation, the cosmos, animals, plants, and the earth.

## Applying an IRP

An IRP is an appropriate methodological basis from which to appreciate the breadth and depth of IKSs. But if Indigenous methodology flows from Indigenous ontology, epistemology, and axiology, to what extent can the non-Indigenous researcher draw from an IRP? Here, the relationship between Indigenous and western qualitative research paradigms is productive.

Both share important philosophical assumptions: both are relational, interpretive, and interactive (Creswell, 2007; Kovach, 2009; Mansvelt & Berg, 2005; Wilson, 2008). But despite shared conceptual space, Indigenous methodologies are distinct (Kovach, 2009). They originate from Indigenous epistemologies, constituted by distinct relationships between Indigenous peoples and lands. They are holistic, experiential, and related to place and person, whereas western qualitative research derives from individualistic and essentialist western thought which propels the desire for standardization and universal application. Less oppressive western qualitative methodologies align with elements of Indigenous inquiry, but they are not based in Indigenous ways of knowing; for instance, in spirit and where spirit derives (Ibid.). What does this imply for the viability of cross-cultural or mixed-methodological approaches to research?

Wilson writes that Indigenous cosmology, worldview, epistemology, and ethical beliefs need to be “followed through” all stages of Indigenous research design and implementation (2008, p. 15). Similarly, Weber-Pillwax stakes the foundation of Indigenous research in lived indigenous experience (in Wilson, 2008). Like TK itself, an IRP is lived, something one does (McGregor, 2004a). As such, Kovach (2009) writes that an Indigenous methodological approach, rooted as it is in Indigenous epistemologies and relationships to land, is not appropriate for all research. It depends on the nature of the inquiry and the researcher’s relationship to tribal knowledges. But, because research is fundamentally about learning, she does make space for a mixed methodological approach.

Non-Indigenous scholars are invited to engage in reflexive self-study and to consider a research paradigm outside of the western tradition. Like Ahmed’s (2004) double turn - to turn away from oneself towards others, and Kuokkanen’s (2007) epistemic decolonization, Kovach compels the non-Indigenous scholar to “adjourn disbelief and, in the pause, consider alternative possibilities” (2009, 29). In a context where Indigenous communities continue to be researched by non-Indigenous scientists pursuing western research on western terms, appreciating tribal epistemologies and Indigenous research methodologies on their own terms works to unsettle



white privilege in the academy, which thrives on and perpetuates the marginalization of alternative ways of knowing (Kovach, 2009). As Borrows (2010) argues with respect to Indigenous law, in order to thrive, Indigenous research “must live in many sites” (Kovach 2009, 12).

Accepting the invitation, what does respectful engagement with an IRP look like? How is the distinction maintained between leaned Indigenist philosophy (Wilson, 2012) and lived Indigenous methodologies (Martin, 2003)? And how is ethical cross-cultural research enacted? Drawing on Kovach (2009, p. 29), a mixed method approach meets three conditions; it is accountable to Indigenous community standards, appreciates Indigenous epistemologies as distinct, and works to bridge epistemic difference. Indigenous and qualitative approaches can be used in parallel; the key is to be transparent about which epistemology is being employed to avoid subsuming Indigenous methods under western ways of knowing, and vice versa (Kovach, 2009).<sup>30</sup> Observing these conditions, in the subsequent section I work through the extent to which and how I engage Indigenous methodologies. I draw on my own experience to illustrate conceptual tools and community-based mechanisms that can be applied in other research contexts.

## Ethical Mixed Methodology

### Relational Accountability

As will be recalled from above, research on IKSs embeds the researcher in relationship with Indigenous peoples. Enacted through methodology, relational accountability first requires reflexive self-study. This rings true for all researchers, regardless of the extent to which they are grounded in Indigenous ways of knowing.

Similar to positionality and reflexivity in qualitative (post-positivist) western qualitative inquiry (Mansvelt & Berg, 2005), reflexive self-study or researcher preparation takes up more space within methodologies that respect Indigenous epistemologies (Kovach, 2009). It involves reflection on self-location, purpose, and sources of knowledge (Geniusz, 2009; Kovach, 2009). Naming relationships and accounting for the coming-to-know process prepares the critical researcher for the possibility of working with Indigenous people on contested Indigenous lands.

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<sup>30</sup> As one anonymous reviewer noted, attempting to infuse one methodological approach into the other is like making rabbit and moose stew. The flavour of the moose overwhelms the rabbit.

It exposes privilege and fosters humility, responsibility, and accountability. Reflexive self-study compels important questions: to whom am I accountable? To what extent have I been invited to engage Indigenous knowledges? To what ends? What limits my ability to know? Researcher preparation helps to establish what and how we know, and how relationships can be enhanced across difference. In other words, it fosters and strengthens relational accountability, demonstrated below.

## Researcher preparation

My family is French-Canadian and linked to the fur trade, agricultural settlement, and logging. For five generations my paternal family has lived adjacent to the La Vase portage, a historically significant trade route connecting Lake Nipissing and the Ottawa River watershed. My maternal ancestors are French Canadian and Indigenous from the Quebec side of the *Kiji Sibi*, or Great River of the Algonquins, misnamed by the English as the Ottawa River (Lawrence, 2012). I carry a genealogical connection to Anishinaabe lands, peoples, and shared history, but socio-cultural and political connections have been fragmented, “severed” by the institutions of Indigenous removal and elimination including the church, logics of white supremacy and racist, sexist legislation, dispossession, and propertization (Simpson, 2014, p. 15). Given the relationship between positionality and methodology (Jankie, 2005), from what basis can I approach an IRP?

Here, a treaty perspective is generative. The lands and peoples with whom I am connected in myriad, complex ways are party to a number of historic, mutually agreed upon covenants between sovereign nations; including, the Robinson Huron Treaty, Treaty of Niagara, Great Peace of Montreal, and pre-contact treaties such as the Dish With One Spoon (Corbiere 2014). Rooted in the land itself, these living agreements embody Indigenous law and diplomatic protocol signifying respect for autonomy and the stewardship of shared lands (Graham 2002; Hallenbeck 2015; UOI 2014). Treaties have been violated, but as Indigenous formulations of sovereignty, they continue to be held up as a “path forward” by Indigenous nations (Hallenbeck 2015, p. 4), including by the Anishinabek (Anishinabek News 2012).<sup>31</sup> While there is much to

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<sup>31</sup> Incidentally, I gained this perspective while employed with the Union of Ontario Indians, secretariat and political advocate for the Anishinabek Nation, with its head office on Nipissing territory.

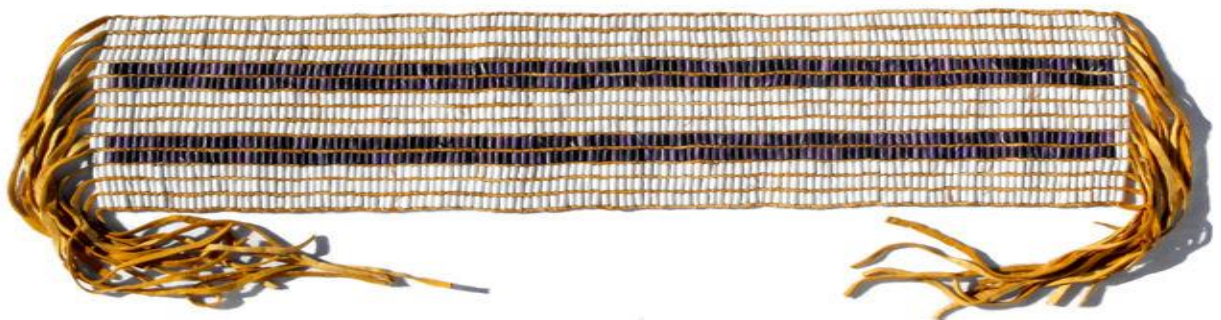
learn, a treaty perspective offers rich grounds from which to ethically approach the place, people, and politics of my research.

As a treaty person I carry particular obligations and dual accountabilities. On the one hand, I have been invited to work with NFN to understand the knowledge systems informing decision-making in fisheries management. It is fitting that I would privilege and seek to employ (not adopt) Anishinaabe ways of knowing. But, I am also driven to challenge the entitlement and assumed jurisdiction of the settler state. Here, a critical western qualitative methodology would suffice. To orient my work in both directions, a treaty perspective allows me to pick up these twin threads in a spirit of respect and reciprocity. Reflecting my social location, motivations, and teachers, it guides my engagement with Indigenous research and strengthens my resolve to apply Kovach's considerations for mixed methodology. It informs my research through a conceptual framework.

## Respecting and Bridging Epistemic Difference: Two-Row Wampum as Conceptual Framework

Useful as an organizational device, a conceptual framework reflects the knowledge one privileges and gives focus to research methodology (Kovach, 2009). Rendering one's epistemology visible through a conceptual framework makes it possible to consider all research choices against it, align objectives, methods, and interpretation with a particular way of knowing, orient the reader, and mitigate power differentials. The Two-Row Wampum Treaty belt serves as my conceptual framework (see Figure 1)..

**Figure 7: Kaswentha (Two Row Wampum)**



The historic *Kaswentha*, or Two Row Wampum, is discussed in the findings of the Ipperwash Inquiry, foundational to my understanding of Indigenous-settler-land relations.<sup>32</sup> The beaded belt describes part of a friendship treaty between the Dutch and Haudenosaunee.

It consists of two rows of purple beads separated by rows of white beads. The purple rows represent the different vessels of the Dutch (a ship) and the Haudenosaunee (a canoe) travelling side-by-side down the 'river' of existence (the white beads). While the two vessels remain separate (i.e. the cultures remain distinct), the people from each vessel are meant to interact and assist each other as need be. (McGregor, 2004b, p. 63).

Some erroneously view the agreement as a form of mutual isolation (see Cairns, 2010; Usher, 2003); however, the two vessels, representing distinct polities, share the same space. They are "inextricably entwined in a relationship of interdependence" (Turner, 2006, p. 54). Three rows of white beads between the vessels have very specific meaning: peace, respect and friendship. According to Haudenosaunee philosophy, reciprocity and the renewal of ongoing relationships form the basis of communal notions of respect (Ibid.). Interaction, assistance, and reciprocal relations are meant to support peaceful coexistence and to facilitate mutual benefit. Reflecting the Two Row Wampum, the Royal Commission on Aboriginal Peoples (1996) argued that Canada should adjust its current position and re-commit to "an old relationship" of coexistence through the concept of shared sovereignty (McGregor 2004, 63).

Applied methodologically, separate rows signify epistemic difference, while the shared space - the bridging rows of peace, friendship, and respect - mirrors the conceptual space shared by Indigenous and western qualitative research methodologies. As a conceptual tool, the Two Row Wampum facilitates Kovach's cues for ethical engagement with Indigenous methodologies: relational accountability, respect for epistemic difference, and bridging work. It also carries meaning on Anishinaabe territory (Borrows, 1997), where I live and work. As such, it guides my research objectives, theoretical framework, and research strategy.

In terms of my research objectives, my conceptual framework provides guidance on how to transcend (not disavow) my worldview and regard IKS as *sui generis*. The Two Row Wampum is already a viable model for environmental co-governance (Berkes, 2012; McGregor, 2004b); it is employed contemporaneously by a coalition of Haudenosaunee Nations in the US

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<sup>32</sup> Also discussed in the RCAP (1996), it encourages mutual recognition, knowledge sharing, and collaboration for reciprocal benefit.

and Canada to facilitate collaborative environmental protection based on mutual respect and cooperation (Ransom & Ettenger, 2001). It encourages the exploration of the ongoing commitments (Hallenbeck, 2015), long-term relationships, and collective processes needed to guide appropriate knowledge sharing and decision-making, to engender peace, friendship, and respect, while maintaining the integrity of each system. It reflects the call for bridging work that links western and traditional ways of knowing and allows for the development of bi-cultural resource governance models (Colorado, 1988).

## Theoretical framework and the Two Row Wampum

Because the researcher is inseparable from the subject of study, reflexive self-awareness enplaces the researcher and also serves as “a tool for meaning making” (Kovach, 2009, p.50). Kovach (2009) writes that a decolonizing theoretical lens is an “integral component” of Indigenous inquiry, but not its epistemic basis (p. 81). In alignment with ancestral Indigenous knowledges, it effectively analyzes power disparities, offers hope for transformation, and makes room for structural change and individual agency in resistance. She presents three ways to situate decolonizing theory within an Indigenous research framework. Two options, tribal and tribal-centered methodologies, draw on an epistemological positioning distinct from western ways of knowing. Neither centers the colonial relationship. But for my purpose, both are inappropriate, as I am not rooted in a Nipissing worldview. However, I do relate to the third possibility, a decolonizing theoretical approach, which draws on critical theory, “an allied Western conceptual tool for creating change” (Kovach, 2009, p. 48). Considering my research relationships, a decolonizing or transformative theoretical base is an appropriate centering epistemology.<sup>33</sup> It reflects the Two Row Wampum as decolonizing political practice (Hallenbeck, 2015) and, through the shared space or bridging rows, facilitates a ‘double turn’.

I draw on critical colonial geographies and postcolonial theory to deconstruct the overlapping symbolic and material practices that entrench settler resource entitlement, delegitimize Indigenous fisheries, and render Indigenous governance systems unintelligible. Critical analysis of overlapping symbolic and material practices of settler colonialism reveals the co-constitutive nature of white settler subjectivity and the racialized ‘other’ (Anderson 2010),

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<sup>33</sup> It is possible to situate decolonizing methodologies under the “umbrella” of an Indigenous research framework, but it is more aligned with Western critical research methodologies (Kovach, 2009, p. 80).

and related ways in which environmental and national discourse produces Canadian landscapes as unoccupied and fit for resettlement (Braun 1997; Thorpe 2010; Desbiens 2004). As an “organizing feature” of Canada’s national myth, the racialization of Indigenous peoples and concomitant Eurocentric notions of civilization and ‘appropriate’ land use has devalued Indigenous knowledge and governance systems, and legitimized the theft of Indigenous lands and resources (Gosine and Teelucksingh 2008, 33; 35; Harris 2004). When we seriously consider the material consequences of the constitutive nature of race in settler identity formation, recommendations for a renewed relationship (RCAP 1996) and co-management arrangements (Linden 2007) are inadequate. Recommendations do not account for the structural imperative of colonialism; that is, that the state is fundamentally invested in Indigenous dispossession. According to Rifkin (2009), the state’s denial of Indigenous sovereignty and land rights is the basis of its claim to sovereignty. How far can changing attitudes (Linden 1997) and renewing the relationship (RCAP 1996) go when possessive individualism (McPherson 1962) and territorial resettlement (Harris 2004) are the basis of settler identity/normativity?

However insightful, critical approaches do not center Indigenous epistemologies, communities, priorities, or values (Wilson 2008, 109). Critical and postcolonial approaches to research tend to universalize marginalization, presume an end to colonialism that has not occurred, and neglect praxis (Kovach 75). They do not offer a viable basis from which to contemplate Indigenous self-determination as a historically, geographically, and spiritually embedded practice. Dan Longboat has talked about the constraints of the ‘deficit model’ (November 2, 2012; Tuck 2009); others discuss the non-performativity of dispossession narratives (Howitt et al. 2009), and Smith posits that to focus on Indigenous ‘problems’ and outside solutions is colonial (1999; Wilson 16).

To balance critical theory’s persistent focus on the “colonial impact” (Kovach, 2009, p. 48) and “settler dilemma” (Ibid., p. 80), I *turn* to Indigenous **theories** and geographies transcend damage-centered research, prioritizing Indigenous ways of knowing and being. They offer a viable basis from which to contemplate the historically, geographically, and spiritually embedded nature of Indigenous self-determination, which is central to the study of Indigenous knowledge (McGregor, 2004a). Indigenous theory unsettles ‘Western’ authority over knowledge, facilitates the ability to hear the other, and incorporates difference into the body of intellectual theory (Shaw et al. 2006, 271-272). It is needed to complicate Indigenous-settler dichotomies

and simple notions of dominance; historicize relationships and acknowledge mutual histories; privilege the advocacy, resistance and “cultural endurance” of Indigenous peoples; and enables us to listen deeply to what hinders and supports Indigenous research within the contemporary colonial moment (Kovach 156-158; 163). While geographers have relatively recently recognized that land, landscape, place, and environment can have different meanings (Shaw et al. 2006), Indigenous theory brings to the fore Indigenous meanings of land, place, and spatial referents for thinking through relations of power (Coulthard 2010); and also systems of law, governance and land use (Gisday Wa and Delgam Uukw 1992; RCAP 1996; Doyle-Bedwell and Cohen 2001; Borrows 2002), and traditional values such as harmony and sharing to the consideration of conflict reduction (xvii; Wilson 2008, 109).

Employed together, critical and Indigenous theories empower powerful ‘counter stories’ (Mutua & Swadener, 2004). This brings me to the mutually beneficial relationship between critical Western and Indigenous theory – the bridging rows. Many scholars argue for ‘bridging work’ that links western and traditional ways of knowing and facilitates bi-cultural resource governance models (Colorado 1988), particularly where there is mutual need and benefit (Berkes 2012). Battise and Henderson call for an “intercultural perspective that tolerates *constructive diversity*...fair and just space between cultures that must be respected and honored” (2000, 16-17 emphasis mine), while Todd (2014) and Coombes et al. (2012) write of working across, without disavowing, difference. Akin to Morgensen’s use of conversation as methodology in *Spaces Between Us* (2011), the focus in my conceptual framework on the *relationship* between knowledge systems, the bridging rows of peace, friendship, and respect, provide a point of departure in the move towards an ethical space of engagement (Ermine 2007).

## Research Strategy

A research strategy builds upon methodology “to fill in how you will arrive at the research destination” (Wilson 39). Broader than research methods, it allows for change and adaptation, which is critical in a collaborative research project. Attention to the (ever-changing) research process in the form of reflexivity (inward knowing), self-location, and purpose, captured in a research journal (Kovach 49-50), help to maintain the integrity of the methodology. After outlining my strategy, I discuss methods - as I understand Wilson, as long as the methods align with my conceptual framework, they can be borrowed from various research paradigms.

As part of a collective (or multi-sited) case study, my research strategy is informed by case study and collaborative or community-based research. Case study research, as a qualitative approach, aligns with the relational and contextual qualities of Indigenous research, while multi-sited case study is a useful approach for illustrating different perspectives (Creswell 2007), important to my methodology and integral to my interpretive process – for instance, collaborating with the Fish-WIKS PhD students on a joint, comparative research paper at the 2015 Coastal Zone Canada conference.

My community-based methodology has been supported in a number of ways: through the Fish-WIKS governance structure itself, a Collaborative Research Agreement with NFN (March 2014), and research ethics principles and protocols - those of the University of Toronto, Assembly of First Nations, Chapter 9 of the Tri-Council Policy Statement (2010), and interim guidelines at NFN. In agreement with the Fish-WIKS Partnership, my research strategy is based on full and equal partnership, consensus based decision-making, and the recognition of each partner's expertise and ability to contribute (Fish- the partnership).

The Fish-WIKS community research liaison at NFN was my primary guide in terms of navigating a politicized and at times sensitive topic; Clint Couchie helped to guide and support my engagement with community members, including initial dialogue towards the establishment of the CRA with NFN. Leadership in administrative, political, cultural, and natural resources positions helped to build relationships, establish appropriate research protocol, research questions, and begin to engage potential research participants. In March 2014 the CRA was finalized, and in April 2014 the University of Toronto Research Ethics Board approved my ethics protocol.

Ultimately, the “rules” for research in this field “should be set by the knowledge holders themselves” (Shackeroff and Campbell 2007, 353). I reflect this in my research strategy, including feedback loops at key stages in the research. With regards to the interview process, I had one participant withdraw after our interview; I built space and time into my timeline to allow research participants to make amendments to their interview transcripts, which a number of people did take up; and I provided de-identified interview transcripts from consenting participants to NFN for their research and archival purposes. Moreover, I endeavored to share my evolving interpretations to community members. To me, these reflect a respectful and responsive research process.



## Data Gathering Methods

In terms of research methods, case study research requires broad data collection involving multiple sources of information and methods (Creswell 2007), while Kovach writes that choice of methods should relate to the ontological and epistemological assumptions of the researcher, and the theory or knowledge privileged. Methods for this project include discourse and document analysis, literature review, experiential learning, open-ended interviews and stories (the last of which, stories, I explore more fully in my final analytical chapter).

Document analysis reflects the insights from Duncan and Duncan (2010) that one needs to look beyond what people might say about their beliefs, values and attitudes, and analyze taken-for-granted socially produced discourses, those regimes of truth that enable or constrain the way people construct their accounts. Interviews [and textual coding] do not provide all of the necessary data to conduct critical research. Larger structures and unacknowledged conditions of action need to be understood, including through document and discourse analysis (the latter discussed below under interpretation), which includes landscapes as text.

Landscapes are understood as ‘deeply layered’ documents, partially erased and overlain with newer forms and patterns (Duncan and Duncan 2010, 228). The apparent materiality and stability of a landscape tends to naturalize the status quo, but class relations are deeply embedded (and uneven relations of settler-colonialism). For instance, “wilderness” depends on racist and colonial politics of nature (Thorpe 2012), so that people “naturalize their privilege, having no reason to trace the far reaching, unintended consequences and unacknowledged conditions of that privilege” (Duncan and Duncan 2010, 239). Landscape analysis involves the critical analysis of values and hierarchical relations embedded in spatial arrangements (Duncan and Duncan 2010). Understood as a verb, landscapes do work. Many landscape features, including museums, monuments, and iconic places, are designed “not just to represent, but to perform and construct, collective memories” (Duncan and Duncan 2010, 243). In this mode of analysis, the object of study is not landscape “per se, but the socio-political relations [e.g. relations of power, whose interest are made to seem natural] that, though bound to materiality of landscape, are not visible to the eye” (Duncan and Duncan 2010, 239).

As part of these methods, I collected policy documents, historical reports, copies of archival documents (from one visit with NFN research staff to the National Archives), newspaper clippings, both historic and contemporary, screenshots of social media comments, and

took photographs of *The Serpent People* installations at the 2016 Ice Follies festival; landscapes in the Nipissings region; and exhibits at Lake Nipissing area museums in North Bay, Callander, the French River, and West Nipissing on the Sturgeon River.

Experiential learning is an alternative to ‘participant observation’. An Indigenous epistemology holds that “the environment is the knowledge” (Wilson 2008, 86). I have come to appreciate that land management is understood through an embodied Indigenous geography (Shaw et al. 2006).<sup>34</sup> Borrowing elements from participant observation (Valentine 2001, 44), I spent time at NFN talking to people and participating in activities to which I was invited. I was invited to go out on the water with two fishermen early one morning to pull up their nets; participated in NFN workshops, notably, the Seven Fires of Creation teaching, and women’s medicine gathering and preparation; went to public events such as the pow wow; (wo)manned a table with Fisheries staff at an NFN Annual General Meeting; presented by NFN’s invitation at the most recent *Lake Nipissing Summit*; and spent the summer of 2014 conducting interviews, mostly at people’s homes.

In my interviews (see Guide in Appendix), I worked to explore Nipissing’s approach to fisheries knowledge, management and decision-making. Borrows (2010a) writes that Indigenous law is preserved and continues to be disseminated through accepted, recognizable, and well-established systems of knowledge dissemination involving individuals, communities, places, spirits, animals, seasons, and dreams. My questions and prompts sought to uncover the expressions, processes, and relationships animating law, knowledge, and governance. To understand how socio-legal, historical, cultural and political contexts ground the regulation and management of fisheries, I drew on a series of questions posed by Menzies (2006): How does one deploy the wisdom of traditional leaders? In what ways are TEK constrained and enabled by the history of state resource regulation? How can pedagogy value the situated knowledges of Indigenous knowledge holders? In what ways are Indigenous peoples developing new knowledges? Additionally, my questions sought to explore how the community (differentiating between villages that make up NFN and different resource users) perceives local regulations and how an Indigenous approach to fisheries reflects changing political tensions (Koenig 2005); mechanisms for appropriate and respectful consideration of IKS in regulation and practice, i.e.

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<sup>34</sup> For instance, territories are known by walking the land and through usage rather than by boundaries (Shaw et al. 2006).

Indigenous laws, traditional harvesting patterns, and stewardship roles (Menzies and Butler 2006, 2-6); as well as the treaty relationship as a viable model for knowledge sharing, cooperation, and co-existence in environmental governance. I sought participants' experiences, how they view their world and the meanings they attribute to experiences and opinions, seeking depth and richness over statistical representation (Valentine 2001, 46).

Recruitment began with a number of community 'gatekeepers' - those with established administrative, educative, and traditional roles, and, from there, built on referrals. In total, I interviewed 33 community members, including technicians and staff, Chief and council members, elders, youth, women, and fishermen; and 6 key informants both from NFN and working with NFN.

## Interpreting meaning: A blended approach to data analysis

My data analysis strategy is interpretivist (Walcott in MacKian 2010), relational, and blended (Creswell 1998). It is guided by qualitative research assumptions, including the multiple nature of reality, close relationship of researcher to that being researched, value-laden aspect of inquiry, personal approach to writing the narrative, and emerging inductive methodology (Creswell 1998, 73). An interpretivist epistemology that embraces the contingent, subjective, context-dependent, and political nature of knowledge is shared by both an IRP and critical qualitative geography. Data is never raw (Charmaz 2010), while findings do not mysteriously 'emerge'. At each stage, the researcher's interpretive lens works to cut, pan, and splice reality according to their ever-evolving, relational, informed perspective. Rather than deny or downplay the curatorial role of the researcher, in my work, interpretation is "centre stage" (as opposed to the more common privilege afforded to how they analyze their data) (MacKian 2010, 369). I strive to be transparent about how I construct and interpret my data, evidenced below and through a reflexive and open-ended narrative style [including photos] that is explicit about interpretive decisions, and reveals some of "the messiness" and recaptures "the noise which is so often ironed out" of qualitative research (MacKian 2010, 369).

Coinciding with my mixed methodology, I am pursuing a blended approach to interpretation. Beginning with a focus, an idea or problem that the researcher seeks to understand, Creswell writes, "research identifies, studies, and employs one or more traditions of inquiry...this tradition need not be 'pure', and one might mix procedures from several"

(Creswell 1998, 20-21). A “custom-built” approach to analysis responds to my research purpose (Kovach year; Charmaz 2010), the different types of data collected, to what is happening in the field (Charmaz 2010, 115), and to my interpretations. A blended approach to data analysis allows for balance between the subjective, contingent nature of interpretation and methodical techniques for honouring the words and actions of research participants; also the contextual and situated nature of knowing, and rigorous, verifiable construction of qualitative findings. In what follows, I draw from case study (Creswell 1998), grounded theory (Charmaz 2010), thematic discourse (Braun and Clarke 2006), discourse analysis (Duncan and Duncan 2010; Dittmer 2010), narrative inquiry (MacKian 2010), and ethnography (Crang and Cook 2007). In what follows, I describe briefly the most relevant points from these traditions that pertain to my interpretation of data.

Case studies are intensive and comprise more description, detail, richness, completeness, variance, and depth per unit of study than cross-unit analysis (Flyvberg 2011). Analysis can be holistic - the entire case, or embedded - a specific aspect of the case (Creswell 1998, 63). The latter represents my approach, with events occurring in September 2016 providing a mini or embedded case study from which to draw conclusions about governance from a relational interpretation. In this embedded case, I stress developmental factors, tracking the evolution of the case over time and within a situated, political context. The grounded analysis chapters are important to this work, as, Flyvberg (2011) notes, thick and hard to summarize narrative may run counter to positivistic research norms but is often a sign that case study has uncovered a particularly rich problematic. While I was not able to extend into a regional analysis, Flyvberg also contends that the detailed examination of a single case or example *can* provide reliable information about broader cases, which I explore throughout this dissertation, but especially in the last chapter.

Next, in grounded theory construction, researchers stay close to the data, honour research participants, and ground abstract analysis and claims in data-based evidence. The interpretive process renders data analysis visible and the construction of ‘emerging themes’ transparent. In these ways it works with the situated, interpretive, and reflexive nature of an Indigenous and qualitative geographical research. However, I have not followed grounded theory methodology throughout the data-gathering phase nor is my goal to construct grounded, generalizable theory that transcends the immediate topic and place (Charmaz 2010, 106; 139). Rather, my investigation of relationships and processes seeks to describe a ‘unified picture’ (Charmaz, 102),

a counter-narrative, and using both inductive and deductive reasoning, to respond to questions raised by Fish-WIKS, gaps in the literature, and my experience and understanding. Therefore, my use of grounded theory is selective, not holistic. Specifically, I am drawing on Charmaz's work in my approach to a particular type of 'active' coding.

Charmaz advocates for the use of active interpretive coding of data that depicts action and process. In this active coding, the researcher asks the data, what is happening here? What are the basic social processes? The topic is not a thing, an object, as research is about actions, meanings, processes that construct it (2010, 22). Coding to achieve analytic depth and precision above narration and description is to ask what theoretical category the data suggests; for instance, fishing with gill nets could be coded as 'enacting cultural inheritance', 'pursuing livelihood', 'surviving', or 'providing for family'. From this more active (i.e. the use of gerunds) and abstract coding style, "belonging" emerged as an important analytic category. The active, processual coding in grounded theory active works well with the coming-to-know process in an Indigenous research paradigm, an interpretivist qualitative assumption, focus on process and relationships in the ethical study of Indigenous knowledge by non-Indigenous researchers (Battise and Henderson), and the active, lived nature of TK (McGregor). I will outline my coding practice in the section on step-by-step analysis, below.

While case study describes context and grounded theory seeks to uncover the processes and actions underlying opinions and events, discourse analysis works to relate texts to wider discursive fields and relations of power (Duncan and Duncan 2010). Discourses include language, ideas, ideologies, and texts, but also practices, embodiments, and institutions that "structure a specific way of looking" (Duncan and Duncan 2010, 236), that are "suffused into social practices" (Holstein and Gubrim 2011, 344.). In data interpretation, an intertextual analysis attends to the larger context "within which a text (be it a landscape or any other form that can be read) is understood" (Duncan and Duncan 2010, 236). For example, instead of working to uncover whose conflicting opinion is 'right' (for example, concerning the alleged fisheries crisis, western science-based resource management practice, depictions of Indigenous-non-Indigenous-land relations in regional museum exhibits), I explore the social relations and materiality of competing, sometimes contradictory narratives and texts that may be widely shared, but subscribed to with differing emphases and connotations (Duncan and Duncan 2010; Dittmer 2010). Discourse analysis (DA) can be used to highlight discursive articulations and

points of friction between rival political projects, worldviews, ‘common sense’ ideas, and so on (Dittmer 2010). DA aligns with the social justice orientation in critical qualitative and Indigenous research paradigms: it intervenes directly in the discourse that it studies. Beyond descriptive, it seeks shows how alternative geographies are foreclosed while the status quo is perpetuated (Dittmer 2010). Writing about discourse (including landscapes) works “to shatter what appears to most as innocent, natural and inevitable” and de-naturalizes power relations that prevent a more just future (Duncan and Duncan 2010, 232). There is more that I could have done in terms of discourse analysis, and more that I plan to do (see Appendix).

Narrative analysis values the interpretive process and renders it explicit. Quite different from thematic coding or grounded theory’s line-by-line coding, the idea in narrative analysis is to investigate “how the text is used procedurally in its setting rather than isolated lying on the desk...” (MacKian 2010, 368). MacKian (2010) writes, “[r]ather than getting bogged down in the minutiae of codes and words, some qualitative geographers are acknowledging more explicitly the research encounter as creating a story itself.” (MacKian 2010, 365).

In my work, this translated into consulting my data as a whole before breaking down transcripts and other secondary data into component parts, codes, or categories. I reviewed my interview data (audio and transcripts) and drafted one-page highlights from each interview, what I call my ‘key lessons’ documents. Using narrative analysis, I focused on the narrative presented by participants, seeking to interpret what people say as well as how they say it, i.e. listening for the ways in which “talk” is used strategically as well as to represent ideas (Wylie in MacKian 2010). Listening to the spoken word would reveal the emphases, as well as the gaps, pauses, changes in direction, detours and interruptions in conversation, dynamism that is often not captured in static written transcripts. By staying close to the original encounter, I worked to capture the ‘accent’ or experience of the interview, meaning that may lie beneath taken-for-granted words, and the “‘whole’ of how the respondent wanted to be heard” (MacKian 2010, 363). Such an essence or story may not be captured by a recurrent theme or its variant i.e. codes and categories in thematic analysis; it may not be “[the] obvious base [...] repeatedly running through the text” (Ibid.). And a code or theme may or may not be integral to the lived experience; it may indicate another process or relationship not revealed through text alone, or it may stand in for another meaning altogether.

I also developed narrative benchmarks throughout the research process (i.e. “the way we *belonged* to the lake”, “and I remember”, “how likely”, all of which are examined in these pages). Sensitive to the “partial-ness and moment-ness of the accounts offered” and of my own (evolving) understanding of the case, these are meant to shift, change, and deepen in subsequent interpretive steps (MacKian 2010, 364). Proceeding in this way helps to document how key ideas, themes, categories, and so on, are arrived at, demystifying the interpretive process and enhancing transparency. For example, an important

Coding proved to be an interesting exercise. I would code the entire interview transcript along three axes: descriptive, reflective, and intertextual. *Descriptive* codes (see Appendix) classify segments of data that explicitly convey information about chronologies, events, settings, behaviours, and so on. They are objectivist and topical (Charmaz 2010), descriptive (Creswell 1998), semantic (Braun and Clarke 2006), and identify the active elements of experience i.e. respondents’ words (MacKian 2010). Largely, this level of coding reflected my interview questions. *Reflective* codes (see column 2, Appendix) are more interpretive or constructivist in nature, analyzing actions and processes, latent assumptions, implicit meanings, and tacit rules (Charmaz 2010, 32; Braun and Clarke 2006). These codes dig conceptually deeper; for example, interpreting the meaning behind a conversational gap or silence, i.e. passive elements (MacKian 2010), or asking how and why certain language is employed in a text.<sup>35</sup> *Intertextual* codes (see column 3, Appendix) are those that require looking beyond the text for wider discursive or structural explanations for what may enable and constraint particular opinions, actions, processes, settings, and so on.

I did not engage my coded data in a way that I expected; that is, sifting, sorting, and classifying codes to develop themes (see Crang and Cook 2007; Creswell 1998; Braun and Clarke 2006; Charmaz 2010). However, the coding *did* feed into my narrative analysis. I followed the following consecutive steps for each interview: I would listen to the audio, code the transcript, and write the ‘key lessons’ document. In this way, I developed an original method for “winnowing” the data (Creswell 1998, 149). Coding each interview encouraged a depth of focus and analysis that informed my free writing. My ‘key lessons’ documents became progressively longer, more analytical, and relational as I moved through all 33. Then, I synthesized these ‘key

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<sup>35</sup> Careful with interpreting intention, motivation, and strategies; need data to support these assertions (Charmaz 2010). Also, ‘non-compliant’ fisherman pulling out of study is an interesting ‘analytic layer’ (Ibid., 113).

lessons' into one large thematic document, the first interpretive version or draft of my data. It *included strengths and challenges as well as opportunities and threats facing the community's access and use of the Lake Nipissing fishery*. From this document I wrote my first research vignette for the NFN newsletter, and my four subsequent submissions to *Enkamgak*. That large synthesis document represents what Braun and Clarke (2006) call a thematic map, a way to obtain a good idea of themes, how they fit together, and the overall story they tell about the data, and what Crang and Cook (2007) describe as "constructing categories not revealing truths" (Ibid., 143). Finally, from the five research vignettes, combined with earlier theoretical notes, observations and reflections, other draft working documents – like working outlines – I created the dissertation outline. I proceeded to draw on extant theory, but focused primarily on the primary data to strengthen and deepen the vignettes.

Finally, I will comment on the writing itself. Writing at each step (and revising) is integral to the iterative, interpretive process outlined here. Throughout the research, I have been writing field notes and theoretical and reflective memos that "chart observed and predicted relationship in data and emerging categories" (Charmaz 2010, 80-81). Some have been refined for specific writing projects, shared with participants, community leaders, and academic audiences, and teased out in the chapters that follow.

In line with the interpretive nature of this work, I aspire to an open-ended narrative style well suited to case study research (Creswell 1998). The opposite of 'summing up', Flyvberg (2011) shares strategies to achieve open-endedness: first, eschew the role of omniscient narrator and summarizer.<sup>36</sup> Tell the narrative in its diversity, allowing it to unfold from the many-sided, complex, and sometimes conflicting stories that the actors in the case have shared (also, from my treaty perspective). Second, avoid linking case study with theories from any one academic specialization; instead, relate to broader philosophical positions (i.e. treaty implementation) that cut across specializations, allowing the study to be accessible and mean different things to different people. As researchers, we often want to "...get the story right" (Stake in Creswell 1999), but Creswell suggests that perhaps "good" qualitative studies do not have endings, only question" (20?), and from an IRP, we tell *our* story as researchers.

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<sup>36</sup> Describing its many facets, one cannot briefly recount or summarize case studies within a few main results. The *narrative itself* is the result: The "value of the case study, the contextual and interpenetrating nature of forces, is lost when one tries to sum up in large and mutually exclusive concepts [or rules and theories]" (Peattie in Flyvberg 2011, 311).



Thus, my research process is relational and iterative; and it involves relational, mixed methods of data gathering and interpretation. It resonates with Creswell's "data analysis spiral" (1998, 142), and Charmaz's advice to move back and forth between data and analysis to help answer analytic questions, fill conceptual gaps, and "create novel categories and concepts" (2010, 24). I have pursued ongoing engagement with NFN, as per Kovach's relational accountability, gaining feedback and revising initial ideas and summaries (Creswell 1998), e.g. updates at Chief and Council, informal conversations with participants and cultural/political leadership, written updates in community newsletters, verification of written transcripts with participants, and presentations at regional and academic forum. Aligned with an interpretivist and blended approach to data analysis, I bound my case study in time and space, interpret meaning, and practice an open-ended narrative style that celebrates layered analysis and variance. Grounding my interpretative work in an active, embodied, responsible, and engaged way is a consistent (daily) writing and revision practice (DeLyser 2011).

## Chapter 2: Historical Context

### Part I: In the beginning

On May 9, 2014, Respected Anishinaabe Elder Jim Dumont (Shawanaga First Nation) presented the *Seven Fires of Creation* teaching at Nipissing First Nation. I would like to begin here, with Creation, cognizant that case study requires a bounded temporal and spatial scale (Creswell). I begin here, even before the first fire of Creation, for a number of reasons that are methodological, theoretical, historiographical, and ethical. In what follows, I provide a version of the story, followed by my rationale.

This version of the Anishinaabe Creation story cites Edward Benton-Benai as its source (Bell et al. 2010). There are other versions (see Johnston 2006), but I use this one because the text on Dumont's slides derived from the teachings of Benton-Benai. Part of my rationale for including the story in full, below, is that Dumont's teaching was gifted to me, and, as a participant, I was told that that the knowledge is to be shared. The Elder's message was that the Creation teaching should be applied in many contexts, and he named healing and counseling in particular; he urged participants to figure out how to use it in our work and he invited people to come looking for it, without betraying sacred ways of Anishinabek; that is, the sacred scrolls are not shared. His methodology demonstrates the balance between sharing and protecting IK. The Creation Story ensues, verbatim, from the work of Bell et al. (2010).<sup>37</sup>

### Seven Fires of Creation: The Creation Story of the Anishinaabe

*"The Creation Story of the Anishinaabe is told as the Seven Fires of Creation, each fire being an era of time. How long each one of these is, we don't know. But in the time that the universe knows, they are seen as eons of time: from the place before time even was, when there was only silence and emptiness and darkness and cold, to the time when earth was finally created and life was placed upon its surface."*

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<sup>37</sup> Bell et al. (2010, 25) write that the teaching is "[b]ased on the Teachings of the Seven Fires of Creation by Edward Benton-Banai, rendered as a poem entitled 'The Seven Fires of the Ojibway Nation' and published in *The Sounding Voice*, Indian Country Press, 1978. Found in print, pages 17-20 of *First Nations Peoples*, 2nd Edition by Pamela Williamson and John Roberts, published by Emond Montgomery, Toronto, 2004."

*Creation unfolded in seven stages. At first we are told that there, in the vast unknown, was only darkness, emptiness, silence and cold: forever and without boundaries. And that somewhere in that darkness a sound was heard. It was a sound like the rumbling of thunder far in the distance. Then there was silence again. And after a long unimaginable silence, the sound was heard again, only this time it seemed closer.*

*This is the way that the very beginning stage of creation is talked about: this sound that rumbled in the distance, which after each long period of silence would be heard again. Each time it would seem closer and closer, until, finally, after an incredible time of emptiness, a blinding flash of light and deafening sound of thunder broke the long silence. What we are given to understand is that there must have been “Someone” listening in the darkness to that sound; that what was taking place was the first spark of creation, the first explosion of creative activity outward.*

*And then, it is said, there was a shaking and shimmering sound; a sound like the shaking of seeds in a gourd, that was heard everywhere in the darkness, without end. “What was that sound?” we are given to ask. What was shimmering and shaking? What were the seeds: Were they the thoughts of the Creator’s mind? But, it is said, there was another sound. It was a different sound, a “feeling sound”. That sound was before the shimmering shaking sound; it was before the rumbling sound that came from the distance. It was before all else. It was the First Thought that ever was. There in the centre of the darkness, that sound, that thought went out into the vast reaches of the unknown. Myriads of thoughts emerged from that first thought. They went on forever in the darkness, there being nothing out there for them to bounce back from. It was known, now, that a “place” had to be created to send the thoughts to.*

*In the centre there was also a rhythm that was generated from the very heart, the very centre where the Thought first emerged. That heart throb was the centre of all that was to be. It moved out from the centre in great rhythmic circles, filling the whole empty void. And so it was that even in the beginning, creation could not take place by Thought alone, but by the Heart also. The rhythm of the heartbeat permeated the vastness. The thoughts, touching on the darkness, left a star; the star world was born. By the First Heartbeat and by that First Thought, the universe was created. The First Thought is the first fire of creation.*

*In the second fire of creation, he created a light. He built, in the darkness, a fire: the first fire, the Creator's fire which is the Sun. He did this to light up a place in the darkness, in order to create. Around the fire, he traced out a great circle and assigned the four directions.*

*Then he created another light: the Moon whom we know as grandmother, universal woman, the Grand Woman of the sky world. In completing this, he had created Sun and Moon, the twinness of all reality. Without this twinness, nothing else could unfold; so in all things, there must be a twin in order for life to evolve to completion in the created reality. All of wholeness is composed of twinness. In all things we see the twin. Sunrise and sunset, day and night, the two sides of being – even in you there is the twin. The unfolding of twinness is the third stage of creation, and is thus known as the third fire.*

*Then, in the fourth stage of creation – having created the star world with his thoughts, having built the first fire in the universe (the Sun), and having created the twin (Grandmother Moon) – the whole of the universe was established and he caused the universe to move according to the four directions. This was the fourth fire: the First Movement. And so we know that at the fourth stage in the development of all things, in the unfolding of all life, is the beginning of movement, measured by the principles of the four directions. When you have four, then you can have movement, complete in itself and moving upon itself.*

*Then he gathered all of what he had created and encapsulated it in a shape and form. It contained the inspiration and the motivation to be. It was possessed of intention and it held in its blueprint the two sides of the whole (the twinness that makes up life itself), and the four quarters of the whole which is the cause of movement. By taking those things and shaping them into a form, he created a Seed, the germ of life. For every form, every shape, every being that would be given life, he shaped a seed, within which was the potential to be. And this was the fifth fire of creation: the First Seed. The Creator took his seed-thoughts and shaped them into the kernels of life essence, to be reflected back to him as creation's every possibility when planted in fertile ground.*

*Having completed this, he began to make a place to send the seeds of life. And so he created this Earth. Four times he tried, and the fourth time he completed this world, as we know it today. When he had completed the Earth and caused the waters to flow in and around the Earth (being her veins and arteries to carry the force of life itself), then all the birds carried the seeds to spread them over the ground. Then he saw the beauty of the one that he created: the Earth. In this Earth was absolute perfection, absolute wholeness, harmony and balance. All was complete in her, the First Earth, the First Woman. And in having created her, his creation was complete. Then he took from his first fire, the Sun, and placed a heart at the very centre of that first woman, making her first mother: the Mother Earth. She was a mother with a heart, who gave birth to all the seeds of life, her children. This is the sixth fire of creation: the Creation of Earth. Out of his desire to create, to bring into actuality his seed-thoughts, to make them real, to cause his thoughts to bounce back to himself, he therefore created this world. Out of love he created her. Out of his desire to create the most beautiful place to give the finest expression of his thoughts, so he created the Earth. And so it was that out of kindness he created all of creation; that this Earth was made as a place for the highest expression of the Grandfather's desire to manifest and embody his dream: to give shape and form, intention, purpose and meaning to the spirit of life itself.*

*In the seventh fire of creation, he wished to create "one in his own image". And so he took of the very created world itself: he took four parts of the Earth and he shaped those four parts together, and formed a physical being. Then of his own thoughts, as many as the stars in the universe, he placed within that first being. With this was given the ability and the capacity to hold the very thoughts of the Creator himself. The Creator gave to the first human being his own thoughts. Then he caused to beat in his breast that same heart-throb, that same rhythm that was there in the beginning at the centre of the universe. And so it is said that he caused to beat in the heart of Anishinaabe the very rhythm, the very heartbeat, of the creator himself. Then he breathed into him his first breath, the spirit of life itself. And so, being made of this earth, the physical vessel, and being vested with mind, heart and spirit, he was lowered to the Earth: the First Human Being, made of Earth and Sky.*

*Though knowing that he was formed outside of the created realm, he could see that he belonged to the Earth, being made of the very stuff of the earth. He desired to be a part of this creation, as all other beings of creation were already seen and felt to be, as he saw them moving about on the earth. It was his every desire to be at home in this world, part of that same great harmony and great balance of life.*

*He wanted to be a part of the great beauty of this creation; seeing how everyone of this creation was kind and was true to the ways that they were created, and shared in the harmony of life. Seeing the strength and the beauty of all that was created on this earth, he too desired to be as this earth and as the creation. And so it is said that, as he approached the earth, he pointed his toes so that somehow, if at all possible, when he touched down on this earth, he would not stamp out or crush even the smallest blade of grass, the tiniest flower, the smallest living creature that crawled upon the earth. Rather, he would come down in and amidst the creation and be a living and loving, harmonious part of all that is.*

*This is how Original Human Being touched down upon the Earth. That is how the First Human Being, Anishinaabe: the red colour of man, met his Mother the Earth for the first time. And from that time, Anishinaabe has always known his Mother and has always felt his relationship to the family of creation. Being vested of spirit, the human being comes from the creator from whom he receives his purpose and intention to be. Through him flows, always, his life force that comes directly from the Creator. But with him also comes his desire to be a part of this life and to give the finest and highest expression of his being in this world. He had within him this desire to reflect back to the Creator the Creator's very intention in making him in his image and lowering him to this earth.*

*And so, in these seven stages of creation, we see how all things began for Anishinaabe, the red colour of the human being. From the first thought, to the final image, the creation unfolded. In the same way, all of creative activity continues to evolve, through those seven stages of unfoldment. It is still reflected in all life activity; even to this day. Everywhere we should be able to see this. From the first thought of bringing new life into this world by couples who come together, bringing about conception itself; to the first division of that first cell, the twinness of*

*life – of man and woman coming together inside the womb; to the first movement within the womb; to the development of that seed to its fullest potential as a human being; so life unfolds according to the original blueprint of creation. It follows that a good and kind and caring place to be in this world is fashioned – the family, the earth-home, and it is completed by the emergence of the first image – the actual human being emerging from the womb to place footsteps for the first time upon the earth. In this natural creative process itself we can see the seven stages of unfoldment. And so it is with all of life.*

*Even from the first thought in the darkness of our confusion and of our unknowing, to the conception of an idea, we put together the darkness with the light and we create the twinness of our reality. In our thoughts, in our mind, we can cause the idea to move within ourselves and then introduce that idea to others so that they too can be a part of the movement and inspiration it causes. From there we create a seed of change within ourselves and around ourselves. We then make a way; make a place to plant that seed within ourselves and within others, for all to benefit from. The final result is a new being, a realized dream, that is created from this first thought that emerged in the darkness of our own mind. From the idea to the reality is again reflected the process of creation.*

*And so, Anishinaabe can see that if he knows his creation story, if she knows her creation story, they know also how all of life moves. They can know how life comes to be. All of life is a creative process that began in this original way and continues in the same way in all aspects of our life. In all places and all facets of creation, and creative activity, these seven stages are reflected.”*

The Creation story contains many teachings, including about the creativity, knowledge, love, and law (instructions, proper conduct, governance) inherent in the land and to Anishinabek, and about important guiding principles such as respect, relationship, reciprocity, and responsibility. Theoretically, it “brings about meaning” with regards to Anishinaabe ways of knowing (Simpson with Manitowabi 2013, 292), as well as governance systems, both key to my research and explored throughout this dissertation in the context of the Nipissing fishery.

With regards to knowledge, after being lowered to the earth by Gzhwe Mnidoo, Anishinaabe learns about the world by engaging with it, giving rise to Anishinabeg ways of

knowing and research methodologies, “our processes for living in the world” (Ibid., 288).<sup>38</sup> Directly following The Ojibway Creation Story in Benton-Benai’s *Mishomis Book* (1979) is the story, Original Man Walks the Earth. In it, Anishinaabe visits all aspects of Creation across the earth, learning by “visiting, observing, reflecting, naming, singing, dancing, listening, learning-by-doing, experimentation, consulting with elders, storytelling, and by engaging in ceremony” (Simpson with Manitowabi 2013, 293). These stories suggest that, within an Anishinaabe knowledge system, thought cannot be dis-embodied nor dis-placed. Anishinaabe and Haudenosaunee scholar Vanessa Watts (2013) further explains just how very inappropriate it is to dissociate Anishinaabe ‘thought’, ‘theory’, or ‘epistemology’ from the entirety of Place-Thought; that is, Anishinaabe worldview, cosmology, ‘framework’, or way of life (being and knowing); from the “good life” (Dumont 1997).<sup>39</sup>

## Place-Thought: An Indigenous framework

According to the Anishinaabe Creation Story, First Woman (Earth) is *literally* a place where Creation’s thoughts took root and grew; and among the Haudenosaunee, land is *literally* an extension of the bodies of both Sky Woman and Turtle (Watts 2013). Through Sky Woman and First Woman, Watts explains an Indigenous (meta-) theoretical understanding of the world, called, *Place-Thought*: “the non-distinctive space where place and thought were never separated because they never could or can be separated” (21). Understood through Indigenous *historical accounts* of Creation – that is, First Woman and Sky Woman’s circumstances, society exceeds the interactions between humans. It includes relations between the female, animals, the spirit world, and mineral and plant worlds.<sup>40</sup> Thus, agency, framed as “whom and what contributes to a societal structure”, circulates through both human and non-human worlds (21). Exercised by human and non-human beings, agency is derived through thoughts that extend from an alive and thinking land. From this fundamentally relational understanding of thought, land, embodiment, spirit, and agency, it is an erroneous reduction to use ontology and/or epistemology to describe “essential categories of Indigenous conceptions of the world” (20). Such “distinct domains”

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<sup>38</sup> “There is no gender associated with Gzhwe Mnidoo, and it can be translated as life force, life essence, Creator, the Great Mystery, or ‘that which we do not understand’” (Simpson and Manitowabi 2013, 292).

<sup>39</sup> The good life, Mino Bimaadiziwin, will be further explored within the grounded analysis chapters.

<sup>40</sup> E.g. Birds safely bring Sky Woman down to the earth (25).



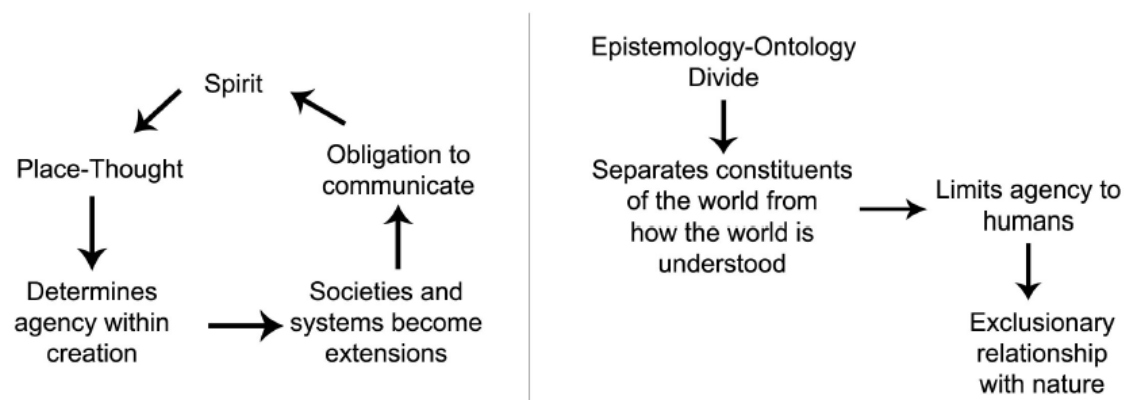
misrepresent Indigenous conceptions of human and non-human agency and how they relate to the creation and maintenance of the world (24).

Thinking in this context about Indigenous knowledge and governance, as extensions of animate (i.e. agentic, thinking) land, Indigenous peoples have obligations to care for and maintain communication with the land. Failing to do so means not only the loss of identity and physical displacement, but on a metaphysical level, it compromises Indigenous peoples' "ability to think, act, and govern" (23) - such is the inextricable link between land (place), knowledge, practice, and governance. Here, we can understand Indigenous principles of governance as "reflected in nature", in territory, and understand sovereignty as inherent (and thus, intact). According to Anishinaabe Elder Fred Kelly, to "demarcate" Turtle Island (territory), Grandmother (the Moon) comes out thirteen times a year; and like the thirteen platelets on the back of a turtle, Grandmother marks the territory, the seasons, the relationship (Law) to Mother Earth that all beings are integrally part of (Anishinaabe Elder Fred Kelly in Watts 2013, 26). The sovereignty of all nations - the buffalo, wolves, fish, trees, or human beings - is "related to our connections to the earth and is inherent... Each is sovereign, an equal part of the creation, interdependent, interwoven, and all related" (Sharon Venne in Watts, 27). As First Woman designated the beginning of all beings, including their roles and responsibilities, the female earth is fundamental to sovereignty and to interactions between humans and non-humans in the formation of governance.

As sovereignty is bound to responsibilities or obligations to original instructions that derive from the earth, from Sky Woman and Earth Woman, the land is "a source of power and knowledge" (28). Sovereignty entails an obligation to communicate with Place-Thought, that is, to speak and listen to the land (for instance, through ceremony); it is "an essential obligation in the continuation of [Indigenous peoples]" (28), because communication with the earth "ensures the continued ability to act and think according to [Indigenous] cosmologies" (32). Bringing these threads together, knowledge is embodied, active, and inseparable from place. It is bound to responsibilities embedded in the land and to Indigenous sovereignty. Watts compels a number of important questions: What happens when sovereignty - a relationship and an obligation - is treated as "an idea" (28) located not within a holistic cosmology but within an epistemology? What happens when knowledge is disembodied, abstracted, universalized, and uncoupled from essential relations with the non-human world?

Vanessa Watts’ use of meta-theory or framework helps to conceptualize this problem. Frameworks are “designs of understanding and interpretation [that] are the basis for how humans organize politically, philosophically, etc.” (22). In the Euro-Western tradition, frameworks are characteristically abstract, applied or brought into praxis through action or behaviour; epistemology and theory are distinct from ontology and praxis (Watts), separate from embodiment and performativity (Simpson with Manitowabi 2013). While the Euro-Western epistemological-ontological divide separates mind from body, subject from object, or “constituents of the world” from knowledge or “how the world is understood” (22), theory within Indigenous cosmological frames is *inseparable* from place: land is the embodiment of and thus inseparable from thought, intention or will (see figure below).

**Figure 8: Indigenous and Western Frameworks.** Representation of Anishnaabe and/or Haudenosaunee cosmology and, on the right, the process by which a Euro-Western meta-understanding can contribute to colonization of these Indigenous cosmologies (Watts 2013, 22)



Place-Thought, the understanding that human thought and action derive from the agency of place, is corrupted by the epistemological-ontological divide (23). Cartesian dualism abstracts Indigenous cosmology, rendering pieces epistemology, and others, otology. How and why people know (epistemology) is separated from what they know (ontology). This leads to gross misrepresentations of Indigenous cosmologies and erodes the animacy and agency of land and non-human beings. The resultant harm is immense. Abstracting the material (land/body) into the epistemological (31) diminishes agency (of non-humans, the feminine, and human-animal relations/communication), and disengages Indigenous peoples’ from the land (32). This compromises Indigenous governance, disavows spirit and violates the intentionality of Sky

Woman/the land (24; 30), and operationalizes violence on the land and towards Indigenous women (24).

To avoid this, it is essential to view Indigenous cosmologies as a whole. Watts explains, “In order for colonialism to operationalize itself, it must attempt to make Indigenous peoples stand in disbelief of themselves and their histories” (20). Operationalizing colonial logics and processes, the epistemological-ontological frame reduces Creation stories/histories to “lore, myth or legend”, abstract equivalents to “the moral or the story is...” (21). The communication, treaty-making, and historical agreements between humans and non-human worlds, indeed, the whole of Indigenous cosmologies, become an example of “symbolic interconnectedness”, a way to “view” the world, and, recalling the Fish-WIKS project, “the basis for an epistemological stance” (26).

Thus, Watts considers Creation Stories and other origin stories historical fact –explaining the title of this chapter. Given the “constant conflict” of having her worldview as an Anishinaabe and Haudenosaunee woman “continuously tested against the colonial frame” (22), she stresses the importance of striving for “our original instructions, located in what Susan Hill [2011] describes as the ‘pre-colonial mind’” (22). This requires an understanding of Indigenous “Creation histories” (21) as “real” events (22) that actually “took place” (21). Not *symbolic* or *epistemological*, not “a lesson, a teaching, or even an historical account”, but literal: Watts writes of the “conscious and knowing” agreement made between Corn, Bean, and Squash, for example, as extending “to our philosophies, thoughts, and actions as Haudenosaunee people” (26). It means understanding human thought and action, and the agency place, as deriving from “a *literal* expression of particular places and *historical events* in Haudenosaunee and Anishnaabe cosmologies” (23 emphasis mine). The stories happened, which means thought/intelligence and reality/being are inseparable.

## PART II: Canada 150

For thousands of years, the Nipissings have been fishing lake Nipissing as self-determining peoples. Archaeological evidence dates stone net-sinkers and fishhooks at 9000 years BP (Bavington 2015). Using a variety of fish species for food, social, and ceremonial purposes, the Nipissing also had an extensive fish trade network that was “extremely valuable...both before and after the arrival of Europeans” (Bavingtons 2015, 20). An historic canoe route via the Mattawa and Ottawa Rivers went through Trout Lake, over the La Vase

portages (the ‘height of land’) across Lake Nipissing and down the French River to its mouth at Georgian Bay (Leatherdale 1978, 7).<sup>41</sup> Nipissing trading partners included the Algonquins of Allumette Island to the south on the Ottawa River, the Ottawas to the west from the mouth of the French River to Manitoulin Island, the Wendat between Lake Simcoe and Georgian Bay, the Petuns between what is now Collingwood and Owen Sound, the Neutrals in current-day Niagara fruitland and escarpment, and many more nations to the north and west (Leatherdale 1978). The Nipissings wintered near Wendat peoples to the south, trading furs and Lake Nipissing fish for corn, and traveled in the summer as far north as James Bay, and to Sault Ste. Marie and Lake Superior in the west (Leatherdale 1978; Trigger and Day 1994).

Trade expanded with the arrival of the French (Leatherdale 1978). The Nipissings acted as commercial middlemen and continued to produce “great catches” of pickerel for trade from Lake Nipissing (Leatherdale 1978, 13; Brownlie 2003).<sup>42</sup> In 1615, Samuel de Champlain wrote, “[the Nipissings] were a prosperous people, great traders” (in Leatherdale 1978, 105); and in 1640, a Jesuit Relation reads: “[the Nipissings] are a rich people and live in comfort” (Jesuit Relation in Leatherdale 1978, 13). The Nipissings hosted “international event[s]” (Leatherdale 1978, 25). The diplomatic protocol, ceremony, games, prizes, songs, dancing, speeches, nation-to-nation meetings and deliberation, election of chiefs, gift-giving, and feasting recorded at the Feast of the Dead in 1642 exemplifies what Anishinaabe legal scholar John Borrows (2005) calls the many tools sovereign peoples used to sustain relationships to land and reduce conflict over lands and resources; it also highlights the wealth of the people, and their knowledge and command of Lake Nipissing.<sup>43</sup> At its peak, the Nipissing fish trading network extended from Lake Nipigon in the west, to Quebec city in the east, Hudson Bay in the north, and the mid-western United States to the south (Bavington 2015). Leatherdale quips, “apparently the delicacy

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<sup>41</sup> “With Advent of North West Company, the Nipissing route was no longer just an explorers’ path but became instead the highway that would transport 50 to 75% of Canada’s trade. The La Vase portages were no longer indistinct trails but were packed roadways. There are places on this trail where today one can still detect a trench in the soft earth gouged 3 to 4 feet deep by the jackboots and mocassins of the voyageur” (Leatherdale 1978, 137).

<sup>42</sup> “Aboriginal people had exchanged fish with other nations before contact with Europeans, and they quickly began to sell this item to Europeans after their arrival” (Brownlie 2003, 85)

<sup>43</sup> Jesuit Relation described a 1642 Feast of the Dead in which the Nipissings hosted the Hurons, Algonquins of the Ottawa Valley, and Sauteurs (Saut or Pauoitigoueiuhak) from Lake Superior and Sault Ste. Marie area (Leatherdale 1978, 17). Describing the wealth and generosity of the Nipissings: “...the Riches of this Country...if they were transported to Europe, they would have their value. The presents that the Nipissiriniens gave to the other Nations alone would have cost in France forty or even fifty thousand francs” (22).

and fame of the Nipissing pickerel was known many centuries before the white man invented the tourist industry” (13).

Once over 1000 square kilometers, “[th]e territory over which Lake Nipissing pickerel is traded has dramatically decreased” to less than 100 square meters of retail space (Pottery in Bavington 2015, 20).<sup>44</sup> What accounts for this decline? What accounts for the transfer of wealth and decision-making authority from the Nipissings, once part of the powerful Three Fires and western lakes confederacies, to state agencies, including the federal Department of Fisheries and Oceans and Ontario Ministry of Natural Resources and Forestry?

In this chapter, I describe how the Crown and subsequent Canadian and provincial governments wrested jurisdiction over fisheries from Indigenous peoples – or rather, how they endlessly work to wrest jurisdiction. The work is unfinished and ongoing, because Indigenous peoples do not stop refusing (Indigenous stewardship responsibilities are inherent) and resisting (Indigenous rights are hard-won) myriad and compounding colonial interventions. This means conflict between Indigenous and non-Indigenous peoples/governments is structural, a built in feature of settler-colonialism, and that settler-colonialism is both anxious and incomplete.<sup>45</sup>

In what follows, I detail the historic context of provincial government efforts to assert jurisdiction over Indigenous peoples and lands in Ontario - namely, over Indigenous fisheries; as well as Indigenous resistance to this project. The chapter achieves a number of things. It contextualizes my research with NFN, providing essential historio-legal background to situate subsequent grounded analysis chapters; and it provides a framework for appreciating the current tensions, conflicts, and contradictions pervading Indigenous fisheries as a product of the ongoing colonial present. At the same time, cracks in the structure reveal openings and suggest that something else is going on besides the exercise of absolute colonial power.

What this chapter fails to demonstrate is how this colonial history was expressed specifically on Lake Nipissing and at NFN. Included in my data set is evidence of these historic processes, including historical relations between NFN and agents of the provincial and federal governments, derived from archival and primary sources and from the landscape itself. But this dissertation is focused on knowledge and governance in contemporary human-fish relations on Lake Nipissing. So, where stories and other historic evidence help to explain the current tradition

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<sup>44</sup> Pottery is writing here, I believe, about the Nipissing fish market (reference), which is no longer operational.

<sup>45</sup> “colonizers come to stay”; “invasion is a structure not an event” (P Wolfe 1999)

of fishing at NFN, they are included. But on the whole, historic material will be better served in a separate work that grounds the structural nature of the ‘Fishing Wars’ in a historical context. In what follows, I sketch out the structural framework that animates conflict on the water, a central point developed in this dissertation.

## Wresting Jurisdiction

By acts of policy and law, the Crown assumed jurisdiction over Indigenous fisheries and fishing practices, and institutionalized Indigenous exclusion from the commercial fishing industry.<sup>46</sup> A number of enduring tropes about Indigenous peoples and their harvesting practices legitimized these jurisdictional assertions. I outline these material and discursive structures in the following section, before demonstrating their enduring presence today.

The RCAP (1996) and Ipperwash Inquiry (Linden 2007) document a complete disconnect between Indigenous and non-Indigenous interpretations of the historic treaties. By the 1920s and 1930s, “government officials essentially regarded the treaties as simple real estate deals, whose provisions had long since been fulfilled. They had been a convenient way of obtaining agreement from First Nations people to the loss of their lands and (in the government’s view) their sovereignty” (Brownlie 2003, 82). Government “vigorously resisted” Indigenous interpretations of what had been agreed to; that is, that their rights to harvest resources were enshrined in the law via the treaties (Ibid.). The provincial Department of Game and Fisheries interfered frequently with First Nations hunting and fishing rights, using conservation legislation and enforcement to deny the existence of Aboriginal title and treaty rights.<sup>47</sup>

Early provincial game laws indicated that treaty rights were not to be affected. However, beginning as early as 1892, the Ontario provincial government imposed regulations on hunting and fishing – including closed seasons and licensing procedures, without the consent of First Nations (Brownlie 2003). These early laws contained exemptions for First Nations people, for instance, from paying fees for fishing leases. However, they were “ignored in practice” and “dropped entirely” by 1914 by provincial game wardens who prosecuted harvesters and

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<sup>46</sup> “[B]y what authority does” Canadian law have “the authority to be invoked and to govern” (Pasternak 2014, 146).

<sup>47</sup> In 1867, The *British North America Act* established a division of powers: the federal government assumed authority for ‘Indians and lands reserved for Indians’, while the provinces assumed jurisdiction over lands and resources

confiscated their take and equipment (86).<sup>48</sup> The federal Indian department made “weak initial protests” that was thwarted by the increasing political power of provincial governments across Canada (Ibid.).<sup>49</sup> Historian Frank Tough has written, “[a]s provincial game protection laws evolved, both in terms of the technical ability to manage the exploitation of wildlife and in terms of the provisions which affected Indians, the capacity of the federal government to protect treaty rights slipped away” (in Brownlie 2003, 86). In the early twentieth century, the DIA had “abandoned all efforts to protect First Nations treaty rights” to harvest on their traditional territories (Brownlie 2003, 10). Their position shifted from the protection of robust Treaty rights to a view in which Indigenous peoples should be “allowed” to harvest fish, for subsistence purposes, deemed “small-scale fishing” (Ibid., 89). By 1920, the DIA “actively defended the provincial government’s policy of restricting Aboriginal hunting and fishing” (Brownlie 2003, 84). As treaty provisions were increasingly disregarded in Ontario (Linden 2007), hunting and fishing legislation encroached “ever more directly” on treaty rights (Brownlie 2003, 84).

Recall that to Indigenous signatories, the Robinson Huron Treaty guaranteed exclusive rights to their fishing areas and to fish as they had been in the habit of doing; however, Crown officials excluded the commercial use of fish from its interpretation of treaty rights (Brownlie 2003; Nashkawa 2005; Teillet 2005). In the 1859 *Fisheries Act*, the Province of Canada created an inimical definition of Aboriginal fishing rights, restricting “their exercise to personal consumption, as opposed to fishing for trade or for ‘commercial’ use” (Brownlie 2003, 85). This introduced a “meaningless” distinction between ‘subsistence’ and ‘commercial’ uses of fish, because, for centuries, the economies of Indigenous peoples “depended on fish not only for food but also as a trade item. Trading had always been part of their subsistence, and when they signed the treaties they expected to continue fishing and trading as they always had” (Ibid.). By restricting treaty-fishing rights to ‘domestic consumption’, government drastically reduced their value. An agreement for “the Protection of the interest of native tribes”, negotiated between the DIA and the Department of Crown Lands (responsible for fisheries in Canada West and Canada East) within this *Fisheries Act*, exempted Aboriginal people in Canada West (Upper Canada) from paying fishing leasing fees and it ‘granted’ exclusive right to some fisheries – though only

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<sup>48</sup> As early as 1859, commercial fishing was excluded from the government of Canada’s interpretation of treaty rights (89)

<sup>49</sup> The provincial government’s position was “to deny Aboriginal rights altogether” (Brownlie 2003, 90), while federal DIA officials viewed the Indian Act as superseding the treaties (82).

for “domestic consumption” (Ibid.). Troubling is that the Act was even presumed to apply to First Nations people, that, not ten years after the Robinson-Huron Treaty was negotiated, government assumed jurisdiction over the fisheries.

At a local level, Indian Affairs “machinery” became increasingly elaborate after Confederation (Brownlie 2003, 31). In 1876, the first *Indian Act* came into force, consolidating and extending previous laws relating to Aboriginal people and emboldening the doctrine of assimilation. An elective band council was imposed on First Nations, transposing traditional governments and allowing the DIA to exercise political power over communities. The Canadian government relegated First Nations people to a state of wardship in which the DIA held unchecked political power over band governments; they exercised final authority over band membership, resource use, and band funds, and exercised veto power over band council resolutions (Brownlie 2003, 9)

Reflecting on the alchemy of sovereignty (Borrows 1999), what discursive frameworks legitimized settler government assertions of jurisdiction? With regards to hunting and fishing, key constructs included conservation, scientific truth statements, and racial difference; namely, Indian economy/mode of life and special rights (not treaty obligations).

Conservation goals “justified” the violation of treaty obligations concerning Aboriginal hunting and fishing (Brownlie 2003, 85). Conservation measures adopted by governments were poorly enforced and thus ineffective – except, against Indigenous peoples, they were often “strictly enforced” (82). Two related logics were at play in the uneven application of conservation measures. On the one hand, conservation was “rationalized on the grounds that that [it] was of particular benefit to First Nations people” (85). At the same time, there was a pervasive belief among the general Euro-Canadian public that Aboriginal people were (and remain) “a major factor in the depletion of game, since they were accused of [recklessly] disregarding conservation needs” (Brownlie 2003, 86; Nadasdy). As such, governments were justified in restricting First Nations’ access to traditionally-held sources of food and trade items (Brownlie 2003).



Seeking to know “what happened” to initial treaty and early legislative protections that were meant to secure Ojibwa rights to fish in southern Ontario<sup>50</sup>, Thoms writes that “a cabal” of mid-19th century sportsmen “infiltrated” parliament (2004, ii). Forming a powerful lobby, sportsmen’s associations worked to criminalize Ojibwa fishing systems and entrench new methods in law (2004, ii). They “developed a series of enduring arguments against Aboriginal rights” and “influenced the early development of fisheries science research”, making “scientific truth statements that endorsed their social interests and recast the Aboriginal fishing systems as a serious threat to the conservation of stocks” (Ibid.). In another piece, Thoms identifies similarly power-laden and colonial processes at work in the Nipigon River fishery, where Ojibwa fishing systems and technologies were rendered “antithetical” to Canadian ideas about resource management, proving central to the belief that Aboriginal control destroys fisheries (1999, 170).

Subsistence “only” access to fish (Brownlie 2003, 89), “small-scale access to fishing” as a dietary supplement (Brownlie 2003, 92), was consistent with prevailing tropes about the ‘Indian’ mode of life and the wardship status of First Nations people. Indianness was associated with a particular lifestyle: subsistence-based hunting and fishing, guiding, and the sale of crafts, furs, and game; some wage labour, but with connotations of “shiftlessness, unreliability”, and a high degree of mobility; and, ultimately, an assumption of people living on a subsistence level (Brownlie 2003, 44). Embedded in the economic concept of an Indian “mode of life” was the notion of “*intrinsically different*” ‘white’ versus ‘Indian’ economies (Ibid. emphasis mine); however, in practice, both Euro-Canadian and Indigenous men (in the Georgian Bay area) performed seasonal labour, moved accordingly, and resorted to game and fish to supplement diets. The difference insisted upon by Indian agents concerned attitudes towards work, relying on the worn-out trope of the ‘lazy Indian’ in Euro-Canadian mythology; “The constant official reiteration of the need to teach Aboriginal people to be self-supporting stemmed in part from this myth” (44). Indian agents stressed self-sufficiency and an individualistic, industrial work ethic, while simultaneously excluding First Nations people from commercial fisheries in Ontario, as it would spare government the expense of providing occasional relief. In the 1920s and 1930s, DIA officials would occasionally intervene (e.g. request short-term leniency in regards to provincial

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<sup>50</sup> Ojibwa oral histories of the first treaties with the British Crown in 1783 maintain that they reserved the regions’ wetlands and fisheries for their exclusive use. In a series of *Acts for the Preservation of Salmon* (1807, 1810, 1820, 1823), Upper Canada protected Ojibwa treaty fishing rights. It was settlers who bore the burden of the first conservation laws. (Thoms 2004, ii)

hunting and trapping regulations) on behalf of First Nations people against the actions of game wardens (89). They did so not because of treaty obligations, but on the grounds of ‘special privileges’ for Native people, whom they viewed as their “clients” (Brownlie 2003, 89). Hence, provisions were made and exemptions granted for subsistence Native fishing.

Undergirding these constructs were hierarchical ideas about race, especially those about immutable difference that animated the trope of the vanishing Indian and legitimizing settler futurities (Brownlie 2003, 9).<sup>51</sup> These operated as a seemingly benign “superficial curiosity” about ‘Indians’ (Ibid.). Exhibits at the Canadian National Exhibition in Toronto during the inter-war years, at other similar fairgrounds [including Sturgeon Falls], and tourist lodges, including along the French River, would stage “historic Indians” using Indigenous actors, Wild West scripts, and other stereotypes from American popular culture. Exhibits were designed to generate “a sense of local colour and history”, so that actors were confined to the past, kept “safely” there (9). Like contemporary critiques of purely cultural forms of recognition that actively disavow historio-legal claims and interests (St. Denis), Brownlie writes that reducing First Nations people to their “picturesque” cultural forms, technologies, and manufactures (i.e. beading), worked to distort the political context of treaty violations, territorial dispossession, resource exclusion, and to thwart political independence. These representations revealed nothing about the values, worldviews, relations with Euro-Canadians or government, spirituality and beliefs of contemporaneous peoples (147). Performances, including re-enactments of ‘Indian guides’ accompanying early French explorers down the French River, and exhibits reified constructs of the “real Indian”, or rather, an image of what they “used to be like” (9;147). In their role bringing First Nations people to fairs and exhibitions, the DIA sanctioned “ritualized presentations of the Aboriginal ‘Other’”, which included the display of “a few tools that had long ago been made emblematic of ‘the Indian’”, wholly “stripped” of any cultural or other meaning (147). The subtext was one of white technological superiority and the “inexorable disappearance of the alien culture whose forebears had given way to the superior British ‘race’” (147).

What did these laws, policies, and discursive constructs seek to achieve? John Borrows (2005) writes that Aboriginal political, economic, and cultural power is disrupted to make it easier for non-Aboriginal peoples to strengthen their claims over Aboriginal lands (Borrows 2005, 16). The restriction of treaty rights under a new provincial conservation regime took place

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<sup>51</sup> and “virulent forms of racism” too (9).

in the interests of non-Aboriginal economies and subjectivities (Linden 2007), including commercial fishing operations, recreational and sports fishing lobbies, a growing classed, raced, and gendered tourism industry (Thorpe; Jasen 1995), and emerging conservation ethic. Indigenous fishing practices were suppressed concomitant with rising demands from non-Aboriginal harvesters, visiting tourists, locals supplementing meager incomes with game and fish during the Depression, and commercial operations, depleting fish stocks (Brownlie 2003), including in the Nipissing region (Casey 2007; ). Expropriating Indigenous fisheries, the Province of Canada's system of fishing leases facilitated the transfer of resources to non-Native interests around the Great Lakes; between the 1850s and 1930s, "commercial fishing was governed by non-Aboriginal people and organized to exclude Aboriginal rights" on Manitoulin Island (Brownlie 2003, 87).<sup>52</sup> By the early 1860s, "almost zero" fishing leases were held by Aboriginal people (Ibid.). Large-scale, commercial fishing was constructed as "a business for non-Natives", as small-scale subsistence fishing was pushed on First Nations, certainly not out of historical fact or necessity (Brownlie 92). Provisions and exemptions for subsistence fishing constituted a containment strategy, similar in function to residential school policy, in which "[Canada] wished to divest itself of its legal and financial obligations to Aboriginal people and gain control over their lands and resources" (TRC 2015, 3). While they certainly tried, and did gouge deep inroads, they did not succeed.

## Resistance

These material and discursive structures threatened Indigenous peoples' access to fisheries, and disrupted important structures, including of leadership and decision-making, kinship- and community-oriented sharing of resources (in favour of industrial work ethic), and use of resources. They also rendered Indigenous polities and territorial claims mostly illegible. However, First Nations people never gave up territorial jurisdiction or control of their fish resources. They "never authorized the newcomers to make use of their resources, much less to

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<sup>52</sup> In the face of efforts by First Nations in Ontario (e.g. Parry Island, Christian Island) to secure waters for their exclusive use (considering that reserves within Robinson Huron treaty territory were selected for their proximity to robust fisheries 84-85), the Province of Canada's fishing leases system was used to exclude First Nations fishers from the commercial fish trade (87). Governments enforced the "English common-law principle that the fish resource was open to all and publically owned, and organized its exploitation in the interest of Euro-Canadian society" (Brownlie 2003, 87).

take possession of them and then dictate when and how Aboriginal people could access them” (Brownlie 2003, 82).

This resistance is evinced by the political conflicts between Indigenous peoples and governments, frequently focused on treaties; namely, unfulfilled promises, use of resources, and land questions (Linden 2007; Brownlie 2003, 89). First Nations have held a coherent understanding of their rights: that prior occupation of their territories combined with treaties enshrined in Canadian law their inherent rights to harvest resources (Corbiere; Brownlie). Because of this, Brownlie (2003) stresses the consistent, accreted political strategy enacted by First Nations, the “many consistent” elements of resistance and adaptation to European presence and encroachment over the last 150 years, *in the Parry Sound and Manitoulin agencies* (130). The details of treaty negotiations and also from First Nations resistance during the 1920s and 1930s reveal a “coherent plan” (130). It included the following elements: the retention of a land base and access to traditional resources (especially game and fish, but also minerals in the case of Robnson Superior); secure, perpetual income (annuities); promise of ongoing government support when needed; and provisions to assist the transition to new economic conditions, including training, tools, implements, and other required goods; education and health were also important. In 1917 and 1918 chiefs and councilors of Shawanaga, Parry Island, and Henvey Inlet petitioned for exclusive use of their customary fishing grounds. And in a 1930 protest letter, a member of Whitefish River First Nation member proposed that trapping licences be granted only to treaty Indians in order to thwart the encroachment and “fierce competition” from Euro-Canadians on traditional trapping grounds (93).

Evidently, these claims were treated as “unreasonable” applications “to which they had no right” (91).<sup>53</sup> In the first example, the DIA dismissed the claim, calling the areas identified by leadership to be set aside “ridiculous” in size, “beyond reason”, and writing derisively that “they just about want all the Georgian Bay” (Brownlie 2003, 90, 91). In the second example, the Indian agent was unsympathetic, observing “dryly” in an internal letter to officials that the complainant’s application for enfranchisement ought to be denied, which it later was (93). However, such claims were neither ridiculous nor unreasonable. In the first example, these communities once shared Georgian Bay amongst themselves and other nations and did not

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<sup>53</sup> Where “special privileges” were “given to” First Nations, it was a matter of self-professed “grace” (Brownlie 2003, 92) and “generosity on the part of government” (93).

consent to share it with newcomers. Leadership “were, in fact, attempting to reclaim their old fishing grounds” (90). The same point can be made about the trapping grounds in the second example. These petitions demonstrate the coherence and, in spite of colonial logics, the validity of claims to resources that had been “legitimacy reserved for them” (91).

Facing the diminution of political independence, Indigenous leadership continued to pursue, “with great energy and vision”, a future of continuing self-determination (9). Band councils were intended to carry out the objectives of the DIA, and by the 1920s and 1930s elected chiefs were mostly unable to perform the former roles of the ogima, including the provision of social services and aid, because they lacked access to surplus, transferable wealth. But they also became important sites of subversion from which to challenge federal authority and exercise Indigenous self-determination. Deemed “unprogressive” by Indian affairs, some band councilors rejected the Indian agent system, opposed assimilation, and insisted on raising issues such as treaty entitlements and grievances (47-48). Following displacements of leadership and kinship networks, band councils were sometimes successful at garnering social services from Indian agents themselves.

Brownlie also stresses the continuity of “distinct” philosophical and socio-cultural values of First Nations during the period under study, despite heavy assimilatory efforts including sweeping religious conversions (9). The retention, persistence, and vivacity of Indigenous philosophical, intellectual, and ethical traditions, of cultural traits and values, including language in many places, disrupted the dominant narrative of Aboriginal “cultural change and loss” (130). They provide “proof” of people’s “vociferous” resistance to forced assimilation (Brownlie 2003, 129-130), and demonstrate how people sought to adjust and adapt to European livelihoods, on their own terms, while retaining traditional occupations. And finally, against the criminalization of Aboriginal harvesting practices by the government of Ontario in the absence of federal intervention, First Nations continued to trade fish for other goods. They defied the laws and regulations, and bore equipment seizures, fines, and jail terms for their resistance (Brownlie 2003, 88).

## Conclusion

These twin dynamics, government efforts to secure unfettered access to Indigenous resources and Indigenous peoples' resistance and refusal, has inevitably led to conflict.<sup>54</sup> Brownlie (2003) writes: "Conflict between Indian agents and First Nations people was an *inevitable* outcome of the federal government's unilateral assumption of authority, to which the people had never consented" (56, emphasis mine). This conflict is not only historic. Across Ontario, Indigenous peoples are still contending with both the legacy of past wring-doings and also contemporary expressions of state assertions of sovereignty.<sup>55</sup> The point I wish to stress is that conflict is "inherent" (Ibid., 78).

Conflict means that the 'wresting' of jurisdiction remains incomplete. This has a number of implications. One, on account of First Nations resistance and survival, the expropriation of Indigenous resources remains incomplete; two, the Crown continues its work to wrest jurisdiction from Indigenous peoples (and from the land itself); three, competing jurisdictional claims account for the pervasive conflict that characterizes fisheries across Turtle Island, including a number of pressing issues and management challenges on Lake Nipissing; and four, regardless of conflict, the inherent rights of First Nations people and the agency of non-humans (Watts 2013) continue to circulate throughout Nipissing territory, regardless of colonial interventions – thus, something 'else' is going on besides structural conflict, which I develop in this work.

The current status of Aboriginal fisheries in Ontario, challenges facing Lake Nipissing, and issues at NFN are neither natural nor absolute. The current situation is a result of particular decisions and decision-making processes; it is not fixed. There are alternatives to the dominant regime for fisheries management and governance such as co-existence, legal pluralism, and knowledge sovereignty. Though social and political life is thoroughly conditioned by colonialism, Indigenous agency, resistance, and futurities are not foreclosed. Audra Simpson (2014) writes that settler-colonialism constitutes in many ways the realities and socio-political possibilities of Indigenous life at Kahnawake, including the work to assert political sovereignty

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<sup>54</sup> "Conflict was, after all, inherent in the system, since federal control had been imposed without First Nations consent" (78).

<sup>55</sup> i.e. unfulfilled treaty promises and treaty violations, exclusion from resource-related decision-making, dispossession and long-standing land grievances, failure to meaningfully consult and accommodate the rights and interests of First Nations, misrecognition of law, frustration, and poverty (Linden 2007).

vis a vis membership questions – and it is politically important to account for this. But, like Simpson's next move in *Mohawk Interruptus* where she outlines the sovereign refusal of the people, in what follows I discuss Indigenous peoples and Indigenous polities exceeding the spatiality and temporality of settler-colonialism's the vanishing Indian.

## Chapter 3: Fish (Belonging)

In this chapter, I argue that fish and fishing practices involve relations through which Nipissing people belong to Lake Nipissing. Belonging is an active, reciprocal relation that involves human and non-human beings and law. As a theoretical concept, belonging is capable of handling difference [and contradiction], and is in fact strengthened by it. Initially, I did not see this.

My analysis of participant data began with a question of what fish and fishing as a practice mean to the community - how they are understood, valued, and used. In what follows I present my first two submissions to the community newsletter, *Enkamgak*, which represent my earliest interpretations of the data. In these pieces, two of my earliest observations are evident. First, colonial infringements tend *not* to be the overarching framework through which people articulate their relationship to the fish. In a powerful experience, an elder and language speaker I interviewed refused such a framing by repeatedly ignoring my prompts and stating numerous times, “and I remember”, in reference to beautiful experiences she had had on Lake Nipissing throughout her life (this happened in subsequent interviews as well). While obvious to me now, this finding was surprising given *my* relationship to the Lake Nipissing fishery as a site of conflict and awareness of the racist and violent discursive field through which Indigenous harvesting and resource use are mediated (Lawrence; Linden 2007). Second, the differing perspectives and tensions circulating within the community struck me as difficult to contend with/interpret/think through in constructive terms, particularly as an outsider cognizant of both the criticisms leveled at NFN and the unified public messaging with which NFN tended to respond. Writing for the community newsletter in 2016, I worked to highlight the first observation and minimize the second. I focused on the affirmative beliefs, feelings and experiences shared by research participants.

Provided here with only minor edits and commentary in between are my first two research vignettes. I follow these up with new insights derived from working with belonging as a theoretical concept.

In my first vignette, titled, *Establishing foundations, seeing connections* (May 2016), I worked to interpret the significance of fish and fishing at NFN. I wrote the following:



*This month I explore the significance of fishing from different perspectives, highlighting recurrent themes from my interviews.*

*Fishing is part of NFN's cultural heritage. Research participants shared stories about community picnics, the product of incredible volunteerism and shared effort, where pickerel and baked beans accompanied the canoe racing, log running, and visiting. Today, fish are donated to the powwow, food bank, shared at fish fries, and given to Elders. Young people learn how to fish from the older generation. Fish bring people together.*

*Fishing is part of the community's political inheritance. During treaty negotiations, Nipissing leadership knew that fish and game would always provide for the people. They worked hard to include provisions for unrestricted access to hunting and fishing within the Robinson Huron Treaty of 1850. As the ancestors anticipated, fishing has provided that safety net, sustaining women-headed households and supplementing seasonal and precarious work. Today, fishing is an enshrined right and important livelihood. Some felt that this inheritance was under threat.*

*Netting has become, as someone put it, the community's touchy subject. People talked about netting as a sustainable source of income, as necessary to host a fish fry, as something you teach your children and grandchildren, and as something that can be done improperly or overdone.*

*Interviews reveal differing perspectives, but also common feelings and experiences. Many agreed that the situation was worse not too long ago. Harassment and criminalization were common. Parents and grandparents were forced to hide their meat and fish. Previous generations resisted the control exerted by Indian Agents and the MNR. Strong women and men fought, sometimes literally, to maintain their right to fish and to set nets. The present challenges, whether internal disagreement or external animosity, did not come*

*out of nowhere. They can be traced to earlier forms of colonial infringement, forming a continuum with the past. So, despite the challenges, from a long-term perspective the present NFN fishery is a success. The community has successfully maintained knowledge, command, and access against immense odds.*

*Fishing carries multiple meanings. But in all cases, connections run deep – there is spiritual connection, ancestral protection, a treaty guarantee, and trust in the capacity to evolve as a community. Strength and opportunity lie in the collective valuation of fish, and also in the problem solving and decision-making taking place in many forms at the community level today.*

Here, “problem solving and decision-making” refers to a number of community consultation meetings and other deliberative decision-making processes taking place within the community during the period under study (petition; meetings). For example, in August, 2015, chief and council voted to close the NFN commercial walleye fishery early, reducing the season by more than half, a decision that was made based on recommendations from NFN fisheries staff and from a series of community meetings held in 2015 (Campbell, 2015). To deny the livelihood of a number of active commercial fishermen was not a simple or easy decision, but in the context of a precipitous decline in the Lake Nipissing walleye population it was made “to secure and protect [NFN] fishing rights” (Chief McLeod in Campbell 2015; ref). According to Canadian Aboriginal law, conservation is a legitimate reason to limit section 35 fishing rights (case). By reducing their commercial catch, the province would be unable to pin an imminent fisheries collapse on the First Nation, upholding the “success” with which NFN has maintained control over its fishery.<sup>56</sup>

In my second vignette, *Defining a Set of Values Through Practice* (June 2016), I wrote about where, when, who, why, and how people fish, and what it means when people would say there is a ‘right way’ to fish. It read as follows:

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<sup>56</sup> Against Indian agents, conservation officers, the Mike Harris years (responsible for numerous arrests in the 1980s), and an aggressive tourism industry

*Last month I wrote about what fishing means to the community, socially, culturally, and politically. This month I get more specific; where, when, who, why, and how do people fish? What does it mean when people say there is a 'right way' to fish?*

*Where and when people fish is part of a broader context, a way of life. Community members who grew up on the lake shared good memories of island living, picking berries, harvesting seagull eggs, drinking water straight from the lake, guiding and trapping, shore lunches, enjoying pike, whitefish, and sturgeon cooked a certain way, ice fishing with nets, hauling water, and traveling by dog sleigh. For generations, fishing required healthy ecosystems and unrestricted access to islands and other harvesting areas, and was part of a system of seasonal rounds.*

*Who fishes, and for what purpose? It seems like people have competing interests in and claims to the Nipissing fishery; for instance, the fish are studied, harvested, offered tobacco, politicized, and contested on social media. People love the fish, depend on the fishery, stay out of it, and so on. But what's at the root? Historically, women were often the 'fishermen'. Feeding their families, they taught the next generation and maintained the practice in the face of intense pressure from Indian Affairs and the conservation agenda. In terms of how these women fished, and the social behaviour that went with it, 'their way was law'. In this spirit, fishing descends from a proud tradition, one that is regulated internally at the family level.*

*How people describe fishing is telling. Commercial, subsistence and former fishers, youth and Elders - across the board, community members I spoke with defined Nipissing fishing practice in opposition to that of non-Native people. Different from mainstream fishing practices, values, management and enforcement styles, the distinction is known and felt. It is marked by what people called the 'right way' to fish or 'proper etiquette'. This includes particular fish*

*handling and preparation, timing and safety considerations, norms around harvest quality, quantity and 'by-catch', and how the fish are shared. Key is that fishing practices are seen to hold or embody a set of values. The 'right way' to fish is an expression of communal and cultural responsibilities enacted by individuals and modeled by family.*

*Fishing at NFN is rooted in place and a distinct set of values and practices. The 'right way' requires access to healthy lands and waters, and to certain knowledge, experience, and teachers. When these conditions are threatened, so is a way of life. Not just a livelihood, fishing is a source of identity, heritage, and social obligation, at the community level. This broad, lived dimension of fishing has implications for policy and law that seeks to regulate fisheries, traditional knowledge, and the environment, which I explore in my next submission.*

In this vignette, my objective was to historicize and politicize the “touchy subject” that is net fishing on Lake Nipissing (research participant), and point to the shared community values that constitute fishing practices at NFN. During the period under study, important conversations were taking place across the community about the NFN commercial fishery, netting, and compliance challenges, but never in a spirit of “attack” against NFN commercial fishermen (Fisher in Turl 2014). In contrast, settler and sportfishing groups hurled vociferous blame at NFN commercial fishermen and the community as a whole for the state of the lake Nipissing walleye, especially for the series of “ghost nets” discovered throughout the summer of 2014 (see Desroches 2014).<sup>57</sup> Writing about the “right way to fish”, mentioned widely during my interviews, including by compliant and non-compliant fishermen, non-fishermen, youth, Elders, and so on, was to identify a unifying theme, even across differing perspectives and practices regarding the walleye “crisis”. It was to say that fishing at NFN is based in tradition and also in opposition to colonizing forces. My way to acknowledge internal challenges, such as the “few” non-compliant harvesters (Goulais 2015a), was to account for the damage to Nipissing economies, ecologies, transmission of knowledge, and law wrought by colonial interventions.

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<sup>57</sup> Ghost nets: unmarked gill nets that trapped and sometimes contained hundreds of bloated and rotting fish.

In these pieces, I reinforce strengths and opportunities at the community level, thereby avoiding damage-centered research (Tuck). This interpretation has important implications for Indigenous fisheries management, provincial policy, reconciliation, research, and other themes that I develop in this dissertation. But I do not need to avoid discordant meanings and practices pertaining to fish and to the fisheries at NFN in order to make this claim. It is possible to deepen my analysis by drawing on my conceptual framework and a weak theory of belonging, which is capable of and even strengthened by internal dissonance (discord, normal to any community, is used to undermine Indigenous claims and interests, making it a topic to be carefully engaged, if at all).

Belonging surfaced in my interviews – powerfully so in one of the first ones I conducted, excerpted below, and it spoke to an Indigenous cosmological context and governance structure. I will introduce an extant theory of belonging, followed by empirical expressions of belonging as an essential relationship through which to understand and appreciate diverse meanings of fish and fishing practices among the Nipissing.

## A weak theory of belonging

Belonging resonates across wide and varied contexts, in the literature and in everyday life. It is something one feels (i.e. a sense of belonging) and does, it represents place, is something found in relationships between humans, non-humans, things, and ideas, and is embodied in practices (Wright 2015). Belonging can be non-site specific, such as diasporic community belonging. It can be mobilized to include or exclude along axes of race and ethnicity, class, (dis)ability, citizenship, gender, sexual orientation, and other affiliations. It can be personal, affective and intimate *or* structural, public and political. And it is imbricated in countless practices across diverse social, economic, and political communities, at multiple sites. For example, Australia’s One Nation party activates affective politics of “home” as a proxy for white belonging, deploying belonging to propagate racist and exclusionary politics (Caluya in Wright 394). In another example, Finish Roma perform diverse, often non-institutional forms of belonging, involving the private sphere (language, cultural norms) and care-work (Nordberg 2006) to emphasize an inclusive ‘sense of belonging’. In a third example, among students of desegregated schools in Seattle, bodily and embodied practices of “grooving” (music tastes and dance) and “grooming” (hair care) are crucial in performances of belonging - in the demarcation

and, at times, destabilization, of racial boundaries (Veninga in Wright, 401). Engaged in many wide ranging ways, “[i]ts ubiquity is perhaps the most powerful indication that it is indeed possible to belong (or be excluded/alienated) in many different ways, at many different scales” (393).

Belonging means something to people, or rather, “means different things to different people”, making it deeply resonant in the lives of many (392). Heterogeneity is the strength of belonging as a theoretical concept, as will be argued below. There is more than one way to belong to the lake. For instance, emotions figure prominently in people’s everyday narratives of belonging. Cognizant that the emotional and affective realm is materialized through practice, experience, performance, and embodiment, a weak theory of belonging attends to feeling terms, ubiquitous terms, and everyday or repetitive practices. These tell us something of belonging in ways that do not preclude opposing views or assume absolute meaning (400).<sup>58</sup>

As opposed to strong theory, that which “demands comprehensiveness, exclusivity and grand claims”, weak theory “supports partial understandings and multiplicity, and allows for both contradictions and inconsistency” (Wright 2015, 392). It “reduce[s] theory’s reach to something nascent, less totalizing, that ‘cannot encompass the present and shut down the future’” (405). Weak theory understands things as “open, entangled, connected and in flux” and wonders at the ways “things, people, affects and places, with different trajectories, may come together, albeit in often tentative, inconclusive or evolving ways” (392). Engaging things ‘in the middle’, weak theory considers what ways of knowing and relating are possible or “already present” (392). It does not work to close down, categorize, judge, or model. Rather, weak theory attends to possibility, surprise, movement, change, connection, and trajectory.

For instance, people made seemingly mundane comments about fish-eating habits, usually situated in the past: “a neat thing to look at [would be] the way they cooked them [...] they used to boil them”, or, “my mother cooked [fish head soup] quite a bit”. Arising repeatedly and often unprompted, I began to understand these in relation to emotional narratives of connection, of “loving the lake” and family ties. I also began to understand them as expressions of the values, cultural beliefs or philosophies that underlie and unite fishing practices.

“my grandmother was very, very strict about was that we didn’t waste anything, and she didn’t even like the idea of filleting the fish, but to scrape the scales off of

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<sup>58</sup> Weak theory is interested in ubiquitous terms or particular uses of terms, those that appear superficial, common sense, and taken-for-granted, such as a ‘sense’ or ‘feeling’ of belonging (397).

it, and take the innards out, and then the fish would be cut into pieces and cooked in that way [...] so we never threw out any fish, or we never looked at fish in the way that fish are looked at today. They're more like categorized – there's a certain species fish are no good; they're considered garbage – and when I was growing up, I'd never heard that term, ever – of any kind of fish or animals referred to as garbage. I think it would have been very insulting to my parents and my grandparents if they ever heard that term.

Wright describes “visceral, embodied belonging” through food, its sale, preparation and consumption, as “intimate expressions of self, memory and home...shared food and shared feelings create embodied geographies of belonging, food, and hope...[and] generated affective ties...” (402). Stories about boiling fish, canning fish, sturgeon stakes, fish fry's, shore lunches, and fish head soup are linked to a sense or feeling of belonging to the lake and to community, to belonging that is “generated through practice and mundane activities in the home and elsewhere”, to belonging as “emotional affiliation” (397).<sup>59</sup> Central to this interpretation is that the emotional realm is not separate from the political or practical. Emotions are relational.<sup>60</sup> Considering the struggle for band membership, land rights, resource equity, and self-determination, “belonging-as-emotion...connects bodies to places, and bodies to other bodies” (398). It also “produces and reflects” key sites of contact and meaning – for instance, helping to differentiate between ‘self’ and ‘other’ (Native vs non-Native; legitimate vs illegitimate fishers), and connecting individual subjectivities to meaningful collectivities (398).<sup>61</sup>

Ultimately, a weak theory of belonging derives its explanatory power not by resolving inconsistencies in belonging's countless meanings and uses or “somehow” getting the representation of objects “right” (392). A generative way to consider belonging from a weak theory perspective is to reflect on the “texture of how it is felt, used and practiced” (391), the *how* and *why* belonging is invoked.

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<sup>59</sup> Animals heads were “once considered a delicacy in Anishinaabeg foods”, often eaten as a feast food in ceremony (Day 2013, 93); fish heads and beaver heads are favourites.

<sup>60</sup> From recent literatures on emotion and affect, emotions “do things”; they shape society, define people, subjectivities, and collectives, and they provide non-verbal ways of knowing the world (Ahmed in Wright, 398). Emotions are relational, gaining power “through movement as they build upon and generate associations... [and] are generated through, at the same time as they help produce...encounter[s]” (Ibid.).

<sup>61</sup> Feeling a sense of belonging to a group of people both “produces that collective, those objects, those places, and is produced by them” (398).

## Fishing: “the way we belonged to the lake”

*“Me: You started to tell me how it was fishing with your mom and your family, and the values.*

*Interview respondent: Well basically our family history and the way we belonged to the lake, the way our grandparents taught us, my mother in particular, is that we are of the Otter clan and the majority of our family were and still are fishermen. The rights we inherited from treaty agreements, we, especially my mother, try to keep in place by basically almost physically fighting with the MNR, my uncles as well. The sense of belonging to the lake, you can’t describe it as far as I’m concerned. Around this lake is where I learned my language, I learned to be dependent on the lake; it’s where our history as the Nipissing’s originated. We fought the Iroquois around here. Looking back on the very little history I do know, it goes back a couple hundred years if not more. As the government tries to put down our treaty rights we keep living the way we were living before and try not to stop by their repression. We’re still here today.*

The sense of belonging to the lake derives from deep cosmological, social, familial, and political inheritances: it arises from his clan, as something that his grandparents and mother instilled in the family, from historic treaty agreements, and through defense against other nations. Belonging is embryonic, tied to the very origins of the Great Lakes Anishinaabe, “where our history as the Nipissing’s originated”, and to the survival of the Nipissing as a people living in this place. Belonging is ineffable; “you can’t describe it as far as I’m concerned”. It is affective: a “sense”, feeling, and emotion. It is embodied in language and through practice. And, more than a feeling, it is also something one does. Belonging is a verb, an active relation. There is a “way” to belong to the lake (emphasis added) that involves doing, a way of being; for instance “living the way we were living” and being “dependent on the lake”. Belonging involves “learning” and it requires maintenance and protection. They “try to keep in place” this relationship with the lake, “to not stop by their repression”, whether by another Indigenous nation or the settler state. Belonging requires resistance but it also animates incredible community resilience: “we keep living the way we were living before”. This collective survivance occurs in place: “we’re still here” (emphasis added), emplacing belonging within specific territory.

To this research participant, an important interlocutor, the sense of belonging is experienced in the body as emotion, memory, and work. It is known through family; embedded in the clan governance system; expressed through language; and secured by treaty. Its protection is corporeal, “almost physically fighting” with provincial conservation officers. Neither lost nor immune to settler-colonialism, the sense of belonging endures in dynamic, complex ways.



Other research participants used terminology that described a similar sense of belonging: a way of living in community and with the land, tradition, affinity to the land, integration, and connection. Accounting for life at NFN during her youth, in the 1940s, “our life was always centered around the lake” (JUC). And reflecting the present, a youth stated, “[it is] integrated with us, Lake Nipissing is just generally a part of all Nipissing First Nation members. It’s the lake we’re named after, or, the lake’s named after us. We have a huge connection with the lake ... it’s always been [...] there for us [...] spiritually, culturally, physically” (FAMS). Research participants told me unprompted stories about growing up on the lake (CHRG, EVM, ROC), exceeding the topic at hand (fish/fishing) and contextualizing it among good memories of security, beauty, and love towards Lake Nipissing. Often, comments about colonial intervention pertaining specifically to hunting and fishing were eclipsed by participants’ descriptions of positive feelings, a sense of belonging and connection, and reciprocal relations through and with the lake

In what follows, I present participant commentary on this sense of belonging. I elaborate on the remarks made by my interlocutor, articulating the multiple sources of belonging at NFN as well as its affective, embodied, and active dimensions.

## Sources of Belonging: Social and Situated

Where does this sense of integration, connection, and belonging derive from? How does one know one belongs and how is it expressed? From interviews, sources of belonging are diverse and include stories, other First Nations, ancestors, cultural heritage and traditions (way of living), and spirit. It is multi-scalar, experienced individually and collectively as family, community, and nation. Thinking about the sources of belonging, there are a number of intersecting ways in which people know that they belong, including the following broad sources: nuclear and extended families, the community as social collective and polity, and from the land and water itself (Johnston).

As my interlocutor stated, belonging is tied to the origins of the Nipissing as a people. Starting at the beginning, comments about the clan governance system, which I explore in the Governance (Indigenous law) chapter, speak to the very origins of the Great Lakes Anishinaabe and the Nipissing Anishinaabe in intimate relation to the water, animals, and to the land; considering Creation itself, the people and the waters are inseparable. More recently, historical

relations between the people and Lake Nipissing are captured in stories, documented archives, including the Jesuit Relations, which I touched on (in Leatherdale 197?) in the Historical Context II chapter. Citing this history, a political leader said:

Nipissing Nation has always been associated with Lake Nipissing. At one time, almost everything we had came from the lake or harvesting. But if you go back when the settlers first came, there were priests that came and they recorded things that happened in Nipissing. One of the things they stated in their notes was Nipissing was known for trading fish and game, amongst themselves, and also with First Nations that passed through the area. And other First Nations that passed through here, always knew they could get fish and game here by trading something, so they brought stuff with them when they came by.

For “thousands of years”, such practices, whether “fishing, hunting, gathering, whatever”, have “all been handed down”. Analogously, relations between Nipissing people and the lake are handed down. The transmission of knowledge is discussed in greater detail in Knowledge (Sovereignty), the next chapter, but suffice to say here that a sense of belonging is inherited through kinship ties. Belonging is inter-generational and it is social, or communal.

The relationship is such that the distinction between fish and community is inseparable. Like the community, a fisherman said, fishing is there for you. Also offered was the following: “Before you get into fisheries it’s [about] understanding where each family was positioned or situated within the community. [...] In our community there’s a long history of people being fishers, so it didn’t really matter from one family to the next – everybody had a role in terms of fisheries.” Generated through family ties, a youth talked about his relationship with the lake:

“we lived on the lake ... and my dad and my grandpa, when I was young, they taught me how to set nets – ha, it was pretty sweet...my grandpa taught me and my dad how to set a net in the wintertime on the ice...But our relation to that was always to catch fish so we can have a fish fry for our family, or for whoever showed up – more like a communal thing where everybody would contribute to something...

Evidently, belonging to the lake is grounded in family connection (see Anderson 2011). Respondents of all ages shared stories about time spent with extended family on the water, about open invitations, “[my aunt’s] always inviting our family [to her camp]”, and seasonal “excursions”: “My grandmother...march[ed] the troupes out there [...] We packed up the entire family, the day after school, and we didn’t see the reserve again until the day before school started [...] We lived in tents, and camped out there for the entire season [on an island] right at

the mouth of the French River”. Helping to foster a sense of connection to the lake are mothers, fathers, grandparents, siblings, aunts, uncles, cousins, relatives from across the lake at Dokis First Nation; also neighbours, in-laws, other community members, and even other nations. For instance, Cree people have been invited to NFN to “cook for us and they tell us how to use the guts and stuff, so they still have a lot of that traditional knowledge where we have forgot or lost it”.

Exceeding even family, belonging to Lake Nipissing is a deeply social relation. I became aware of this after asking an older person if prior to the establishment of the Nipissing Fisheries Law traditions existed pertaining to the management of fish. I was astounded by the response:

“Not really. Tradition would be, to me, when they have a picnic maybe, and you brought your fish there, *you shared it*, and... You’d have to go and catch more ‘cause there’s a lot of people gonna come and eat. Gotta feed a lot of people then, eh. We still do that. Like, we have picnics, we have the (00:32:22 inaudible). We bring some and they bring some, and somebody else brings another bunch again, so we’ll probably get enough.” (emphasis added)

Central to community building and to community life, fish were donated to the picnics, “where the community would come together and everybody would do something to make that, the picnic, successful”. By provisioning these lake-based gatherings (they took place near the water, consisted of canoe races and log rolls, and were not complete without a fish fry), “people get to meet people they haven’t seen, well, some for whole year, you know”, which signals to the social function of food and social nature of its procurement. This continues today.

Whether for trade or to share, lake-based harvesting is an essentially social activity that feeds a sense of community (and thus belonging). The Nipissing people continue to be “known for” their provision of foods from Lake Nipissing, especially, but not limited to, pickerel. A “real delicacy” and “our fillet mignon”, pickerel is available for purchase locally (a valued commodity, more expensive than the fillets from Lake Winnipeg and elsewhere that are available at local grocery stores) and is a staple in any “traditional dinner”. Fish and wild meat are regularly donated to the community food bank, the powwow, church committee, cultural department (traditional knowledge and revitalization project); to relatives, the elder’s home and elder’s picnic, to others in need and to the community freezer for other events. At the Creation Story teaching by Jim Dumont that I attended, fish stew comprised the lunch menu. It was either pike or whitefish, but certainly not pickerel given the tension over harvesting levels and fishing

practices at the time - and it was donated. A “common practice around here”, an elder talked about the history of sharing: “if my dad had too much or if he knew somebody who needed something...he always had people that, you know, if he caught a big pike or something, he knew who to go give it to [...] he knew two or three people who would take....they like a big pike, so he’d just give it to them.” The sturgeon, once “a treat to get”, is a culturally significant species that is far less abundant today. But, if one is caught in a net, it is shared. According to another elder: “My daughter phoned me, ‘You want a sturgeon?’, and I said, ‘Yeah’. I got it, cleaned it, and cut it up and gave it to the old people that I know that likes them”. About fishing in general, this grandmother continued, “When we can’t go out on the lake, at least some [younger people] can bring me some fish (laughs)”. The lake and the fish have ways to bring people together.

In addition to its social nature, belonging is also situated. It is geographical, pertaining to landscape and to place. Across the expanse of Lake Nipissing, Franks’ Bay, Iron Island (“the island straight out here. We camped there for the night ‘cause it got stormy”), the Goose Islands, Burnt Island, Hardy Bay, the West Arm, Meadowside, Dokis Point, the Sturgeon and French rivers, these were some of the places that came up in the stories. And these places were not just for fishing: they contain berry-picking sites (blueberries, raspberries, cranberries), trapping and hunting areas (deer, moose, beavers, muskrats), places to gather seagull eggs, spots for seasonal camps and shore lunches, and, especially the islands, provide important stopping places for when “it got stormy”.

The geography of belonging evokes pride and good memories. An occasional fisherman remembers from his youth:

“sometimes it would be a moonless night, I couldn’t understand how [my dad] could find his way, and he still did. It was still through familiarity with the land and the water. Knowing where every rock is, underwater, that would affect the boat. We never hit a rock, ever. There’s trails on the lake that we learned. There’s trails that I know of that help me get to my relatives’ house in Jocko Point. I can get there within 30 minutes, whereas others wouldn’t dare go through that area cause they’re definitely gonna hit a rock [...] It’s something that I knew; I’ve known my whole life. I’ve known that trail and how to get through there.”

While a young person conveyed an interesting conversation that he had with his grandmother: “I said, ‘Where did you live then?’ She said, ‘We lived at the French River, we lived at Lavigne, we lived at Goulais Point, we lived at Mosquito Creek, and we lived at Beaucage”. When he asked why they moved so much:

“‘It was quite fun, actually’, she said, ‘I never knew for a long time, but once I got older...’ she said, ‘The MNR were always chasing us, and they couldn’t find us ‘cause we would go to Goulais Point, we would go there, we would hide, and then we would go in the river – the Sturgeon River – and they could never find us, but we were always moving to get food [...] we were always hiding from the MNR’, so that’s her experience.”

These and other accounts reveal that the geography of belonging is political and also emotional or affective. Important sites have been appropriated without consent by private property, provincial parks, and fish sanctuaries. In an example of this process: “...it’s upsetting to see that, you know – people with money get to start owning the lake. Whereas, before, it was just a freer...You could stop where you wanted [especially islands]” Someone else expressed sadness at not being able recall some of the specific places, Anishinaabemowin place names, and stories associated with sites around the lake where his mother grew up – an injury that I associate with the impacts of multi-generational dispossession (lack of access) and criminalization. An act of resistance and resilience, a respondent from the lands department shared her vision to map and rename as many of these places as possible, bays and especially the islands. As other examples in this work illustrate, relationships to fishy places endure, both materially - extralegal occupation of areas and use of resources and/or within an Aboriginal rights or land claims framework - and symbolically in the form of memories, emotions, stories, and ceremonies. I now turn to the affective nature of belonging.

## Affect and emotion

According to my interlocutor in the introductory quote above, his connection to the lake, his sense of belonging to Lake Nipissing, exceeds description. This sentiment was often repeated. It tended to be difficult for respondents to articulate the underlying cultural beliefs, values, or ethics that undergird fishing (which was one of my interview questions): “They are hard to put into speech or into a discussion like this”, not only because fishing is an active, embodied, and modeled activity (which I discuss below and also in the Knowledge chapter) and not only because of the circumscribed nature of interview; Fishing’s underlying logics, meaning, and norms are hard to describe because they register on an emotional and effective level. Respectively, “[e]motions are often considered expressible while affect refers to the inexpressible, the visceral and instinctive energies, intensities, senses, smells and all those things

and flows that make up our world in ways that cannot be named” (Wright 2015, 405). I will provide a few illustrations.

Regarding an Indigenous “way of life” or living “in a more traditional setting or in a community that gives you opportunity to learn your culture”, a young woman stated:

“we’re very inclined with our feeling, with our inner, with our souls, and our spirits, with ourselves. And of lot of the things we do in our ceremonies are connected to the earth, so I feel that’s where we learn our respect. We also learn a connection. A connection to the land, *we have a connection to the water. It’s unexplainable.* I don’t even know how to explain it. You feel...*I just feel that way.*” (emphasis mine)

Similar to how a teaching “touches your heart” connection to territories and to water is felt in the heart. Articulating this relationship, an elder woman and a language-speaker shared:

“...to me, it’s the values, the language, that’s what defines you as Native [not getting “the traditions back and all that”]. Yeah, it’s in [your] heart. I remember being at a meeting here once, and I told them, ‘Look, I don’t look like an Indian, but I’m Indian in my heart’, and I think, like a lot of us older ones were raised with your grandparents because your mother was out hoeing the garden and cutting wood and getting water and -- ‘cause we used to drink that water. Now sometimes, you look at it, and you don’t even want to swim there. And my husband, one time, when he set [fishing] nets, he came home, and this green/blue stuff was on his nets, and it was like glue and you couldn’t get it off, and that floats around the lake, and we used to tell MNR about – ‘Why don’t youse look into that? What is that?’ [...] and whatever it is, it’s really bad stuff. And I remember when they had the mill in Sturgeon, some of the fish from that end there, they were abnormal – they had fin where they’re not supposed to have a fin and stuff like that, or they had a big bubble on them like they’re diseased. In North Bay, even on that lakeshore there where they have all this nice beach and that, and there’s a place there – there’s always a bunch of boats and they’re fishing – and this is a sewer line comes out there (laughs), and I remember the tourist camp and Meadow Side, all their sewers from all those cabins all went into the river.”

From these comments, it is apparent that clean water, healthy fish, access to territories, family, identity, culture and teachings (Truth, one of the seven grandfather teachings, translated to English means “all that good thing that come out of your *heart* – everything – your thoughts, your words, your actions”), each of these are essential to the affective dimension of belonging to the lake, to the “connection” felt between individuals, community, and Lake Nipissing. Within

this entangled, affective realm, it is also possible to consider Indigenous rights and responsibilities. A policy person and long-time, non-commercial fisherman explained:

“I think this is really critical, and it could come from any community, but more particular to my home community, and people have to look at it from more of an ‘emotional’ lens, or a lens that looks at a deeper rootedness as to why we do what we do in the community. And that is, it's not because there's a treaty, it's not because it's a treaty right - before there was treaty, we still exercised, we still harvested the fish, and we still did things outside of any formal arrangements. So ‘inherently’, sure, people throw that word around a lot [i.e. inherent right], but I think it's just more or less it's just the way of life. It's the way of the people on Lake Nipissing to be able to do that. Now, that probably holds true for 80-90% of First Nations communities in Ontario, or in Canada alone, because they're all around the bodies of water.”

He goes on to reasons that because such an *emotional* and *inherent* relationship to fish is not present to the same degree among the non-Indigenous community, NFN has a distinct right to the Lake Nipissing fishery. It also means that Nipissing peoples have special responsibilities to the fish, something that I will also discuss later. I expand on such ideas about rights and responsibilities later in the dissertation, with regards to Nation-to-Nation relations and in the Governance chapter, respectively. At this point, I resume my portrayal of affective belonging, moving now into affirmative expressions of emotion (negative emotion arose in the research. I will argue near the end of this chapter that it is associated with conditions of *not*-belonging).

In addition to the pride and sadness mentioned above in social and situated aspects of belonging, love, peacefulness, and, again, fun surfaced in the research. Comments tended to resonate with expressions of “love” for “being out on the water”, as a former community leader described her father’s attitude towards the lake. Someone else shared a beautiful memory from her youth: “we went cat fishing almost nightly because that was a food source – *wase* they call it. Going with my grandfather [...] I remember that being probably the best years of my life was the peacefulness of Lake Nipissing, and there were not a lot of cottages yet or any other encroachments, so it was pretty serene at the time.” That “sereneness” and the “respect” engendered by the lake has gifted this respondent with “a real foundation”. According to an occasional fisher who “doesn’t need the money”, it is “fun”

to be “out on the lake” connecting with his brother; “the only time I’ll get to see him [is fishing]”.

Additional comments about a “very strong affinity to the land as the provider of food”, “appreciation” for the fish, and “giving thanks to the animal and to the Creator”, while conveying emotion, also indicate the materiality and the sacredness of affective ties to the lake. In fact, I do not know that these can be separated – affect, materiality, and spirituality. In what follows, I describe material, embodied, and active belonging, followed by an exploration of the sacred. As my analysis develops I flesh out their interconnections, and in the last section of this chapter, provide insights into belonging (and not belonging) that are essential to the rest of the dissertation.

## Embodied, material-spiritual, and active belonging

Thus far, I have established that belonging is social and situated (belong to a *place*), as well as affective and emotional (*sense* of belonging). I move here into belonging as an explicitly embodied relationship (experienced, expressed and enacted through the body); for instance, experienced in the language, Anishinaabemowin, as survival (being “dependent on the lake”), and the physical fighting expressed above by my interlocutor. I began to discern this dimension in response to remarks, such as the following:

“My relationship with the lake is almost *like another part of my body*. I can’t imagine life without the lake. I worry about it deteriorating and we can’t use it. Being in the boat with my uncle with and my grandfather, when it was time to drink, you just drank out of the lake – that’s how clean it was. You just put a little metal cup in there and that was drinking, and even having...in the winter they had a big vessel in the kitchen and they would collect water, and that was to drink. It was full of ice, and you just use it for cooking and drinking and bathing or whatever.” (emphasis mine)

Again, the body cannot be separated from place or from emotion, but for heuristic purposes, I present the data in this way. In the last section of this chapter, I am careful to account for my analysis in a more holistic manner.

In direct reference to the body, and in response to any number of interview questions I would pose, quite often respondents would discuss the preparation and consumption of fish: the



wide variety of species that used to be eaten (list), different ways to clean fish, myriad ways to cook fish (besides fish fry's) that tend not to be done today (boiled fish, fish head soup, for example), and the canning and preserving of fish for the winter. The nourishing connection, fish as food and as social context, is entirely "natural and intrinsic to our needs", to "our way of life", and to community life at NFN: "We used to have a fish fry almost every weekend... We'd invite a lot of friends... we had no trouble doing it; it was just natural". In this context, fish are also medicine, powerfully described by another participant:

"The elders around here say, and this is the only way I can put it to understand, the fish are a high-protein, the fish are medicine. My mom would look at fish and other animals, she'd always look at the liver to see how good they are and then she'd eat the liver, especially with the whitefish. Native people, because of their diets, this is what the Elders say, when they are away from their main food, it hurts them, physically and mentally. By eating fish, it really keeps us away from diabetes... from other foods that are not good for us. The fish were always boiled, never really fried too much. Mostly boiled. That's another indication that the value of the fish was incredible to us [because they were not filleted]. Very high sustenance, it was well needed. [In Garden Village] people had gardens and what not in the summer, but our fish were a huge, huge part of our lives."

Belonging, that integration or connection, comes from the lake itself, from using it and being dependent, from having one's material needs met. For "thousands of years", the "pickerel have sustained us". Being absolutely essential to survival - historically, in the lifetimes of community members living today, and into the present for some fishermen, the lake cares for the people; "the fish has looked after us". The gravitas of this relation, of this care work done *by the lake/fish*, is not lost on the community. In return, many express appreciation and a sense of responsibility towards the lake and fish. Thus, belonging to the lake becomes a reciprocal relation.

This reciprocity is expressed in a number of ways: by continuing to live off the land and/or striving for the knowledge and skill to do so (a way of life in which the connection is quite obvious); by "conserving" the fish and lobbying for the enhancement of First Nations enforcement of the community-derived Law and regulations; and by evoking cultural teachings and conducting ceremony. I will unpack this multiplicity, the seemingly contradictory actions towards the lake and to the fish, in the section below on difference, but here I explore the material-spiritual connection.

In the story of the four families, a young man shares a cultural basis for respecting and caring for the plants and animals and for viewing the fish as equals:

“The Creator when he was creating mother earth, he created the stone family - minerals, the plant family - the trees, grass, and flowers, the animal family - all the fish, fliers, and four-legged, and just before he was about to create the fourth family [human beings] he told these three older ones that ‘the last family would be dependent on all of you but you are not dependent on them and it will be up to you to take care of them’ [...] So back in the old days before colonization, we recognized that the world can live on without us, but we need the world to live on, to take care of us [...] We respected the animals and the plants and everything; they had to do their thing when they needed it, and they would provide us with care when we needed it, if we respected their time.

Humans are dependent on all the other beings of Creation. Such dependence on the land fosters a connection that transcends materiality and extends, as I am beginning to understand, to the sacred. According to a former political leader:

“the traditional people – the elders had ceremonies for game and for fish, and they would give thanks for the fish offering. Like, the fish would offer their lives so that we could eat. I was told by an elder, years ago when I started out, that, when people trap the animals [...] that they would have a ceremony for that. They would give thanks for being able to have the beaver’s pelt for warmth and the meat for the food, so there was a lot of tradition then about offering your tobacco, and giving thanks to the animal and to the Creator for (pause)... people didn’t feel (pause)... it’s just coincidence, they just happened to have this fish and this game. It was a very strong spiritual connection [...] Yeah, and it wasn’t just coincidental where someone said, ‘Geez, I’m gonna practice my tradition today because it seems like a nice thing to do’. No, they were feeding their families and community ceremonies, they were feeding the community, right

Evidently, “spiritual connection” fed families; it provided those animals, the food, warmth, medicines, and so on. A young woman echoed this belief in material-spiritual, reciprocal connections: “As traditional people, as people of this land that have a connection to the water and the land and the animals, we should have the same amount of respect that the land, the water, the animals give us. Animals give their lives, sacrifice their life to feed us. But we don’t sacrifice anything for their lives.” Having witnessed the decline of the Lake Nipissing pickerel population in her lifetime, this woman continued: “To me, we have spiritual connections to the animals and they all have spirits and what not and yet we’re forgetting that they have spirits. We’re forgetting that it’s important to feed their souls.” The community, she feels, needs

to “remember the importance of these animals and fish and the earth [that] help us survive; and we need to do the same to help them survive.”

Finally, respected community elder, Peter Beaucage, illuminates not only the vitality of spiritual practice at NFN, but also the centrality of spirit to survival, in this case, survival of the Lake Nipissing fish populations.

“[H]ow the fish are surviving this onslaught? Like, everybody’s after them. It’s almost like the human beings are out to deplete their populations, but yet they’re still surviving, and what makes them that way, you know? And, for me, I think there has to be a lot more to this life than there is a physical life. I think there’s a spiritual life there too, and it has to do with that – that’s how I look at it. Take, for example, through Glenna’s program, we have a ceremony in the springtime for the fish – what other nations do that? But we do it – where we have a celebration; we have a ceremony with our sacred pipe, and we put tobacco in the waters so that the fish will continue to flourish, and we send our thoughts and our prayers to our creator so that that fish will continue to flourish...

In each account of spirit above, of the material-spiritual connection, humans are required to *do* something. To survive and to “feed” spirit requires action. In the final part of this section I elaborate on belonging as an active relation, as something one does, is accountable for (Venne 2017), and is liable to protect.

Recalling my interlocutor above, there is a “way” of belonging to the lake. People spoke of appropriate conduct or “etiquette”, the “right way” to fish, proper timing - “knowing when to go out and harvest”, respect and safety. A number of values tended to undergird these comments, values that I account for in the Knowledge chapter, as they cannot be uncoupled from the ways that people know. Suffice here to say that excess or greed, a normative measure, tended to mark the boundary between what is and is not considered the *right way* to fish: “Not everybody is in the same boat; some people are *true* commercial fishermen and fisher people, and others are just, it’s over the top.” Notions of excess were often associated with non-Indigenous approaches to fishing, including the village of ice shacks in the winter, hunting for a ‘big rack’, and the exploitation of the cod and other famous commercial fisheries.

More broadly, a “way” of belonging also signals to the lived dimension of belonging. It is something one does. A sense of belonging animates action. The “*way of life*” mentioned and demonstrated throughout the research involves fishing and other lake-based activities. Moreover, the sources and dimensions of belonging discussed thus far all have an active dimension; as

communal value belonging (inclusion, connection) is modeled, as place it is experienced on the land, as source of food, it engenders respect and reciprocity (giving back), and, as I'll expand in this section, as political inheritance it is protected. Belonging to the lake is also activated as livelihood: Recalling the rich fish trade that has always been the purview of the Nipissing people, "[f]ishing is the biggest economy and the first economy" (includes guiding). For generations, fishing ensured survival. Families were "raised here on fish, by selling their fish". Today, commercial fishing remains essential for some. For others, fishing is an important "supplement", a "safety net" during "tough times" or "if I wasn't working". As a subsistence activity, "a way of life" and "tradition", fishing is "huge". In these ways, and more, the relationship between Nipissing peoples and the lake has to be protected.

Community members work to "keep in place" their relationship to Lake Nipissing. This takes a number of forms. It requires acknowledging the "connection" to water, land, and the animals, holistically, "spiritually, culturally, [and] physically". Ceremony, discussed above; language, and cultural arts are important "ways" that are explored further in this research. Maintaining the relationship to Lake Nipissing also requires protection from opposing forces. Recall that in the negotiations leading to the Robinson-Huron Treaty of 1850, Anishinabek and Nipissing leadership worked to include the protection of their hunting and fishing rights. Maintaining this political inheritance against colonial encroachment and appropriation has required ongoing vigilance from the Nipissing people, like "fighting with the MNR", which my interlocutor suggested is not a new experience given earlier conflict with the Iroquois.

Protection has interesting connotations at NFN. Recalling stories from the past in which Nipissing harvesters were met with the threat of violence from non-Indigenous people, a research participant asserted, "[we'll] die for that. They [non-Indigenous folks] don't know that – that people here will die for that [access to lands and resources]". Recalling two instances involving guns, she clarified that NFN members "were defending not fighting – defending the rights". Even today, "defend is the word [...] always, always". By continuing to fish, First Nations members occupy the field and assert jurisdiction on the land to defend harvesting and other inherent rights. However, given present conditions in which pickerel populations are in decline, *not* fishing accomplishes a similar goal (though not everyone will agree, as I describe in the Governance chapter). According to Canadian Aboriginal law, conservation justifies state infringement on inherent Aboriginal and treaty rights to fish. By enforcing NFN Law and

regulations, NFN leadership are working to quell the possibility of this taking place. By limiting its fishers, NFN is protecting its right to self-determination. On a personal level, protection can also mean choosing *not* to fish for pickerel, or to cut back significantly (i.e. Nipissing First Nation Voices facebook group; Turl). This decision is animated by a sense of *responsibility*: “our purpose [is] to take care of the ones that can’t speak for themselves”, the fish, the water, and the next seven generations. Fishing and *not* fishing are not necessarily opposing strategies, which I begin to unpack below.

## The explanatory power of belonging

The evidence presented thus far illustrates the depth and scope in which it can be said that “[NFN is] a fishing community”. Fishing is but one - albeit important, relation through which people belong to Lake Nipissing. Even the activity of fishing is not *just* fishing (the complexity, difference, opinions). In this light, belonging is a broad relation that includes fish, but is not limited to fishing. As was often repeated, “we don’t have a huge number of commercial fishermen”, but “the way of life [is] huge”. Like Zoe Todd states, human-fish relations underlie community life. It pervades life at NFN, mirroring Wright’s account of the “pervasive” nature of belonging within people’s narratives. From here, I critique mainstream policy conventions; discuss the capacity to belong, differently; and consider the agency of fish and reciprocal relations at Nipissing in relation to Wright’s “ontological question”. In what follows, I discuss these implications, then synthesize my findings in the conclusion to this chapter.

## Broadening policy and other discursive frameworks

Belonging is a generative and generous way to understand relationships between Nipissing people, fish, and the ‘environment’ that go beyond ‘fisheries management’ and carry important implications for public policy. As place-based relationship, people need continued and *improved* access to their territories and sacred sites. As embodied relationship, those lands, islands, and waters need to be clean and healthy, able to nourish life in its myriad forms. As a holistic, sacred relationship that connects cultural, social, and political identities, self-determination and support thereof are essential. However, for Indigenous peoples at NFN and across Canada, relationships with territory are continually under threat from poverty, unresolved land and treaty grievances, exclusion from land-based decision-making, and the desecration of

sacred sites (Linden 2007; Anaya 2014); and from point-source pollution and other forms of environmental contamination, the exploitation of resources, cultural-appropriation (Jago 2017), termination of rights and title, gutting of environmental protections, and the doctrine of infringement in Canadian Aboriginal law (Harris and Millerd 2010). Here I argue that the ‘Aboriginal’ fisheries context narrowly and detrimentally defines an Indigenous (Nipissing) human-fish-environment nexus.

Regarding the meaning and value assigned to fish, fishing, and Indigenous fisheries, guiding provincial (OMNRF 2015) and Lake Nipissing (OMNRF 2014) fisheries policy documents contain normative interests, values, and objectives that do not resonate with what I have established thus far about the Nipissing experience; for example:

- Climate change management seeks to *benefit* from climate-change scenarios (2014), obfuscating the responsibility human beings have to protect ecosystem integrity;
- *Sustainable* fisheries and management strategies (2014; 2015) elide that from an Anishinabek worldview the question is not how much human beings can take, but what they can give to the rest of creation (McGregor 2004b);
- Similarly, in their framing of fisheries that provide long-term ecological, social, and ecological, cultural and health benefits *for the people*, Ontario (2015) fails to grasp the reciprocal nature of human-fish relations;
- A nature-human divide animates ideas of conservation (2015), ecosystem function and resilience (2014), and species *wild* by nature (65), uncoupling human beings from the land. Among other issues, this devalues material-spiritual connections, indivisible human-fish relationships, community resilience, and the agency of non-human beings;
- Moreover, MNR’s Vision (2015) includes healthy ecosystems that support *native self-sustaining fish* communities, while Ontario’s *natural heritage* (2014, 67) attends to “[non-Indigenous] anglers traditional fishing habits” (70). The “restoration” of fish communities and their supporting ecosystems<sup>62</sup> in the absence of Indigenous redress, reconciliation, or restitution marginalizes Indigenous peoples, economies, and resource use and fails to account for the deleterious impacts of non-Indigenous

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<sup>62</sup> Also termed recovery, rehabilitation, and protection (OMNRF 2015)

interests and actors (for instance, on the status of culturally-significant sturgeon, a fish species at risk);

- The provincial strategy regards Ontario's "aquatic resource" and supporting industries for their contribution of more than \$2.5 billion annually to Ontario's economy (6),<sup>63</sup> while the Lake Nipissing plan seeks to enhance Lake Nipissing as a desirable fishing *destination*. Having identified "human exploitation" as the biggest management issue on Lake Nipissing (2014, 31), and at a time when First Nations fishers, indeed all fishers on Lake Nipissing, are being asked by their respective authorities to reduce their catch of the most sought-after species, such an economic valuation conflicts with stated goals at both levels to sustainably manage fisheries. Evidently, economic considerations (2014, 7; 76) trump socio-cultural values (i.e. belonging, as per above) and other considerations (i.e. "new relationship"). This is further evinced by the 2012 amendments to the Canadian Fisheries Act, which shifted focus to providing for the sustainability and ongoing productivity of commercial, recreational, and Aboriginal fisheries, as opposed to protecting the habitat of all fish (MNR 2015);
- The precautionary principle (MNR 2014; 2015, 24), touted as robust and fault-tolerant, treats threats, risks, benefits, and values as non-normative, universal, and ahistoric, neglecting ongoing historic resource inequity in the assessment of vulnerability and risk;
- Fisheries management itself is plagued by a record that includes species extinctions (e.g. Atlantic Salmon in Lake Ontario; one particular species of pickerel in Lake Nipissing) and near extinctions (sturgeon in Lake Nipissing); yet, data - not respect, care, appreciation, or other cultural values expressed above – remains the principal basis from which to devise 'management' interventions (2014; 2015); and
- After the needs of conservation, the province (2015) professes to prioritize Aboriginal and treaty rights over the allocation and management of fish "resources" for "recreational, commercial food and bait fisheries" (6). But proof of uninterrupted

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<sup>63</sup> This includes the province's inland and Great Lakes recreational, commercial and First Nations and Métis fisheries and their supporting industries (OMNRF 2015, 6).

harvesting practices despite colonial infringements can be near impossible for Indigenous communities to prove within the Canadian legal system, especially for commercial fisheries (Harris and Millerd).<sup>64</sup> Where rights have been recognized and affirmed, such as the Nipissing right to a commercial fishery, it is unclear how treaty rights take priority - for instance, the arbitrary 50%-50% allocation between Nipissing First Nation and recreational fisheries does not prioritize the holistic “way of life” described in this chapter.

- Ontario adopts a Landscape Approach (20), to managing at broader spatial scales and over longer time periods (55), but how broad and how long is enough considering the ongoing history of resource inequity, Ontario’s historic suppression of First Nations harvesting practices, and an Anishinaabe cosmology that attends to the responsibility of all creatures to cooperatively and earnestly work to sustain life;
- Current configurations of jurisdictional and governing authority fundamentally neglect Indigenous political, legal, social presence on the land;<sup>65</sup>
- While ignoring Indigenous polities, the province advocates for partnership, shared stewardship, and trust with First Nations, contested and, at best, empty concepts under existing conditions;
- Moreover, relationship- and trust-building are contingent on provincial and federal politics, which set the terms for financial, institutional and legislative support, evinced by the loss of protection to water and fish habitats cause by Harper’s suite of legislative changes;<sup>66</sup>

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<sup>64</sup> Along with the presumed authority of the state, Harris and Millerd (2010) also critique the arbitrary differentiation between ‘subsistence’ and ‘commercial’ use of fish

<sup>65</sup> MNR is responsible for administering and enforcing the Ontario Fishery Regulations under the *Fisheries Act*. MNR also has fisheries responsibilities under the federal *Aboriginal Communal Fishing Licences Regulations* and the Ontario *Fish and Wildlife Conservation Act*. Other federal and provincial laws and national and international agreements also touch on the management of fish, fisheries and their supporting ecosystems (ONMRF 2015, 16). The OMNRF provide leadership in the management of Ontario’s fisheries, and the protection, restoration, and recovery of fish communities and their supporting ecosystems (MNR 2015). WHAT IS NFN RESPONSIBLE FOR?

<sup>66</sup> This has historic precedence. Brownlie writes about how single provincial government officials had the power to unilaterally change the rules for ‘Indians’ with regards to fish and wildlife (91;92). Agents had considerable discretion in whether they advocated on behalf of charity, poverty, pragmatism and special treatment or took a principled, ideological, distinct rights- and justice-based stance (93-95).



State fisheries frameworks do not necessarily support an Indigenous way of belonging to Lake Nipissing. I build this argument in each subsequent chapter, and present a comprehensive analysis at the end.

## Belonging differently

Having made an argument for belonging, what about different accounts of belonging, of knowing and being on the lake, or ways that do not line up with unifying narratives? Recall from the theory introduced above that belonging is flexible in its meaning and application, is a ubiquitous and often self-evident term, and at once pervasive and ambiguous in everyday language. A weak theory of belonging helps to derive meaning from comments that seem mundane, contradictory, hyperbolic, or beyond the limits of what is known; that express belonging, inclusion, and connectivity, and also not-belonging, exclusion, and disconnection; knowledge and command of lake Nipissing; and, righteous authority to be, act, and know in particular ways, and to affect the lake.

For example, my research suggests that there is a particular *way* to belong to the lake. But tension and disagreement were expressed in terms of how people fish, what and how much should be caught, and where, when, and why people fish. After illustrating a few examples of dissonance, I explain meaning.

Recall the historic, social and situated sources of belonging discussed above. Connection to the lake is spoken of as a birthright, something inherited if you “lived here” or “if you’re from Nipissing, and you raise your family [here]”. But not everyone is raised with a connection to Lake Nipissing, to cultural values, or taught to fish in the social context described above; “there are people out there that don’t grow up that way”.

Explaining what is meant by traditional fishing practices, a young woman stated:

“There’s an underlying set of values that’s there. Not every family was lucky to receive all their teachings. You have to think way back to Residential schools. A lot of people say, you know, they often say it’s an old topic and First Nation people always go back to that, but this is a ripple effect right now with this happening, not just with this project [Fish-WIKS], but within our own community today. [...] We were told, and we were ashamed, we were stripped and raped of our cultural, and our beliefs, our traditions, and practices. The ones that did have them may not have spread them the way that it used to be. And now you have ones that try to continue on that path and to take those practices and install them in your life and use them. Then you have others that have never even heard of them, and they live right here within the community. We live amongst each other, and our

values are different because we were raised different, but others were raised in dysfunction - not saying they are dysfunctional, but compared to what our traditional knowledge is, they didn't receive that. I didn't receive that until I was older. I seeked this way of living, this way of life, myself. My mother doesn't really know anything about our culture.

Discordant values and beliefs – worldviews - are thought by many to be in operations at NFN, which impacts fishing practices. It was suggested that “[s]ome of them, I feel, are not necessarily functioning in a way that they would had they grown up with the sense of community and culture and protection of the resources that we have”. In the following extended quote, an occasional fisherman with young children speaks about the abandoned ghost nets and his opinion about the possibility that community members could be responsible:

[I]f you look at what I'm telling you about growing up from child on the lake and having that regard to take only what you need - there's a lot of that, that is inbred into our families, it's hard to believe that we would do that to ourselves. So just on that, it's almost like to balk at it, now to say that it would never happen is also being oblivious to the fact that there are people out there that *don't grow up that way* and there are people who come back to the communities, people who have different issues and things like that, and that's where the residential schools and drugs and alcohol come in. Just because you're a First Nations person doesn't mean you have veto rights to do whatever you want. And some people have gotten through that communal system, like, there's no pressure to be part of the communal system, sometimes it's just natural the way it happens, and other times there's other influences, so there could be a small percentage of us who would do that. But we've also had where there was non-native people setting nets and leaving them in the water [...] (emphasis mine)

Already alluded to, also varied were the responses to the pickerel population 'crisis'. In the Knowledge chapter I explore ways that people either 'know' or deny that there is a problem, and in the Governance chapter, various management decisions. Here I argue that the sense of responsibility introduced above is understood and expressed in different ways. Some feel an obligation to stop or cut back on fishing for pickerel, while others express an unwavering commitment to exercise their inherent and/or Treaty right to fish - cynically characterized by someone espousing the former view as “my [individual] right to take as many fish as I can catch”. But these strategies are not entirely oppositional. Regardless of response - either to cut back or carry on – a number of consistent opinions were raised: more nets are being set by less fishermen than in the past, the relationship to fishing is “more financial now”, safety protocols are not always followed, people are not “getting their kids out there as much”, and people are not

eating the same wide variety of fish species or preparing them in the same ways. There was also consensus that Nipissing people remain *always, always* in a state of defense. Moreover, I am in agreement with someone from a fishing family, who said, according to my hand-written notes: fishing was the first economy; therefore, people are fighting to protect it [by continuing to fish]. Others [those calling for more limits] are fighting to protect it too, *just in different ways*. These insights suggest that something *else* is going, not just internal strife (see Turl 2016). What accounts for the friction, and perhaps more importantly, how can it be understood in a constructive manner?

Seemingly contradictory remarks can broaden the scope of belonging. A point of contention during the course of research concerned the volume of pickerel in the lake, obvious here in two sets of comments from older men who have lived on Lake Nipissing their entire lives. First, “the fish were so plentiful there [at Beaucage Point] that you could walk on them – the pickerel, but now, today, I go there and [...] you never see that anymore – that’s gone”. Second, “I can sit here and tell you I’ve seen a lot of pickerel in the water at one time that you could walk across it. Well you can’t, that’s just a figure of speech ...”, and from another, “We never seen that [in the spring, so many fish that you could walk on them] at the place he was talking about”. To me, both perspectives represent a claim of belonging to the lake; both assert their ongoing presence on the water, deep knowledge, authority to make decisions, and role in the maintenance of important human-fish relations. This broadens the scope of what belonging may look like, how it is evoked, by whom, and for what purpose. Contextualized within the entire interview, the first expresses a culturally grounded perspective while the second prioritizes a way of life, a set of rights, and an economy that involves fishing, hunting, and trapping and to evade their unfair vilification, depreciation, and elimination. From a weak theory perspective, it becomes interesting to investigate how and why claims to belonging diverge – which in this case, relates to *not* belonging.

When not belonging, marginalization, or exclusion is evoked, we learn something of not-belonging - of the conditions that fragment, devalue people (or fish), and define exclusion. Not-belonging is framed by Wright as those things (could be people, practices, objects, germs,

performances, etc.) “that are, somehow, not meant to be in place” (395).<sup>67</sup> On Lake Nipissing, scale is a useful analytic for understanding “how, why and when belonging is not experienced” (Wright 396). Colonialism (economies, subjectivities, natures, etc.) remains an ever-present organizing structure against which different sets of fishing peoples and practices are seen to cohere, or not. Even community members who have wildly different socio-economic and cultural interests in the fishery use non-Indigenous others against which to define ‘proper’ fishing practices; to define a particularly Indigenous form of belonging to the lake and to each other. At another scale, that of the lake as a whole, elaborated in subsequent chapters, Nipissing fishermen, their technologies, NFN management, and processing/waste practices are deemed out-of-place are ‘not meant to be in place’. At another scale, that of the community, not-belonging adheres to another set of logics.

Internally, the classification of some fishermen as “rogue” or non-compliant invites us to look to the conditions, at historical and political factors, that position particular people and practices outside of accepted norms. Similarly, the description of certain fish species as “garbage” or “scrap” invites us to question the system of valuation in operation and why. Lastly, remarks like the following give us pause to seriously consider exclusion from community life and the socialization described above: “Stories [...] about traditionally they share and everything, I never seen that when I was growing up, and my brother never seen that. I lived beside the reserve, and we starved, and most of them were our first cousins.” With reference to these examples, respectively, one cannot separate evasive fishing practices today from the “traumatization” that faced multiple generations, the “sneaking around and hiding” from the MNR that was required of Nipissing harvesters for over 100 years; nor can the coarse appraisal of fish species for commercial sale be isolated from colonialism’s destruction of traditional economies, expropriation of Indigenous fisheries, and containment and povertization of First Nations people through the Indian Act and land appropriations (Linden 2007; Brownlie 2003); and the discriminatory clauses in the Indian Act, originally passed in 1876 and subject to frequent amendments, removed a great many women and their children from First Nations

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<sup>67</sup> Like multiple ways belonging, not-belong takes myriad forms: “formal and informal; social and economy; local and global; discursive and material” (395); including exclusion, isolation, alienation, loneliness, displacement, uprootedness, disconnection, disenfranchisement, or marginalization.

communities, which was only partially rectified in 1985.<sup>68</sup> Evidently, relations of belonging are not exempt from the fragmentary impacts of colonialism.

People at NFN *know* this: “the people came here to destroy [...] knew what they were doing [...] breaking their families and breaking the connection, disconnecting us from each other and from ourselves and from the land.” They would share very particular stories in response to any number of my interview questions. For example, land appropriation was mentioned in response to a question about the status of the pickerel population; the criminalization of fishing during the Mike Harris years in response to my question about the relationship of NFN to the lake; and the *Indian Act*’s denial of status and community membership in response to my question about the role of fishing in one’s youth.

Colonization has affected all dimensions of belonging discussed above. Intending to “eliminate all the Indians”, colonial intervention has impacted kinship structures, socio-cultural, language, and political systems; colonialism “infected” the “respect [we had for] the fish as equals”; it forced “underground” the knowledge, fishing practices, lake economy, ceremonies, and myriad ways people had to relate to each other and to the land; poisoned bodies with heavy metals; and “impacted...our worldview”. Imposed economic changes meant that many men left the reserve for work and that ‘daily accountability’ wasn’t there. People lament that there is less sharing, working together, and community involvement in fishing, and that “division within community” means that decision-makers “can’t get a message across properly”. In terms of affect, harassment and oppression over the years has been “humiliating” (BRB check) and pulled fishers off the lake. The one who kept fishing harbour “a lot of bad feelings [among those] who’ve been molested by MNR at every turn throughout their commercial fishery career.” Before colonization, material and sacred relationships to traditional territories would have far exceeded current uses in and around Lake Nipissing and the reserve, *Nipissing Reserve No. 10*. Like the women who lamented the proliferation of private island ownership and negative impact this has had on her relationship to Lake Nipissing, Isaac Day (2013) talks about knowledge that derives from sacred places on the land, describing the power contained in caves, underground tunnels, and other rock dwellings that house a multitude of mnidoo (spirit, mystery, entity). Ceremonies,

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<sup>68</sup> In 1985, seeking to bring the *Indian Act* in line with equality provisions in the Canadian Charter of Rights and Freedoms, the Canadian Parliament passed Bill C-31, an *Act to Amend the Indian Act*. While gender-based discrimination is still perpetuated, certain discriminatory provisions have been eliminated so that status and membership have been restored for many (Harry 2009; Stonefish and Bellegrade 2016).

seeking visions, leaving offerings, including onaman (a sacred rock paint and medicine), and adhering to careful and respectful protocols are some of the actions required of these places. As highways, cottages, other infrastructure, and Christian religion (language, culture, and worldview) have blasted, chiseled, and otherwise displaced access and meaning, even to remember and locate them are important activities in the “quest for medicine and knowledge” at these sites and in relation to the spirit beings who dwell(ed) there, (85; also Corbiere; Sayers). During my research, “ever since colonization” became a recurring precursor, while “[we] were supposed to die on the reserve” a testament to incredible strength, creativity, and resilience of individuals, families, the community and nation.

Diverse values and practices must be read in this light. Such was overwhelmingly the case in the perspectives shared by community members. Conscious and regular effort was made by my interlocutors *not* to reproduce exclusionary structures and logics. They would say, for example, “I don’t want to say an outsider, cause I don’t like to say us and them”, in regards to Nipissing people not being raised within the community context; “and thank you to those who kept fishing even in times when they were trying to bully you saying you don’t deserve to fish or it’s illegal”, in addition to the opinion that commercial fishing needs to be limited. The same sensitivity is not always evident in the literature, for instance in the interpretation of Indigenous politics, environments, nationhood, and law (see Howard and Widdowson 2008; Nadasdy 2005; Sharma and Wright, 2008; *not just community as a monolithic whole in Culhane*), public policy and mainstream discourse (In Chapter 6 I show examples of Indigenous fishing deemed ‘out of place’ on Lake Nipissing). Weak theory helps to avoid pathologizing or individualizing structural harm by attending to the processes and institutions that exclude and marginalize.

Weak theory also brings attention to the messy, inconsistent ways belonging is nonetheless experienced and expressed. While not immune to colonial disruption, neither is belonging lost to it. Due to the history of fragmentation, differently positioned community members will articulate, practice, and defend their relationship to the fish in different ways. But differing and even competing assertions of belonging to the lake do not negate that fishing claims and practices, like “diverse constructions of belonging”, “remain vital to the ways people imagine and make their own worlds” (404); that is, they remain vital to Nipissing assertions of peoplehood and to place. An apt example, Wright explains that “home” is an important space for both producing and contesting belonging – it is “a site where contradictions must co-exist and

may be partially reconciled” (395). Similarly, the NFN fishery can be viewed as a site in which diverse, at times conflicting, subjectivities are brought together without negating a sense of belonging to each other and to the lake. There are strengths here that I explore in subsequent chapters.

## “Ontology”, cosmology, and agency

Wright’s account of belonging raises one final point, which I develop further with novel insights from my work with NFN. She argues that belonging is *an ontological question*, an act of emergent becoming. There is no pre-existing, static, ontologically distinct place, thing, collective, process or other entity to which one belongs. Belonging is relational: it is “made up of things - it also makes things” (393). Becoming together in relational ways, entities at once shape “what it means to belong (and not belong) as they define and configure themselves” (393). For example, not just a place or feeling, home “comes about through the interactions of place and feelings” (Wright 395). Belonging co-constitutes humans, emotions, communities, process, places, “more-than-humans”, the immaterial and that which escapes containment, like senses, memory, and disappearance, and so on (403). They constitute a sense of belonging, and belonging also constitutes these things.

This is evident in my case study. Fish populations are struggling because relations to place, to fish, and to each other have been disrupted (not-belonging), because Indigenous peoples, traditional and local knowledges, and the fish themselves have been excluded from resource decision-making. Alternatively, fish populations thrive in and through relations of belonging –when proper conduct is followed. I argue in this section that more than a passive or unidirectional relationship or one based on affirmative or good feelings, to belong entails action – it is an active relationship. The active, participatory dimension of belonging is reciprocal so that being “dependent” on Lake Nipissing comes with obligations to the lake, to animate territory: “If you don't take care of it, it's not gonna take care of you”, remarked a former commercial fisherman who now harvests whitefish for subsistence. It means that belonging is invested with a set of responsibilities, and everyone has a role, whether or not they harvest fish, and whether or not they are human. This is captured in an Anishinaabe cosmological context, which has parallels but is far broader than belonging as ontological question.

Thinking with “the ways belonging is actively created through the practices of a wide range of human and more-than-human agents” in weak theory (Wright 2015, 392), Wright frames belonging as a circuit of “action and reaction” that transcends the human and the material (393).<sup>69</sup> She also recognizes that Indigenous ontologies depend on notions of “co-emergence and co-becoming with place” (396). While compelling, I would not reduce Place-Thought to a reductive, abstract mechanism or function of belonging, such as the following examples in Wright (2015): lemon trees powerfully perform belonging for a returning Palestinian, “an authentic Australian river” is co-produced by fish, humans and rhetorics of river management, and the practice of care among public housing tenants in Australia creates and nurtures a sense of belonging (401). Certainly, “[f]ood, organisms, trees, music, markets, hair and dance” and other things “sculpt and participate [and] materialize” feelings and practices of belonging (402), but the “congealing of agency” whereby myriad beings “emerge together” (Barad in Wright, 402) suggests that co-becoming is haphazard, random, “open” (403), unprincipled and unorganized.

Alternatively, Indigenous philosophy attends more carefully to the principles, conditions, and conduct through which Creation and re-Creation emerge. For instance, corns, beans, and squash represent the principles of balance, harmony, respect, and mutual aid that animate co-emergence (Kimmerer 2013), while the Anishinaabe re-Creation story (the flood) describes the cooperation, love, vision, courage, humility, respect, and sacrifice - values and ethics about proper conduct and how to relate - that are embedded in sacred Great Lakes landscapes and human-animal relations (Johnston 2006). Here, “post-human” assemblages (Wright 2015, 42) do not quite cohere with animate Indigenous geographies.

There is space to grow a weak theory of belonging. The point of Wright’s piece is for a weak theory of belonging to become “more responsive, more interesting, and closer to the truths of those who use it” (404). Already promising, place and materiality are not the sole points of entry through which belonging is framed (i.e. belongings based on memory), the epistemological insights of weak theory are extended through conversation with Indigenous geographies (along with feminist and migration literatures), and Wright argues for relational ontologies and the agency of place. But it is only in other work that the otherwise missing elements of obligation, responsibility, care, and proper conduct are adequately considered as constitutive of co-

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<sup>69</sup> Could include “sounds, smells, tastes [and] sights” and other more-than-human beings that powerfully co-produce belonging (402).



emergence (Bawaka Country et al. 2013; Bawaka Country including Wright et al. 2016). In the absence of these elements, Indigenous cosmologies become a mere ‘ontological question’ for non-Indigenous scholars to poke, prod, and misrepresent – something that Watts (2013) and other Indigenous scholars argue powerfully against (Todd 2016f; Hunt 2014; TallBear 2011, 2012, 2016). Moreover, powerful theoretical insights are missed about that power and the agency circulating throughout landscapes of belonging.

As the embodiment of the feminine, of First Woman, and an extension of Sky Woman<sup>70</sup>, land or territory is animate; that is, “full of thought, desire, contemplation and will” (Watts 2013, 23). Consider the following passage:

“In becoming land or territory, [Sky Woman] becomes the designator of how living beings will organize upon her. Where waters flow and pool, where mountains rise and turn into valleys, all of these become demarcations of who will reside where, how they will live, and how their behaviours toward one another are determined...[So] if we accept the idea that all living things contain spirit...[it] means that non-human beings choose how they reside, interact and develop relationships with other non-humans. So, all elements of nature possess agency, and this agency is not limited to innate action or causal relationships” (23).

Imbued with the agency of Sky Woman, habitats and ecosystems are societies that interact as active members. They have “ethical structures, inter-species treaties and agreements, and further their ability to interpret, understand and implement”; that is, they possess governance, law, and knowledge (23). “Non-human” beings are not only active members of society, they “directly influence” human organization– for instance, through clan systems, ceremony, and beings acting as advisors (23). Watts asks that we consider the following relationships stemming from First Woman’s and Sky Woman’s original circumstances: Because the earth, land, and creatures existed “long before” human beings, we are dependent on them; because human beings are “made of the stuff of soil and spirit”, we “extend to the non-human world beyond causal interactions”; and because all beings are “literal embodiments of localized meanings”, Place-Thought is considered “the network in which humans and non-humans relate, translate and articulate their agency” (27).

In contrast, Watts explains that work in “progressive” Euro-Western thought, namely science studies and ecofeminism, increasingly attributes agency to “non-humans” (2013, 28);

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<sup>70</sup> Sky Woman, through her desire and communication with the water and animals, created land and became territory herself. Her agency is built into the land upon which all societies are built.

however, it is confined to their involvement in human society. Agency may extend to mutual exchange, but is constrained by a religio-philosophical foundation in an anthropocentric hierarchy wherein humans alone have special capacity for reason, language, will, purpose, intellect, ability, and intent. Dirt may be an “actant” (Alaimo in Watts 29), but it does not possess “consciousness, thought, desire, and...imagination” (26); and human-dirt relations may be corporeal and entail consumption and ownership, but dirt is no “family member” (29). Interconnectivity is understood, but humans think while the natural world acts, reproducing the epistemological-ontological divide or Cartesian split. I argue that Wright’s (2015) account of dynamic co-becoming still falls under the “progressive” western version of “more-than-human” geographies (Watts 2013, 28).

This has consequences similar to that of post-positivist Western science’s interest in IKS to ‘fill gaps’ in knowledge. Watts (2013) explains,

“historical Indigenous events (i.e. Sky Woman, the Three Sisters) are increasingly becoming not only accepted by Western frameworks of understanding, but sought after in terms of non-oppressive and provocative or interesting interfaces of accessing the real [ontology]. This traces Indigenous peoples not only as epistemologically distinct but also as a gateway for non-Indigenous thinkers to re-imagine their world. In this, our stories are often distilled to simply that – words, principles, morals to imagine the world and imagine ourselves in the world.” (26)

But while thought experiments based on Indigenous ‘ontology’ are taking place in the academy, Indigenous lands are no less subject to colonial relations, boundary making and violence, “scaled and modified in terms of progress and advancement” (26). Embedded as they are in Indigenous cosmologies, it is inappropriate to treat IKS as a means “of boundary implosion”, e.g. to de-subjugate socio-nature (28), as an abstraction, or as a “tool of the West” (28); for instance, to improve fisheries management or Aboriginal policy in the absence of decolonization – that is, in the absence of spirit, Indigenous jurisdiction, and legal orders. Failing to do so “creates spaces for colonial practices to occur” (28). Thus, human-fish relations, belonging to the lake, and IKS need to remain outside of the epistemology-ontology frame of reference.

My research adds important nuance to Wright’s “ontological” dimension of belonging. First, animate territory, alive with logic, intelligence, intent, purpose, or will, challenges the idea of a circuit of agency that flows in the absence of instructions, an ethic of care, responsibility, reciprocity, or proper conduct; second, spirit constitutes a thing that “has impact” in the co-

constitution of people, things, processes, and places (Wright 2015, 393); and third, knowing is not separate from being. This tells us that all beings “belong” to the lake (see also Day 2013), regardless of the disruptive effects of colonization, that fish are active members of Lake Nipissing knowledge and governance traditions, and that belonging is a reciprocal relation, an active and mutually beneficial relation that requires maintenance and protection.

## Conclusion

Ultimately, harvesting fish is part of how Nipissing people belong to the lake. Fishing is part of the cultural, social, economic, political, spiritual inheritance of the community, and continues to have significance in these areas. As a practice, something that is lived, fishing connects people to ancestors and to future generations. Fish are part of a way of life, *mino-biimadziwin*, that carries important implications across a number of sectors.

Belonging means different things to different people; thus, belonging is capable of holding difference and is strengthened by it: it is deployed in many contexts, strengthened by debate and deliberation, and it empowers community-derived law and creativity (see next chapters). As a way of life that involves all community members, not only commercial fishermen or even those who fish, relations with the lake exceed fishing. Everyone has a role. The existence of different roles invites a diversity of knowledge, skills, and gifts, which can make for robust decision-making. As pervasive (Wright) and ubiquitous (Todd) concept, belonging through human-fish relations is an active site of engagement and evolution.

The multiple *ways* in which belonging is evoked (its texture) does not necessarily erode political coherence. Disagreement, whether public or private, does not take away from the unifying, collective experiences and sense of belonging to the lake at NFN or from cohesive political response that I established in either research vignette or in my Historical Context chapter. It is possible to belong in and through difference, to belong in different ways to Lake Nipissing and to have different relationships with the lake. We see this expressed in practice, or enactments of belonging, whether they involve fishing or not.

While Wright provides incredible insight to thinking about fish and fishing at NFN as a relation of belonging, the case of Lake Nipissing adds to Wright’s weak theory of belonging:

- Rights and responsibilities are inherent (not granted by the Crown, the courts, etc.);

- A source of belonging is the territory itself, so it does not run out or end with a policy; ‘that good life continues to thrive’;
- Colonialism is not the only thing going on;
- There is an opportunity to view Indigenous cosmological understandings of the world (Place-Thought) as real, which means not separating reality (ontology) from knowing it (epistemology) – see next chapter;
- Like TK (McGregor 2004), belonging is lived and it is bigger than dominant policy frameworks;
- Knowledge and how you know is integral to belonging to and having command (governance) of the lake. They are relational - see Governance chapter; and
- Indigenous theory becomes increasingly important to interpreting this research – see Power and Vision chapter.

These findings have implications for theorizing in academia and for how we might think about ‘environmental’ decision-making, ‘resource’ management, healing and justice. Broad consideration is required for inter-species treaties (Day 2013; Johnston 2006; Simpson 2008; Stark 2013)<sup>71</sup>, treaty ecologies (Noble 2017), the rights of plants, water, fish, other animals, and the land itself (McGregor 2009, 2016), and reconciliation with the natural world (Todd 2014; TRC 2015; Anishinabek News 2015).<sup>72</sup> In addition to the restoration of fish population and habitats, Indigenous peoples require environmental justice (Agyeman et al. 2009; Walken 2007). An ethics of remediation/reparative justice is “as much about redressing inequities of power, capacity, and agency, as it is about ‘cleaning up the environment’” (Tsosie 2015, 207, 2010). Renewed relationships between Anishinabek and fish (Whyte 2014, 2015) and Indigenous access to fisheries are especially important for the health of communities, ecosystems, and for reconciliation in Canada (Rollman 2016; Suzuki 2016; Watts 2015).

Capable of handling difference and even conflict, belonging draws attention to the power of collective resilience (Tobias and Richmond 2014), healing (Georgis; Million), and

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<sup>71</sup> Treaties include those made between Indigenous peoples before and after European contact (i.e. *Dish With One Spoon*), and treaties between human and animal nations; For example, Isaac Day (2013) mentions a treaty between the sturgeon and the Anishinaabeg from the west of Sault Ste Marie. He reminds readers that land was “traditionally occupied by our doodemag [clans] and spirit helpers, and *we shared it*” (99 emphasis mine).

<sup>72</sup> For example, it would be worth exploring how traditional water keepers, like fishers and ricers, maintain a reciprocal relationship with water bodies (Nelson 2013,223).

transformation from Indigenous perspectives. Attention to these processes (e.g. through deliberation, conversations, and actions) can be generative as fragmentation is not a new thing facing Indigenous societies, polities, and ways of knowing and being. Like the healing and restoration processes in these citations, Nipissing community members are restoring what "was already there [...] it was taken away and we're putting it back" (respondent). Similar to weak theory's intent to recognize contingency, that nothing is static, absolute, or even complete, examples from this chapter demonstrate that neither is settler-colonialism complete.

## Chapter 4: Knowledge

My third research vignette, *The lived and legislated sides of Traditional Knowledge*, was published in the NFN community newsletter in July 2016. It read as follows:

*Last month I wrote that fishing practices at NFN reflect community-held values, experience on the land, family networks, and stories. Linked to history, politics, and culture, it is bigger than Indigenous or Traditional Knowledge (TK), an outside concept that does not capture a whole way of life.*

*The idea of TK gained popularity after the United Nations adopted it in the 1990's. Today, policies and regulations across many sectors in Canada contain provisions for the consideration of TK, including environmental protection and assessment, species at risk, Great Lakes and provincial fish strategies, and research.*

*Unfortunately (but not surprisingly), outside agencies often view the knowledges and practices of Indigenous peoples as illegible, frozen in time, vanishing, secondary to or relatively powerless against western science. Often, TK is used to 'fill gaps' in existing ecological knowledge. This ignores cultural adaptation and resilience, downgrades the wisdom of Indigenous worldviews, and fragments the environment into discrete sectors, which never ends well.*

*On this topic, a community member said: "you have to be careful when you give others the power to define these things." It's true. Government ministries, academic disciplines, and funders have their own mandates, histories, and internal cultures, which are tangled up in ongoing colonial processes.*

*In my research, community members don't talk about TK. They talk about living, knowing, and loving the lake, and about responsibilities. They talk about wanting to "get our house in order", and they draw on many kinds of knowledge to do so.*

*These conversations remind me of what Pottawatomi scholar Kyle Whyte has called knowledge sovereignty. It has two parts: the restoration of internal governance structures and the establishment of ethical relations between communities and scientists, government agencies, and other outside bodies.<sup>73</sup> From a knowledge sovereignty standpoint, Anishinaabe ways of knowing and relating in the world (i.e. Anishinaabe science) would be the frame of reference from which other science and management frameworks are considered and drawn in (instead of the other way around). Not just adding ‘TK’ to established ways of doing things, Indigenous knowledge holders, harvesters, and resource managers would guide decision making across treaty territories, supporting healthy fisheries and fishing practices.*

*In my next submission I explore the mechanisms through which these kinds of relationships might be realized.*

## Indigenous knowledge in the literature

In an article in *AlterNative* (2015), I wrote about the disparate (yet entangled) ways in which TK and IK are taken up within different political projects. A way to classify disparate literature on the knowledges of Indigenous peoples, I identified four orientations through which IK is engaged: ecological, critical, relational, and collaborative. I applied them to two questions adapted from the Fish-WIKS research objectives: 1) What are the commonalities and differences, or, the nature of the relationship, between western and Indigenous knowledges; and 2) how can TK enhance the current regime for natural resource management and decision-making? Addressing the first question, critical and relational approaches tend to emphasize fundamental differences between knowledge systems, while ecological and optimistic approaches celebrate their similarities or at least their potential for symmetry. As per the second question, an ecological approach would suggest that TK can correct the failure of western science-based knowledge systems to manage common resources, and through adaptive management, can facilitate a holistic, place-based ecosystem approach to resource governance. Critical theory would suggest that discursive and material power imbalances marginalize and

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<sup>73</sup> In originally published vignette, I incorrectly cited Kyle Whyte as using the term “knowledge sovereignty”; the term he actually used was “climate sovereignty”

render TK wholly unintelligible and that co-management models are empty in the absence of structural change and decolonization. A relational perspective tends to recognize and appreciate IK as a dynamic way of life embedded in Indigenous cosmological, socio-cultural, and place-based contexts that finds expression in systems of Indigenous governance and the nation-to-nation or treaty relationship. Finally, as a collaborative concept, increased interplay between Indigenous and state resource managers can encourage innovative processes at multiple levels that facilitate the exercise of inherent Indigenous rights; as a powerful tool, TK invites the co-production of knowledge at multiple levels, which, under the right conditions, can result in more effective resource governance (see Table 1).

**Table 1: Traditional/Indigenous Knowledge Typology (Latulippe 2015b)**

<b>Orientation</b>	<b>What is the relationship between western &amp; Indigenous knowledge?</b>	<b>How can Indigenous knowledge or TK improve resource management?</b>
Ecological	Indigenous knowledge complements post-positivist science	Through an adaptive or ecosystem-based management frameworks
Critical	Epistemic colonization renders Indigenous knowledge unintelligible	Through structural change and decolonization
Relational	When shared, distinct knowledge systems can be of mutual benefit	Through Indigenous governance models, including treaties
Collaborative	There is potential for knowledge co-production	Through empowered, collaborative processes at multiple scales

The literature is neither static nor fixed in discreet categories. Likewise, research projects rarely subscribe to pure ideological frames, as they are presented here. Projects often exhibit multiple perspectives and rationales. For instance, Fish-WIKS can be seen to engage each; it seeks to enhance ecosystem-based management, ease barriers to the full inclusion of Indigenous peoples in resource governance, and obtain mutually beneficial outcomes through the interplay of diverse knowledge systems (GOC, 2002; OMNR, 2014; Wiber & Milley, 2007). A product of successive waves of interest in TK since the 1980s, overlap in the field of TK reflects the continued purchase of ecological and post-positivist perspectives in the performance of fundable research. Overlap also mirrors the varied interests and assumptions at play in partnership-based



projects, the growing significance of critical, Indigenous relational, and collaborative scholarship, and a gap in the literature.

In the current historio-political moment, certain interventions in the field of TK are surely detrimental to Indigenous peoples. The very real, structurally and discursively embedded logic of Indigenous assimilation and elimination in Canada suggests that, while Indigenous peoples, lands, and sovereignties remain under heavy and persistent attack, researchers and communities ought to be wary of government concessions that appear to recognize the distinctiveness of Indigenous knowledges (Coulthard, 2014; Diabo, 2012). But, TK, IK, or IKS can also be a tool used to advance the claims of objectives of Indigenous peoples. Ecological and relational initiatives can operate in tandem as communities revitalize land-based practices, and in a collaborative spirit, communicate TK protocols to outside interests and implement transformative agendas. Critical research can be a useful tool for building awareness within communities, educating non-native resource users, and building alliances through the concept of intersectionality. Resistance, rejection, and other politics of refusal are also viable alternatives. Research partners may choose to draw from multiple elements, or exclusively from one orientation.

Part of my conclusion in that paper is that Indigenous communities and research partners determine the most appropriate to approach to IKS based on their histories, geographies, goals, and knowledge sources. In what follows, I explore perspectives at NFN about concepts and terminology (TK and IKS); how the Nipissing knowledge system works; and, addressing the Fish-WIKS question, how Nipissing knowledge may (or may not) improve fisheries making and decision-making.

## **‘Indigenous knowledge’ on the ground**

After opening with general questions about the research participant’s relationship to Lake Nipissing and to the fish, I would restate the Fish-WIKS objective and ask if they were familiar with the following terminology: traditional knowledge, Indigenous knowledge, and Indigenous knowledge systems (See Interview Guide, Appendix ?). Though some were, many were not familiar with the term or with provisions in provincial and federal legislation for the inclusion of TK or ATK. Explored below, people expressed various opinions and concerns; there

were also emotional responses, including skepticism but also happiness at increasing levels of non-Indigenous interest in Indigenous knowledges and ways of living.

One of the first responses from an important interlocutor about TK at NFN was, “we don’t have it here”. Another stated, from a more personal standpoint, “I don’t know if I have any long traditional knowledge in the stereotypical sense that exists from times long before or that’s passed down”. People would qualify these comments with reasons to explain such dearth: not being raised in Garden Village, the deleterious impacts of residential schools and the Church on culture, language, and social norms, and the fragmentary impact of Indian policy (i.e. involuntary enfranchisement) on identity, family, and community. Loss is structural and functions in the interests of colonialism: “we can’t separate knowledge from language, and the people came here to destroy that, [they] knew what they were doing”.

Humour would reveal attitudes not directly named, such as incredulity towards government and other external agencies’ interest in Indigenous knowledge. One long-time fisherwoman (intentionally?) misstated the word *Indigenous* multiple times, laughing that it took her “a long time” to be able to pronounce it, as well as the word *Aboriginal*. Having experienced, and witnessed among family and neighbours, physical harassment, intimidation, and arrests for fishing, her mockery of policy language conveys the absurdity of newly found respect for and benevolent interest in her people and their knowledge systems. Then, in response to my questions about access to fish in a changing legal and regulatory landscape over the years, she insisted: “It doesn’t bother me. We just fish. He [her husband] still fishes. He doesn’t go far; he just goes out here... It still seems the same to me... Yeah, I just did my fishing and that was it... It’s a part of life” (GIAC). A refusal, her humorous and dismissive comments refute the power of outside forces to define and *further* condition her way, the Nipissing way, of living.

In a similar tone, some who were familiar with new policy language were cautionary and skeptical, critically aware that as an outside concept TK can be used to advance questionable aims - even by community members. Remarks by two respondents are illustrative:

“[One fisherman] was on about Traditional Knowledge. That’s how he’s judging the lake. He’s saying there’s tons of fish, because he’s going with the 'Traditional Knowledge'. But then my traditional knowledge is telling me that the fish are gone”.

“Today, in present time, we talk about traditional knowledge as a way to hide behind something. Like, “we’re doing our traditional practice”, but in reality, that

wasn't something that we've traditionally done - take a lot, you know, or ...we've done it commercially before where we traded, but at the same time, it wasn't to the expense of the lake, like, the fish.<sup>74</sup>

The latter comment was from a youth leader who, like other youth I spoke with, spoke of responsibilities as a counter to “tradition”, which can be used to justify high catch levels, widely understood to put the pickerel population at risk.

Respondents in technical and leadership positions echoed youth perspectives. One said, “We can't deny that times have changed. So, if times have changed - circumstances have changed - we have to change our ways; we have to adapt. And if we just say, ‘well, we'll go back to the way we were’ ... [we can't]” (SCM). Reflecting compliance issues and challenges facing the implementation of NFN's community-derived rules and regulations (i.e. mesh size, spring spawn moratorium, waste, registration and submittal of catch forms, safety measures, etc), he continued:

“We know what rules to make; we know what we should be doing. We know all those things, but we're affected by outside pressures, and just everything that's going on – the environment, everything – so, traditional knowledge is only going to take us so far. The rest is all [...] I have a hard time speaking against [self-determination], but the thing is, at the end of the day, we can have all the theories in place of how to do this stuff, but if we don't have the will or the political clout to make sure that those things are done properly, then it's all just smoke and mirrors.

While it is an ambiguous term and generates ambivalence, aspects of TK did resonate with research participants. For instance, a respondent involved with youth leadership and cultural revitalization early in his career, said, “From my perspective, it's just an academic label that they've put on [...] our traditional thinking about how to survive or how to interact with the environment.” There is critique in this statement, about the removal of meaning from the community itself, but it is constructive. It reveals what *is* important; that is the informed practices and knowledge about dynamic relationships between humans and the environment that are central to survival.

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<sup>74</sup> Respondent continued: “I think we cared a lot more about the fish than the money before versus today we kind of care more about the money and less about the fish. So, I think, traditionally, they were just known facts that you couldn't go fishing during the moratorium. Well, now we have a moratorium, but you wouldn't go fishing during the spawn. We used to do spearing, but it wasn't to the extent we have now.”

Insight can also be gleaned from the woman who joked about ‘Indigenous’ and ‘Aboriginal’ knowledge. I followed up by asking, “I don’t know if there’s another term we could use for the way you fish, the way you do things? Cause I know that those other words are not always fitting.”

R: Yeah. Well, to me, I’d probably use ‘tradition’ ‘cause it came down from the family, you know? That’s the way I see it

Me: Tradition?

R: Yeah, it’s more...

Me: It’s just the tradition of how you do it?

R: Yeah, it’s just how you did it, how everybody else does it.

Her response was illuminating for a number of reasons: it clarifies that ‘culture’ and ‘tradition’ are *not* necessarily perceived as the same (earlier, this respondent had remarked that she was not cultural), and it contributes to my understanding of what makes fishing a distinctly *Nipissing* practice. People who claim that “traditional knowledge” can be used inappropriately and that a cultural perspective is necessary to understand it still tended to agree that fishing constitutes “our tradition”. People did not agree on the extent to which that “tradition” ought to be practiced (i.e. the volume of fish that should be caught), but the term resonated across a range of respondents. Tradition connotes something historic: “TK is part of the *Nipissing tradition*. It’s been recorded [historically]. It’s fact” (emphasis mine). It signifies a land-based way of life, something passed on through extended family or kinship networks, and something that *must* be taught and learned. Tradition carries universal and ubiquitous connotations as in something practiced by “everybody”, and that which is “just normal life for us, how we lived” (DAS). It is about survival on the land.

Understanding these things about Nipissing “tradition” animates a conceptual field that transcends ambiguous policy terms and academic labels. It provides a basis from which to explore underlying values, mechanisms, and applications, of interest to Fish-WIKS; *and to carefully deconstruct the ambivalence directed at outside interest in Indigenous knowledge*. Drawing on Indigenous literature in which TK is conceptualized as knowledge, practice, and belief (including ethics), and understood within a system (informed by cosmology, culture and identity, beliefs, management and survival practices, governance, and so on), I asked questions, probed and prompted respondents to engage aspects of what Fish-WIKS considers interesting about Indigenous knowledge systems.

## Nipissing knowledge system: how do you know?

On the project website (2017), Fish-WIKS seeks to understand the *valuation, ownership, and control* of Indigenous knowledge. The project's SSHRC proposal indicates a research focus on the processes by which Indigenous and non-Indigenous decision-makers at multiple levels *acquire, value, control and disseminate* knowledge. For each interview, after introductions, providing a description of the Fish-WIKS aims, gaining a sense for the interview participants' relationship to the lake and to the fishery, and ascertaining their impression of outside terminology and interest in IK, the bulk of the interview centered on participant perspectives, experience, and practice, i.e. not on outside terminology (See Interview Guide, Appendix ). After listening and letting the interview go where it would, I would ask clarifying questions or paraphrase their comments, seeking to confirm some of the elements of the knowledge system; that is, where it comes from, how it is used, valued, and exchanged. In what follows, I present these, as well as important additions and modifications.

Beginning with extended quotes from two respondents, both with experience in First Nations politics and political advocacy, and, the first, self-identified as a traditional person, I seek to convey complexity:

Respondent 1: "And that's what I call a component of traditional knowledge [what is learned from aunties, uncles, from the community, family, and how they do things], that component that's almost *inherited* traditional knowledge through our learning systems. Knowledge systems are, from mainstream point of view, passed on through different *methodologies* and knowledge bases, and given in a certain way, high school, college curriculum, University programs; the same way with traditional knowledge – long before our people were going to university, we had those kind of systems. We had people who were *responsible* for doing that. In that way, I wouldn't refer to that *as governance*. I'd refer to that as traditional knowledge. Catching fish is *how we lived* our lives. Trading fish is how we made sure we had other goods for other things. We traded our goods for many, many years, whether it was our foodstuffs or later on the beaver pelts and the fur harvesting. Then it came back again; *it's very cyclical*. Now, in the realm of our commercial fishers depend on selling that fish. So we learned that all from our *extended families*."

Respondent 2: "My grandfather taught me things that, when I was a kid, I took for granted and didn't think much about. Since he's been gone [...] a lot of things *just came into my attention*, my mind, and into the activities that I was doing. He would send me away on trips. He had an outpost, or a chartered area, like a lodge, where he would entertain fisherman, and people for hunting and fishing and things like that, and he would send me out. I was only like 12-13 years old, with these

grown people to take them to the fishing spot *and stuff like that*. So I acted like a bit of a guide. [...] As far as the activity that he taught me and things that I've learned on my own as well, was about that '*taking what you need*' kind of thing. For example, I went fishing with him one time with just rod and reel, not a large harvest or anything, and we went into this one bay, and turned in there, and cast a few lines, catches a bass, and we took off right away. Basically we were there for 5-10 minutes, caught our fish, then left. I thought that was pretty, you know, didn't think much of it. We came back, cleaned it up, and ate it. I stayed with my grandfather, it was just he and I at the time, and so you learn things kind of like that, that aspect to fishing, what you were doing. He said, you know, if you fish out in an area, you know... it's *learning to manage* that resource and appreciate it. It's not so much how it relates to western science or a cultural side, it's just *having an appreciation*. You don't get an appreciation from Western science, because when you're actually *on the land*, and I think it's a value in itself.

Another time, when we fished here on Lake Nipissing, I participate in spring fishing [...] the spear fishing, which I think is a little bit more sustainable and manageable. Basically, when we harvest there, again, we're *using tobacco*, and I still to this day use tobacco when I go fishing, so what happens is we end up catching a fish that we use. They are spawning at that time, so we don't go after the females; if you see a female, you kind of leave it alone. But not everyone has that mentality. People see a fish is a fish. It's a dying kind of thing, because I was out and there was a couple boats out when I was fishing this past year, and it was funny because I had my kids out with me and we were trying to chase this big - cause the females are not as agile/active because they're laying eggs and its quite an ordeal for them to release their eggs - so I saw this great big pickerel, almost right up on the shore, I don't think it was stuck but just trying to burrow itself and release its eggs, and we watched it, and I had my spear, and I just kind of touched it to move it out of the way, but it didn't move very far. There were other boats that were coming, and I didn't trust that they would leave this fish alone, so I had to follow it and push it out to the deep water. So *we do things like that*, and there are a lot of people that do that, but nowadays we don't know who's who, or what's what out there in terms of what some people may or may not do in terms of *protecting* that aspect of the fisheries.

The first speaker uses past tense, but knowledge holders are still "responsible" for transmitting knowledge. Speaking to the methodology of knowledge transmission, a woman with young children shared the following:

"We almost need somebody to come in and reteach our community. The ones that have the knowledge, we need them to step up and say this is not the way that we were taught. I think it's just their voices are not being heard. It needs to be supported...the traditional practice. Realizing that it is a new day and age - it's not like it once was.

Another woman who comes from a fishing family:

“Yeah, [the knowledge and practice] becomes our responsibility as well, right. You can’t just do whatever the heck you want, whenever you want...It’s valuable. When you’ve received the knowledge, you have to value it and cherish it, and make sure that you pass it on to your kids or your family members or whatever, and you take care of each other. That’s what we do – *we take care of each other*.”

There is a responsibility to share knowledge, and the content of that knowledge concerns responsibility, so that quite possibly the very purpose of knowledge is to facilitate “care”. For many research participants, tradition means not taking too much (take what you need), not wasting or letting food spoil, sharing with others, and protecting fish and the lake ecology as a whole.. It embodies a set of values that situates people in a position of respect and care for the fish and for all beings of Creation. A youth shared: “I feel pretty strongly on the protection of [the lake] too. I honestly feel like it’s my responsibility, too, to maintain it – my own personal responsibility”. Cognizant of the diversity of First Nations, it is worth recognizing that these characteristics are mirrored by the principles of harvest and resource management identified by LaRiviere and Crawford (2013) in their research with the Chippewas of Nawash Unceded First Nation, another Great Lakes Anishinaabe fishing community; principles includes seasonal (appropriate timing), needs-based, sharing, not wasting (respect), and gratitude.

Respect and reciprocity figured strongly in discussions about the responsibility embedded in the Nipissing fishing tradition and traditional/Indigenous knowledge. In the quote above, respect is “using tobacco”, protecting the large female walleye, and taking only what is needed. It also includes no longer setting a gill net, switching to fishing for whitefish, lobbying for a fish hatchery to support the stressed walleye population (complicated), donating fish to elders, special events and the community food bank, and submitting catch forms and fish samples to the NFN biological monitoring program. These activities demonstrate respect for the animals and for other harvesters, community members, and future generations. They are also acts of reciprocity, of giving something in return. An act, an attitude or emotion, reciprocity includes “having an appreciation” for the waters and for the fish, and, according to a former community leader, “giving thanks to the animal and to the creator”. It includes, among those “hunters and gathers” who may not be “cultural”, viewing the land as a provider of food. Robin Kimmerer writes that feeling good about the land and what it gives is a form of reciprocity (2013).

Family, extended family, and other community members are integral to the knowledge system at NFN, also other nations (e.g. Inuit, Cree). Aunties, uncles, in-laws, grandparents and parents are important teachers. The second speaker's grandfather was his "primary teacher". However, "some of those things I learned on my own too".

Besides family, knowledge is generated through one's own experience, "things I've learned on my own". According to another fisherman: "One way that we learn is through actual doing" because "our elders don't tell you everything". Active fishermen spoke of experimentation, of "trial and error" and the importance of their notes, journal, map, and "bible" used to record catch information at specific locations and at different times of year, year after year.

Knowledge is hands-on and material (it is about "Catching fish"), and it derives from interactions on the land; people learn from the land. And it is relational. In Anishinaabemowin, knowledge is a verb that depicts action, connection, who is knowing and what is known, with this vibrancy and animacy not apparent in English (Noori 2013). Learning by doing is key: An ex-fisherman spoke about learning the safety precautions and skill of navigating the waters: "for me, it wasn't...I didn't think of it as learning because I was just growing up, you know." It is gained from "actually [being] on the land". Relational knowledge is captured in the concept of 'Indian time':

"there's a time when you go out on the water, and that's in relation to looking at the trees and certain budding effect that's on the trees. It's not an exact science, but it's an approximate time, so it's like knowing when to go out and harvest. When those trees are just about to bud, then you know there's good activity out there in the spawning. And it's always worked well, so you learn those things from the land.

Whether termed "cultural knowledge" or not, the skills, experience, and respect embodied by Nipissing fishers is often, "just what they do". People may not consider themselves "cultural", for instance if they are not speaking the language or practicing ceremony. But according to one youth: "A lot of people think that TK or traditional practice is taking a smudge bowl with you and smudging before you go out and do forestry or go out fishing or hunting. It's not that." The young man continued: "A lot of these youths [...] have some cultural knowledge. They may not know it. I feel like a lot of people don't know they have cultural knowledge but they do". The respondent who said, "I don't know if I have any long traditional knowledge in the



stereotypical sense that exists from times long before or that's passed down", nevertheless embodied the respect and skill characteristic of TK: he no longer gill netted, he practiced his own fish hatchery support with another family member, and talked about the value of 'traditional' fish preparation. Like him, others who resisted a "cultural" connotation and suggestion that TK marks an unbroken line to the past, lit up when they spoke about fishing practice, proper conduct and respect, the enjoyment of being out on the water, different ways of prepping the fish, communal values, i.e. taking care of each other, and the respect they have for people who live it/who are on the lake.

The "tradition of being Anishinaabe" is shared through stories and cultural teachings, and it is modelled, illustrated here by Former Chief Marianna Couchie:

"My father always taught through tales and stories. He was a really good person. All the values that people talk about, he actually practiced them, so he set that example. He was a very humble person but very loving, very respectful of nature, and the value of sharing and honesty – all of those were there. So, we were very fortunate[...] He didn't set us down and lecture us, but he had ways to show us [to make the point] and he loved being out on the water. He was a guide in his earlier life."

On the value of "great role models", she continued, "my grandparents, my father, my aunts [...] they all lived that way [...] it's something you watch and you model. It's not something that you write in a book or that you put into legislation". The "traditional knowledge" at NFN is an oral tradition: "I know our oral stories are very, very important, and I know they're recognized in the court systems and stuff, and [...] that was one way that we learned – you were told, and it was...I think a lot of people listened to their elders back then, a lot more than they do now."

A young woman shared another version of this way of learning, this "way of life", from an affective and cultural perspective:

what is traditional knowledge, how do you absorb that, to me it's not learned from a book, it's a way of our life. It's the way we live. It's the teachings that are more or less passed down, verbalized more, on how it is to walk on Mother Earth and how it is that we believe everything has a spirit and we're all connected. To me I never learnt anything of that in a book. I never picked up a book and learned how to be indigenous. It was through my teachings and through ceremonies that those things are passed down to us. So I learnt how to respect my culture, my fellow man, my coworkers, my family, how to raise my family, how to teach my children through these teachings that were passed down to me. So that's how I feel. Even

to this day, we don't have a set book of rules of how things are supposed to comply. It's not that you just know, but when you grow up in a more traditional setting or in a community that gives you opportunity to learn your culture, and know teachings/have teachings that get passed to you down – and that's where we get them from - you get them through storytelling, through living by example; [...] *I don't even know how to explain it. You feel...I just feel that way. It's how you feel.*

Both extended quotes identify the “cyclical” nature of TK. First, in terms of the community's reliance on fish for survival and for livelihoods, and second, in the way “a lot of things just came into my attention, my mind, and into the activities that I was doing” after not “think[ing] much about” the teachings passed down from his grandfather.

According to Elder Peter Beaucage the renewal of knowledge at NFN mirrors the renewal, or survival, of the fish. Before we started voice recording, I had drawn the map of the lake, and I explained what I learned from my advisor, Deb McGregor, about TK – specifically, how it renews and it works in cycles. Elder Beaucage responded that the cyclical nature of TK reminds him of the way “the fish are surviving this onslaught [...] and *what makes them that way, you know?*” What “makes them that way” is spirit, which is present in the fish, but also in the people and the knowledge. Spirit ensures the survival of each (and countless others) and articulates their immutable connection:

“We've sort of moved away from [the way of our people] in the year 2014, but yet we're still hanging on to bits and pieces of it because we're still doing the ceremonies for creation [...] but what really amazes me is how the fish have survived. To this day, they're still here.”

Despite colonialism, the fish survive and so do the people, a powerful parallel. The reason is spirit. Like spirit, the knowledge remains and is, perhaps, also inextinguishable.

An appropriate way of articulating this relationship is expressed in the language: “It even goes beyond the term of ‘traditional knowledge’ for me, as somebody that walks the way of my people, my ancestors [...] it's a way of life; it's a way of being; it's a way of living in harmony with creation.” Asking whether ‘traditional knowledge’ would be appropriate to refer to what Peter describes as a way of being, he said: “I don't know if I would even call it traditional knowledge. I would have to come from a perspective within my language of describing what that is”.

When we look at the whole picture – like everything – and about ....for us, the medicine wheel, for example, it's a circle, and within that circle is something that we refer to as (00:43:41) Bimaadiziwin ....to interpret that is what you're talking about here – traditional knowledge – I think, to interpret that traditional knowledge, Bimaadiziwin is a good life. That good life continues to thrive even though there's a lot of changes that has happened over the last ...in my lifetime, but yet now we're beginning to return back to that again -- the way it used to be when I was a boy – even though my parents, they never did ceremonies. My grandmother never did ceremonies. She probably did ceremonies but she was still very much afraid of it, and afraid to show us because she was in that era of the residential school system, which was very, very strong when she was growing up, and then my father never received that from her either because, during those times, the residential schools was the rule of law, and [...] the church, and so those teachings that they were given was negative teachings about traditional knowledge and (00:45:33 inaudible), it was all negative, so they grew up in that kind of era, and I suppose I'm one of these people that are very, very fortunate that I was able to be given my language by my father and my mother and my grandmother. Even though they were punished, I guess – they were continually being harassed by the missionary or the priest at the time, not to pass down those teachings to us – but they did manage to pass down the language to myself and my sister, and my sister – younger than me – doesn't speak the language, nor my other sisters – my younger sisters – they don't have the language, so it's only my older sister and myself, so you can tell when that stopped too. So, I didn't see the ceremonies, but I was still able to be given traditional knowledge and ways of how it was covered up, but yet it was there, you know, and certain ways like you didn't waste anything; you didn't...if you killed something, then you eat it all; you never threw anything away, or you never discarded anything, or it was an insult....it was an insult to call anything that was dead – like a dead fish or anything like that – a scrap. It was wrong; it was not right. So, we were given those teachings, and.....it's....but what really amazes me is how the fish have survived. To this day, they're still here.

From the perspective Peter is offering, Mino Bimaadiziwin transcends colonial time; colonial space, rights, values, ethics, and so on. The knowledge, the practice and the values discussed thus far are “ingrained” in culture and in families, because, as another youth explained, “that's how much we cared about it”. The teachings “are still here; we all carry those. They're in our being” (DAS). Exceeding even direct, lineal descent, the same woman from a fishing family said:

- I: ‘traditional knowledge’ or ‘indigenous knowledge’, does that term mean something to you or have meaning in the community?
- R: Well, to me it does. It means that the stuff that they've been practicing – whether it's fishing, hunting, gathering, whatever – the practices that they've been doing for thousands of years, it's all been handed down. And even though I might go out and hunt or I might not be a commercial fisherman or whatever, I still have the knowledge, and I would know what to do even if I never even did it before – I believe that.

- I: Oh, it's carried down?  
 R: Yeah.  
 I: Not directly? It's inherent?  
 R: Yeah, at the cellular level (laughs). It's like what you would call...you know, collective consciousness.

Echoing Tobias and Richmond (2014), Nipissing research participants are talking about an incredible level of collective resilience. The teachings “were saved” by parents (LEC) and by community members. They went underground. They persist and survive. Today, “That good life continues to thrive [...]we’re beginning to return back to that again.”

Thus, the traditions and the knowledge at Nipissing are lived in order for the community - and the fish, to thrive. The knowledge is “something you have to work for” and “there’s a responsibility in living it” (MIC). Tradition as body of knowledge, set of practices, responsibility, family and community connection, and reciprocal relation, is interconnected: “*So if you’re from Nipissing, and you raise your family [here], your kids will naturally become involved with the fisheries, with that activity. That’s where the regard kicks in, and that’s where the communal aspect comes in.*” It is also sacred. A cultural leader said of indigenous knowledge or traditional knowledge, “It’s all tied to Creation.” A traditional person added that “Creation stories, that’s the point of TK - to look after things in Creation that can’t speak after themselves - and that’s where it comes from.”

In this section, I have discussed the ways in which “IKS” at NFN is acquired, valued, controlled and disseminated. Clearly, there is resistance, both on the ground and in the literature, to limit Nipissing tradition, a way of life, to a ‘knowledge’ concept. Echoing Reo and Whyte (2011), epistemology (way of knowing/knowledge system) is but one aspect of TK. Practice (including management) and belief systems (ethics, relational cosmology) are other inseparable components.<sup>75</sup> Overwhelmingly, Nipissing tradition exceeds ideas about TK or even an ‘Indigenous knowledge system’. At NFN, decisions about the fishery are derived partly from

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<sup>75</sup> The knowledge system (epistemological) aspect of TEK incorporates understanding of ecological relationships about biota, ecosystems, and places. The practical component of TEK refers to the application of accumulated, intergenerational knowledge using best practice, economic relationships, expertise, skill, and rules (formal and informal), e.g. fishing practice. The ethical/belief system involves moral and spiritual values that make up a community’s worldview. “These values manifest in traditional moral codes, moral judgments about right and wrong, and ceremonial practices associated with plants, animals, and important geographic locations. Moral and spiritual values shape a community’s worldview by framing its collective understanding of how to describe the world and the significance of being human in relation to other beings in the world” (Reo and Whyte 2011).

western scientific methods, cooperation with the MNR, and through the Indian Act system of governance, not what some would call part of an “Indigenous” system. Yet these ways of knowing are employed and used to implement many of the goals and interests of the community. Before developing this argument further, I apply what has been discussed thus far to the big question animating the Fish-WIKS project, which begins to reveal an alternative set of questions.

## The BIG question

Fish-WIKS seeks to know *if and how can IKSs enhance fisheries decision-making for Lake Nipissing/the Inland region?* Can IKS help First Nations? Can IKS help Canada? My interpretation is framed by my methodology, which is to explore the relationship between Indigenous and non-Indigenous knowledge systems or approaches to fisheries and how the former could be used to help improve fisheries decision-making in a spirit of the original spirit and intent of the Nation-to-Nation treaties, pre- and post-contact (answers, partial answers, and critique of the question). I would ask the question near the end of interviews, after discussing the material discussed above about tradition, a way of life, knowledge, values, and protocols associated with living on Lake Nipissing and fishing Lake Nipissing (not just using TK/IKS). There was a range of responses, which I present below in four (albeit overlapping) registers:

First, Non-Indigenous interest in Indigenous worldviews, the desire to learn and incorporate into non-Indigenous frameworks (like the Fish-WIKS questions), was not always met with ambivalence. Resembling the absolution Lee Maracle talks about some of her people needing in the aftermath of residential schools (*Colonization Road* 2016), or perhaps vindication, one community leader felt that outside interest was “nice, it’s good. Yeah, anywhere people have been colonized...like, we are a colonized people. Then the residential school did tremendous damage to all of our communities right across Canada, and it did break the cycle in some people”. From a cultural perspective, people spoke of a time of renewal, of coming together and working as one, as prophesized, the healing of the earth and the people, the eighth fire. And from a perspective grounded in an Indigenous understanding of the nation-to-nation agreement, some championed the idea of ‘walking in parallel’, of coexistence; not absorption or assimilation, but “full recognition of partnership”, as Indigenous peoples intended in the treaties.

This version of cooperation carries conditions: greater respect, dialogue and involvement of traditional people in decision-making. To a fisheries technician and decision-maker, the point

is not merely to be “included in *their* discussions” (emphasis mine), though that is important, but to empower the community, and especially the youth: “It needs...invite more of the elders, the ones that still carry the traditional knowledge, cause our communities are slowly losing that, slowly and slowly, and we need to build that up more and get our younger ones into that more, into the traditional way.”

People also interpreted the question to mean how Indigenous peoples could use Western science to advance *their* goals. According to one grandfather, “It’s incumbent on the First Nation to be the leader because it’s our culture [...] because Nipissings from time immemorial are responsible for that land being ours, and so we should be doing things for the people.” With all parties ‘invested’ in the fishery, he explained that the First Nations should “play a realistic, scientifically motivated part in the new deal – and to me that’s what it is – it’s a new deal – it’s a whole new way of looking at a partnership to protect something”. This respondent is referring to use of data – not the “treaty card” or “the cultural card”, to empower the First Nation to “protect” the lake, to take “a stand” and to exhibit “leadership”; namely, by shutting down the fishing for a time, including for all First Nations users. A similar idea, discussed further in the Governance chapter, included advocating politically for First Nations governed resource management.

The majority of respondents expressed ease and confidence with the First Nations’ use of western science to help manage fisheries (while a small group of respondents felt that the science was all wrong). According to a cultural knowledge holder: “[Western] science is useful; there’s parts that we can use. It has a purpose. Indigenous knowledge has a purpose; and it starts with *sema* (tobacco/spirit). They are complementary, western science and Indigenous knowledge.” The medicine wheel, offered another cultural person, provides a model for knowledge sharing i.e. all peoples bring with them gifts, teachings, and valuable knowledge.<sup>76</sup> The point is that there is an order or a protocol for asking and for how that knowledge emerges, is shared, and taken up: “all those teachings are gonna come back. They always come back through the eastern doorway. We always have to start there, and we all have to learn about the animal that sits in there, that direction. We all have to learn about the medicine that sits there is *sema* – tobacco – that always comes first” (DAC). I interpret these two comments in line with

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<sup>76</sup> This term, cultural person, and others like it (cultural arts teacher, traditional person, etc.) are self-identifying terms used by research participants. In other cases, I use general descriptors such as respected Elder, youth, technician, political leader, and fisherman.

Robin Kimmerer's work on the three sisters (corn, beans, and squash) to mean that 'Indigenous knowledge provides the physical, ethical, and spiritual "framework" or moral *scaffolding* with which to guide the application of powerful Western scientific tools (2013, 139). The point is in how the data is taken up and who makes the decisions.

Second, where knowledge sharing is not necessarily viewed as harmful, caution and scepticism was a common response. Government's immense, compounding, and ongoing breaches in trust and the ambivalence regarding outside interest (discussed above) certainly pose a challenge to walking "hand in hand [...] like on the Wampum belts." After telling one former commercial fisherman about TK, a term "outsiders have defined and then put into different pieces of legislation", he responded: "You have to be very careful when you give power to someone to define these things." There is openness to western science and to treaty partnership (according to Indigenous socio-political, cultural, legal, and prophetic contexts), but also skepticism and weariness at non-Indigenous interest in "IKS". While a fisheries technician argued that it is imperative that knowledge is shared, citing the Seven Fires Prophecy as one part of his rationale, he acknowledged also that "a lot of people down here are [...] always worried that they're gonna take away our land...they want to take away our rights. In the media especially, they're all talking about, take away their rights, why are they better than us, why do they have these [special right]".

Third, in addition to caution, it was often expressed that the two knowledge systems – more broadly, two approaches to the fishery – are completely incommensurable. This registered at a number of levels, from the affective, to the material, cosmological and legal. Someone who grew up fishing but no longer takes part feels that "it's more a feeling than data. You're not gonna get a person at the MNR saying the same type things [...] as the traditional type of people who live off the land. You're not gonna be talking about...it's like apples and oranges." Prompted to think about this in relation to the inclusion of TK in provincial policy, or, more generally, the translation or operationalization (Varghese and Crawford) of IKS within provincial frameworks, I heard:

It's a foreign concept 'cause you're coming at it from a western perspective and point of view; I'm coming at it from my own upbringing, my own beliefs and my own practices, and so how do you put that into law? You can't. [...] They don't have to control the First Nations. The First Nations will look after themselves as we did long before.

This incommensurability informed refusal, “the refusal to be known and the refusal to be infinitely knowable” (Smith 2014, 231). The values, the objectives, the philosophical underpinnings, and other elements of the Western framework were held up by research participants, examined from their perspective as a Nipissing, and deemed to be completely at odds with the Nipissing tradition. The collapse of the cod fishery on the East Coast and other areas “they fished out”<sup>77</sup>; hunting to get “a big rack”; trophy fishing; revenue-driven resource management; “the whole city out there during the ice fishing season”; also leadership (*culture and worldview integrated in the leadership*) and enforcement style, worldview, and culture, all of these were held up as “two different worlds”. Regarding *the big question*, a woman from a fishing family replied,

Really?! (laughter) Well, I think about seven generations in the future. I think that’s the big problem –they don’t think about tomorrow; they just think about what kinda profit can I make today [...] they give licenses to fishermen, right, so we also give license to our fishermen on the reserve and regulate them, and if there’s people that don’t comply, then deal with them. I don’t know what Canada does, I really don’t. Why are the cod all gone?

Fourth, across expressions of optimism, caution, and incredulity in response to the big question, something *else* was held in common: an interest in applying ‘IKS’ at Nipissing First Nation, to improve the lives of people and fish, human-fish relations; to heal. In response to the Fish-WIKS premise, and my emphasis on outside interest in IKS in relation to climate change, a community leader laughed and said: “We need our ways to save us!” The community leader who spoke of residential schools above went on to say: “and then they raised their children without the traditional knowledge, and that was broken, and that’s why that why we gotta bridge that again”. And, in relation to the teachings, to learning and sharing them, a father and cultural arts teacher opined: “we have to start in our families”. Our conversation continued:

That’s what the elders are starting to work on, and this is only the beginning, but we have to heal our communities first, and that’s where that starts. See, we can have a teaching of the eagle feather – three of us can sit here and someone can give us a teaching of the eagle feather. I have certain knowledge about the eagle feather, she has certain knowledge about the eagle feather, you have a little bit of knowledge about the eagle feather, but the elder gives us more knowledge, and then when we walk away from that teaching and we’ve learned about the eagle

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<sup>77</sup> “If you look in Ontario, almost every lake that’s accessible by a vehicle are either collapsed or near collapsed. Most of them have never seen a First Nation gill net, so [...] First Nation gill nets are not the main reason for the fish decline” (respondent).



feather, you still look at that eagle feather and it's still a little bit different 'cause if that eagle feather is sitting this way, you see it from that angle and she sees it from that angle, so there's always gonna be a little bit of difference in the perspective, but we have to get the basic...we have to get the basic, and that eagle feather also sits in that eastern doorway, eh, so we have...that's the next thing we learn about the eagle feather.

[...]

Everybody's given natural law, and certain grandfather teachings, the ten commandments...Those people that were knowledgeable in those natural laws, they were persecuted and they were burned as witches at one time in England, and that kind of followed the people that came here, and because they were given these teachings that were not good for the human race, they placed those same values on the native people here, and they got rid of all the leaders. They tried to get rid of all the leaders, and they tried to get rid of all the people that were doing ceremony, they tried to get rid of language. And in reality, they should have been embracing that...embracing that language and those ceremonies. But, then again, it was this group that was dominant. They didn't have no need for that [for IKS], and it's still here. It's still...and people are saying, 'Well, okay, let's go ask the native people,' and it's so hard to ask the native people because we lost so much. And that's why I'm saying we have to start with our own people first. [...] Like, the people that work there [at the NFN fisheries department], they have a hard time...they have a hard time to enforce those bylaws that they create.

I: Because there isn't...everyone in the community isn't on the same page?

R: Yeah, we're not seeing that eagle feather the same way.

I: Hmm....right, so not everyone has that knowledge -that cultural knowledge, the natural law. Some people might have hunting and fishing skills...

R: Language.

I: Language. Some people have different pieces, I guess.

R: Yeah, yeah, it's to bring those pieces together.

I: And that starts with the community, yeah.

Touching on each perspective – working together, caution, refusal, and community healing - a cultural teacher and respected elder spoke beautifully to 'the big question', paraphrased below. His is a holistic, pointed remark that is instructive moving forward.

"Native people have been treated as second-class citizens and this affects identity ("who you are") and how you act in the world; residential schools,

permission to leave the reserve, Indian Agents having full say over band governance, and so on - *that's what happened to Indigenous knowledge*. Eddie Benton in a lecture here said that in earlier times the Indigenous people who were at Nipissing acted based on kindness. About the practice of giving tobacco, *sema*, some people will say, 'oh, it wasn't even our practice', but Eddie Benton said that people who were here acted on kindness. They might not have used tobacco, but the *intent* was similar. There was something that drove people, a way of being. What was it based on? It goes back to that, individual and collective decisions and actions: *what are they based on?* Actions based on kindness, on greed, profit, politics, or not knowing who you are. There are many intents or bases for action. You have to start with *sema*. It all starts from there [sema is a gift from Creation that helps guide the way].

To me, this response encapsulates much of what I have shared thus far, and what I would like to develop. In response to Fish-WIKS, new provisions for TK making their way into state legislation, and initiatives that wish to *know* something of "Indigenous knowledge systems", this response invites a number of important questions. What is the intent or bases of that desire to know and act upon that knowledge? To what end is knowledge being applied? For whom is the knowledge meant to serve? Is there an acknowledgement of spirit or the agency of fish? In what cultural and territorial contexts do the teachings carry meaning? When practices change, what stays the same? What right does the colonial system have to seek knowledge about or from Indigenous peoples? Exploring questions, "asking the way", is fundamental to revolutionary process (Smith 2014, 231). I engage such questions about intent in the Governance chapter, alluded to below in the concluding remarks to this chapter.

## Discussion

In what follows, I critique the "colonial desire to 'know'" (Smith 228), and present, instead, 'an elsewhere', full as it is of complexity and contestation.

### An argument against 'knowing' racialized difference

This chapter reaffirms and advances the argumentation presented in the introduction to avoid rendering Indigenous peoples and their knowledges "more knowable" (Smith 2014, 213). Specifically, to avoid constructs of IKS as objectively knowable particularly in and through

fixed, immutable racialized difference that relies on tired, externally-defined tropes. Below, I extend this critique in light of my research at NFN, focusing on provincial constructs of ATK, the work of race in contemporary calls for limited forms of recognition, and implications for research.

Ontario's 2015 fish strategy celebrates sound science and information-based fisheries policy development and management decisions. They acknowledge that ecological uncertainty is high (so is political, social, and economic uncertainty, Manuel and Derrickson 2015) and that the knowledge base is still evolving. In this context, Aboriginal Traditional Knowledge (ATK) is something to be "gathered" to fill knowledge gaps (OMNRF 2015).

Through their connections with the land and water, FNs and Metis peoples have knowledge that can help to guide fisheries planning and management. Many have years of experience observing and interacting with the ecosystem, and have knowledge about aquatic ecosystems passed on to them from previous generations. This knowledge can be integrated with western science to better inform decision making, and is even more important where there are data and information gaps in areas such as the Far North. Long-term observational knowledge, and an understanding of patterns over time, can alert fisheries managers to species or ecosystem changes where monitoring data are limited. Opportunities to work with FNs and Metis communities also exist in the collection of scientific data.<sup>78</sup>

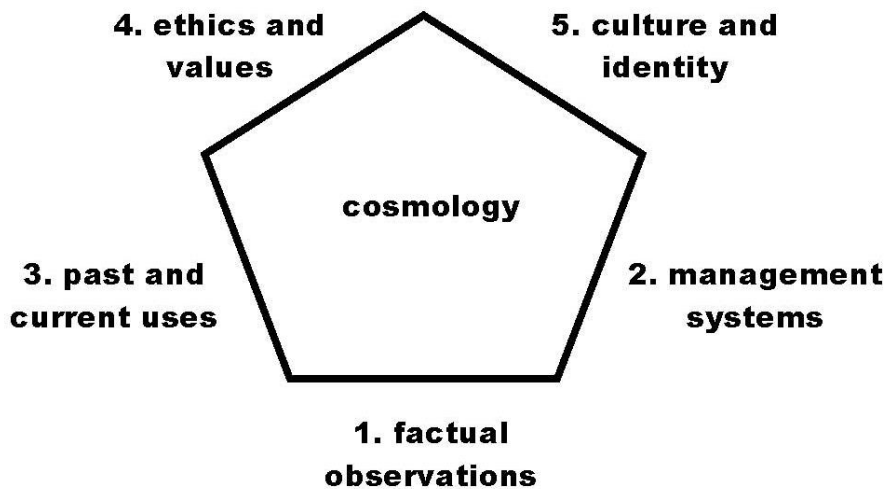
While it is framed as essential to survival and a way of life, reflected in the comments at NFN, the empirical evidence and analysis above suggests that IKS exceed mere pieces of information to fill gaps in the extant knowledge base. In service of management, the version of ATK presented here is reminiscent of Houde's (2007) first three faces of TK, factual observations, management systems, and past and current uses of resources (see Figure). The policy elides the embodied, experiential, spiritual, political, relational dimensions of the Nipissing tradition, and also the subtending cultural, cosmological, and ethical systems. Instead of ATK in the service of management what about in service of Nation-to-Nation relations (coexistence and partnership) and Indigenous governance and jurisdictional claims? As was

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<sup>78</sup> Goal 4: Other forms of traditional knowledge, handed down through generations of living and working within a family, community or culture, can also provide valuable understanding and contributions to fisheries management...commercial fishers can contribute significant TEK in the form of observations and comments on fish behaviour, timing of spawning, abundance, ecosystem relationships and fishing methods, based on their historical and cultural knowledge of the species and of the areas harvested (OMNRF 2015)

heard above, you cannot operationalize spirit/cosmology/embodied knowledge; policy needs to consider much *more* than ATK.

**Figure 9: Six Faces of Traditional Knowledge (Houde 2007)**



Cognizant of the critique against such narrow ‘ecological’ orientations within the literature on ATK/TK, Fish-WIKS is concerned with the broader knowledge system. Seeking to understand Indigenous knowledge assumes that more knowledge about Indigenous peoples will help Indigenous peoples (will help them participate in state resource regimes and implement state-recognized rights). Fish-WIKS is not alone in this assumption. Recommendations from the 1996 Royal Commission on Aboriginal Peoples and the 2007 Report of the Ipperwash Inquiry make a similar pedagogic intervention: Canadians need to “understand” the treaties better (RCAP, 47). Public education will foster “mutual understanding” and acceptance of the “historic rights” of Aboriginal people (Ibid., 144). Understanding that Aboriginal peoples constitute nations that for the most part “desire...partnership with Canada” is key to rebuilding relationships (Ibid., xi). Most recently, Von der Porten et al. (2017) convincingly argue against the mere inclusion of First Nations in state fisheries governance regimes, yet they still rely on the notion that greater knowledge and awareness will compel governments to meaningfully support Indigenous self-determination.

But these calls to know Indigenous peoples and their knowledges ignore the co-constitutive role of the ‘Indian’ other in the white settler-colonial project. Building on the introduction in which Indigenous dispossession and white colonial re-settlement are shown to be co-constitutive, colonial resettlement has been justified via representations of the ‘Indian’. Bound up in travelogues of the first Europeans in the Americas, the ‘Indian’ was equated with the “untamed” terrain of the frontier (Beier 2002, 82-83; 109). It became “morally imperative” to assimilate and dispossess the “savage” in the name of “progress” (Ibid., 108). Enlightenment liberalism, scientific rationalism and humanist notions of freedom, sovereignty, and equality, were inspired by “discourses of savagery, Indianness, [and] discovery” (Byrd 2011, xxi). Maps, surveys, and other geographical technologies rendered Indigenous lands empty and fit for European improvement and possession (Harris 2004). Ideas of “Indianness” and savagery created the very “conditions of possibility” that produced the nation (Byrd 2011, xvii-xxi). This essential function of race has not been exhausted. The dispossession of ‘Indian’ land *continues* to uphold settler colonial society. This should give us pause to consider the consequences of mapping out, modeling, and otherwise elucidating IKS for a non-Indigenous audience.

Thielen Wilson (2012) reminds us to focus on the work, in the “active sense”, that is employed to maintain the colonial present (36; Moore Kosek and Pandian 2003, 10). As a constitutive figure, the ‘Indian’ continues to secure the modern white subject (Byrd 2011, xiii) and the settler-state. Because ‘Indian’ displacement is never complete, settler society remains in a state of “infinite paranoia” (Byrd 2011, xviii). The threat of the ‘Indian’ to settler-colonialism, both literally and figuratively, fuels the trope of the ever-vanishing Indian and renders Indigenous political, territorial, and epistemic systems “unintelligible” and marked for erasure (Byrd 2011, xx; Turner 2008). But while the ‘Indian’ is marked for “obliteration” (da Silva 2007, 206), the elimination of the ‘Indian’ would spell annihilation for the settler subject as the “negative other” against which the national settler subject is constituted (Bergland 2000, 14; da Silva 2007, 206; Thielen Wilson 2012, 45). Thus, the ‘Indian’ (and their political, territorial, and epistemic systems) must be evoked, albeit as an ever-present “vanishing” figure (da Silva 2007, 207) that is spectral, melancholic and an inevitable casualty of progress (Byrd 2011, xx;). This figure is needed under the rubric of improvement, management and development, to bolster improvement narratives and false notions of notions of moral (and racial) superiority (Moore et

al. 2003, 19). In these ways, the ‘Indian’ remains an object of both anxiety and desire, integral to maintaining the “fantasy” of white settler-colonialism (Hage 2000, 58).

In this context, it should not be difficult to understand why government has found it “difficult to embrace” a new relationship with Aboriginal people concomitant with the recognition of Aboriginal and treaty rights in the 1982 Constitution Act (RCAP 1996, 18). Considering the constitutive nature of the ‘Indian’ to the colonial project, the erasure and unintelligibility of Indigenous political autonomy (and legal, territorial, knowledge, and other systems) maintains the status of the ‘Indian’ *as* pre-modern. Relegated to the distant past, this facilitates dispossession and justifies ongoing assimilation policies. The call for public education about Aboriginal people overlooks the state’s investment in Indigenous erasure and conceals the actual need for anti-racism education (St Denis in Cannon 2011, 177). There is a need to turn recognition on its head: White settler subjects need to “recognize ourselves [and our institutions]” as fundamental to white terror (Thielen Wilson 2012, 27).

Racial ideology is not adequately analyzed in the call for more knowledge, education, and awareness as the route to Indigenous liberation and renewed relationships. RCAP talks about an emergent ideology of European “superiority” as one of four factors responsible for the shift from cooperation to policies of displacement and assimilation in the late eighteenth and early nineteenth centuries (1996, 11-12).<sup>79</sup> Similarly, Brownlie writes, “persistent beliefs about the supposed superiority of European culture” (9) and “ideas about Aboriginal difference played an important role in the symbolic ordering of social relations and the construction of a local white identity” in Ontario during the inter-war period (124). RCAP mentions that racial constructs remain couched in notions of “equality” and invitations to “modernization” (Ibid., x). But while the policy approach characterized by domination, paternalism and attempted assimilation pursued over the past 150 years “has been wrong” (Ibid., x), it is figured as the exception and inconsistent with an historic phase of partnership, mutual respect and cooperation (Ibid., 1). Beyond the expressed need to “reverse the assumptions of assimilation” (Ibid., x), the scope and function of race is overlooked in the call for awareness and education, not only in RCAP, but in the broader calls to *know more* about IP and knowledges.

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<sup>79</sup> The other factors are: burgeoning settler population, decline of the fur trade and emergence of extractive industries that demanded land not labour from Aboriginal people, and the redundancy of Aboriginal nations as military allies in the wake of 1812 (RCAP 1996, 11-12).

Ultimately, without attending to the centrality of the racialized ‘Indian’ other within the structures and violence of settler colonialism, efforts to “repair” the relationships (RCAP 1996, ix) and know the ‘Indian’ other, will fall short of emancipatory ends. While it may be useful in some contexts (Latulippe 2015a), often the attempt to know, model, and map IKS inadequately considers the state’s and settler subjects’ ongoing investment in violence against Indigenous ways of knowing and being. With calls for recognition, participation, inclusion, and to know more about IKS there is a concomitant need to question the belief that public education and more awareness “alone” will bring positive change; it is certainly not the case that a benevolent state just needs to ‘know’ better (Manuel and Derrickson 2015, 219).

Defining, mapping, modeling, or giving up knowledge within a colonial context carries severe implications:

- Being white and unfamiliar with Indigenous ways of life enhances the image of the “objective scientists” (Culhane 1998). I believe that the Fish-WIKS objective to know and particularly to compare distinct knowledge systems depends on and reproduces binary constructs that evoke racial differentiation.<sup>80</sup>
- Models are not innocuous; they can depict settler-colonialism as complete and reify inadequate settler-state frameworks, such as consultation and accommodation (see Vargese and Crawford);
- Inclusion, participation, and integration are not always desired by Indigenous peoples;
- Canadian courts are often inadequate for “exploring the tangled webs of history” (Mills 2010; Newell 1993, xi;), as was exemplified in the Delgamuukw example in the introductory chapter;
- Seeking ‘to know’ how Indigenous ‘knowledge’ works often depends on reifying difference (i.e. the comparison of discrete knowledge systems) and reinforcing racial hierarchies and marginalization;
- Epistemology-ontology: cannot be separated. Separating them reproduces vanishing Indian and settler replacement (Watts 2013);
- Essentialist: what about impacts of colonialism, hybridity, and use of many kinds of knowledge;

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<sup>80</sup> To be knowable is to be “subject to natural conditions as well as to the self-determined power of the Western subject” (Smith 2014, 208).

- Divisive: What happens when knowledges don't align with expectations of authenticity, when Indigenous perspectives misalign, when knowledge is illegible to the Western knower, and when outsiders define and authenticate knowledges;
- Uneven relations of power: as has been the case with regards to the use of anthropological, archaeological, and historical evidence in Canadian Aboriginal law, the rights of First Nations "could be determined by the presence or absence, reliability or weakness, of the academic record" (Culhane 341) – a deeply troubling prospect; and
- IK is not separate from the land, relations, actions, intent, and obligations circulating throughout Creation (Watts); Battise and Henderson (2000): "All aspects of knowledge are interrelated and cannot be separated from the traditional territories of the people concerned" (42).

The danger remains: "to make Native peoples more knowable" is to "transform Native people who are producers of intellectual theory and political insight into populations to be known and, hence [...] managed, co-opted and disciplined" (Rifkin in Smith 231). More knowledge *about* Indigenous peoples, especially in the form of "easily containable and understandable sound bites" (230), does not result in decolonization or liberation; indeed, "this desire to know the Native is itself part of the settler-colonial project" (231). The spaces between, difference, is a reminder that there are limits to knowing and ethics to knowledge production within uneven relations of power. Some forms of knowledge "may never feed back to the academy" and will persist outside of colonial territory (Tuck and Gaztambide-Fernández 2013, 85). To me, this echoes the focus on healing at a community level (and some focus also on restoring or acting as the Anishinabek Nation) that emerged from my research with NFN.

Wendy Geniusz (2013) is resonant as I reflect on what I have learned at NFN. She writes that when reinterpreted by non-Indigenous knowledge systems, worldviews, and disciplines to fit extant models, Anishinaabe knowledge, is "garbled", "trivialized", and made to "look primitive" (3). Reiterating what I have said about the reification of hierarchal difference, the Anishinabek are made to "appear inferior and separate...from people who could be our allies" (Geniusz 5). Alternatively, Anishinaabe-gikendaasowin - knowledge, information, and the synthesis of our personal teachings - belongs to Anishinaabek and it empowers one to live life as "an Anishinaabe" (8). It is active. Sinclair suggests that instead of the perennial study of *what* is an



Indian, the desire to “pinpoint elements and factors that make up Indianness”, research ought to focus on “a deeper analysis of Indians as human beings who *do* things” (Lyons in Sinclair 2013, 85), especially in relation to myriad others in time and place. This “doing” as opposed to “being” (Sinclair 86) corresponds with the active nature of knowledge I have described at NFN, which resists easy definition and boundary setting. And it coheres with a Maori interlocutor working in tribal resource management who said that TK does not need to be codified as the focus is getting people “to live it”.

Reflecting this ‘doing’, in terms of my critique of Fish-WIKS for neglecting to attend fully to questions of jurisdiction I have missed what Gordon Christie (in Stark 2013) considers a more important “first-order question”: that is, how people “might interact with one another and the land and [water]” (268).<sup>81</sup> Christie emphasizes the content of appropriate *conduct*, not which body is positioned to authorize action. In this respect, Fish-WIKS is on to something in seeking to understand the processes through which Indigenous peoples know and ways that these might be available to Canadians. The next step in research might be to actually support, meaningfully, these processes and practices operating within Indigenous communities.

Ultimately, the literature and questions presented here add to the caution, ambivalence, and skepticism expressed by NFN respondents, who are reticent to define, model, or map their knowledge or way of life, that which “is alive”; a traditional person explained:

“To me, it’s not as simple as saying ‘this is traditional knowledge and here is my traditional knowledge’. TK is anything that comes from how we’ve lived our lives. It’s something that comes from how we continue to live our lives. Our traditional knowledge is going to evolve. The reason why I am a traditional person and why we have raised our kids that way is because there has been a recent resurgence in that; we are starting to understand more our way of thinking, and it’s how we receive that information traditionally in the past. And that’s by listening, learning, sitting with our elders, with our clan, *sitting in governance*. We don’t do that these days – we have the Indian Act, band council, the Chief in Council doing their thing, but to me it’s really wrapped around how we live our lives; it’s wrapped around culture, how we do things, how we remember things, the stories that we tell. *Unfortunately it’s not that* [Houde’s six faces of TK diagram].

Me: so it’s a verb, an active thing...

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<sup>81</sup> Christie argues that “sovereignty” has limited the political agenda in the Arctic, precluding the imagination of “other ways”, revelation of “new possibilities”, and the unearthing of “alternative ways of relating to one another” that emerge from Indigenous tradition, theory, and story (In Stark 2013, 268).

B – And it is. Anything that has spirit, is alive. TK is alive, it is not just something that we can put down on paper, put down on a DVD ROM, or upload it to the cloud server somewhere. TK is how I'm sharing it with you that started with this tobacco. It's what I can recall, and I don't have it all. [...] I'm hoping that what I'm saying moves along in general with what those Elders would teach you. They wouldn't see [the diagram] and the multiple facets of TK.

In this section I have inverted the Fish-WIKS question from mapping IKS to mapping the discursive framework through which white settler-colonialism *knows* IKS. This is an argument against simplified mapping or modeling of IKS as well as the notion that inclusion, education, and awareness – more knowledge - are liberating in and of themselves. But this does not mean that further discussion is foreclosed. Indigenous peoples theorize and have rich knowledge traditions! Rather than map out an IKS, work is taking place to decolonize methodology for working with and applying Anishinaabe knowledge (see Geniusz 2009). In the quote above, this respondent rejects an exogenous model IKS; however, he is not against articulating the nature of Indigenous knowledge. It comes from living and is inseparable from governance, the land and human relationships with the land, and from spiritual and ethical relations. In what follows, I articulate what *is* important to people at NFN, what they *are* talking about and striving 'to delineate', which most certainly includes complexity and contestation.

## An elsewhere

Alternatively, Smith writes of a beyond; that is, concepts, analyses, and frameworks that do not correspond to the colonial order, but rather add to "our collective imagining of a beyond" (225), to "that which we cannot now know" (226), but can be glimpsed at. Gestures toward the beyond include ceremonies (224), language, collectives, and a sense of self that does not correspond to the current order. Radical relationality, for example, is an understanding of the self and of humanity "as being fundamentally constituted through...relations with other beings and the land, [...] inclusive and interconnected with each other" (222). A *beyond* is not the complete opposite of the current order, for that would mean Indigenous peoples (the current ethnographic object) understanding themselves "to be transparent, self-determining subjects" (222); hence, a capitulation to whiteness. Rather, to be beyond is to be "outside", in "noncorrespondence" to the current order (Kara Keeling in Smith 224) and to the "current grid of intelligibility" (224).

Resonating with the beyond, Tuck and Yang talk about an “elsewhere”, a decolonized future that is “incommensurable” with colonialism (2012, 36), while Heidi Kiiwetinepinesiik Stark writes of transformation and “new possibilities” (2013, 268). Wendy Geniusz (2009) exemplifies this with her decolonized methodology for working with medicine plants and trees. She describes the many sources of Anishinaabe-gikendaasowin. Anishinabek use information received from other humans, animals, dreams, Nenabozho, informed experimentation, and manidoo; “gikendaasowin is *gaa-izhi-zhawendaagoziyaang* (given to us in a loving way by the spirits)” (67). Anishinaabe-gikendaasowin is maintained through stories, songs, oral teachings, apprenticeship, recording systems (pictographs), and personal notebooks. Some Anishinaabe-gikendaasowin is purchased to ensure that the information is respected and valued (86). There are protocols involved with the use of Anishinaabe-gikendaasowin. This is to maintain balance and enawendiwin, “our relationships within all of Creation” (57). For instance, through ceremonies, asking permission to pick a medicine, and the no waste principle, humans show respect for the rest of Creation and maintain the reciprocal relationships between humans and other beings so that the plants and animals will return and continue to offer themselves for the survival of humans (57-59). In what follows, I explore NFN’s “elsewhere”, establishing the centrality of governance, my next chapter.

Comments suggest that Indigenous peoples at NFN are asking different sets of questions and imagining other futures than those posed by the Fish-WIKS and other mainstream discourses. Research participants don’t focus exclusively on knowledge. They talk about their relationship to the lake, an entire cosmological structure that says all beings have agency and responsibilities, and a way of life – that is, the emotional, affective, active elements of belonging to lake Nipissing. They talk about “knowledge *and* command” of Lake Nipissing as a twin-package, about knowledge *and* governance. Knowledge is attached to action and decision-making. It is holistic, explained well by the Karuk tribal knowledge sovereignty project: “traditional knowledge is fundamentally part of management, and management is centrally about Karuk culture, identity, spirituality and mental and physical health” (Norgaard 2015a, 3).

This authority to manage knowledge includes the choice to work on knowledge production and information exchange with government, with outside scientists, and with other knowledge communities – something to think carefully about in relation to power differentials. NFN already works with the Ontario MNR. According to the 2014 fisheries plan, over the

duration of the previous management plan, MNRF and NFN have collaborated on a number of assessment projects, including the lake sturgeon tagging program, the 2012 Fall Walleye Index Netting (FWIN), the 2013 Creel survey as well as the development of the Lake Nipissing Walleye Management Risk Assessment Model, designed to help fisheries resource managers set safe annual harvest levels for both the commercial *and* recreational fisheries. The recent MOU (Governance chapter) only enhances cooperative data generation and knowledge transfer that improves the quality of management decisions and reduce the potential for conflict.

Evidently, some things *are* commensurable. The boundary between ‘Western and Indigenous knowledge systems’ is not so immutable: “all our teachings are more of a reminder of what we already know. We know already we have to respect the land. We know we have to respect the waters. It’s common knowledge. Not only for Indigenous peoples but western peoples too”, remarked a young woman. A cultural person explained that “[Western] science” is beginning to “prove that [everything is connected] now. It’s something that I already knew but nobody believes savages”. An aspect of Indigenous knowledge, “Indian time” – a relational understanding of time, is “just like with the management of the resource, the ongoing assessment, it’s like assessing as you go along”, akin to adaptive fisheries management. And, that the fish themselves are responsive, exert will, and make decisions is *known*, albeit differently: the Elder in the Fish chapter suggests an animate relationship between fish, spirit, and people; fishermen, including those who may not be ‘cultural’, say that fish have their own complex movement patterns around the lake, seeking food and avoiding predators (including fishers); while scientists acknowledge that, in response to stress, the pickerel in lake Nipissing are growing larger, faster (OMNRF 2014).

Indigenous fisheries have been overlain by a foreign jurisdictional-legal, and epistemic system. In the face of change and incredible challenges, the Nipissing with their embodied knowledges have responded with infinite resilience and creativity. The Nipissing cooperate with MNR, and also use Western fisheries science in their independent biological monitoring and assessment program. At Nipissing, many knowledge tools are engaged to make decisions in regards to the fisheries. The choice to do so ought to be a sovereign one that respects the terms, priorities and frameworks of the Nipissing people. This gestures towards knowledge sovereignty, but before expanding on this idea, what of misalignments between ways of knowing – both

internal to the First Nation and between Nipissing and other communities? According to my research, Nipissing First Nation members have ways to think and work through these.

At Nipissing, fish are known as biological specimen, revenue, relation, spirit, lunch, right, responsibility, donation, fun, endangered, and so on. Not ontologically fixed or necessarily mutually exclusive, the contingent nature of what fish *means* reflects socio-economic, political, cosmological, and epistemological positions. What is ‘known’ at NFN varies. There are many opinions about who is purported to know what: only certain people know where the fish are, the MNR and NFN managers do not know what they are doing (where to set nets to get an accurate FWIN data set), only some fishermen know what they are doing (timing, other technical and ecological factors that impact fishing), Ontario knows what they are doing by allowing Lake Nipissing to be fished out so that they can blame NFN and restrict Aboriginal and treaty rights, many have lost the cultural knowledge and were not taught respect, people who criticize the commercial fishery don’t know what they are talking about, and so on. Clearly, incommensurable priorities, principles, values and ethics circulate at NFN, and knowledge itself is not evenly distributed. For instance, the extent to which NFN and the Ontario government cooperate on data gathering and exchange is not widely known by the community members I spoke with, while intergenerational knowledge transfer has faced “disruption” on account of “colonization and the imposition of the Western worldview” (Blenkinsop 2017, ii). But as NFN draws on many epistemological tools, from biological data, to stories, to ceremony, internal epistemological dissonance does not necessarily upset the integrity of a ‘knowledge system’.

There is a rich tradition of epistemological diversity - including that which is unknown, in dispute, and subject to deliberation - informing robust relationships (amongst people and with the natural world) and decision-making processes across Anishinaabe territories (Johnston; Aanmitaagzi; Borrows 2005). Different ways of knowing generates debate and discomfort, adjustment, change, and transformation, a central feature of Anishinaabe thought (Simpson; Stark). I speak to this in relation to governance and Indigenous futurities in the ensuing chapters, arguing here that Indigenous knowledge is not homogenous, even within a relatively small community or village, *nor should it be*.

Recall from the previous chapter that belonging is a way of life that involves all community members, not only fishermen, and it exceeds fishing; as collective inheritance “everybody” has a role. Everybody belongs. In a knowledge context, this inclusivity rings true in

a number of ways: expert knowledge is just that, specialist; knowledge, while not uniformly held, nevertheless tends to benefit to the community; losses are evidence of (ongoing) settler-colonial disruption; and there is an inherent and intact quality to knowledge that derives from the land.

Historically, “everybody didn’t fish”; some fished for a living, some guided, some “fished here and there”, while others worked away from the community. But “If your family didn’t fish [...] when [we] wanted fish, we’d go there, and we’d take our quarter over there [to the fishermen] and go get a fish”. Specialist knowledge is not universal. There were “fishing families and there was non-fishing families, and that was all around us”. The non-fishing families still fished, but they did not derive their income from the lake, from “direct netting” and fishing for survival, yearlong, even through the ice, as did the fishing families. A respondent from a “non-fishing family” who nonetheless conveys deeply affective and embodied connections to the lake (belonging) was equally inclusive about specialist knowledge: “Maybe it wasn’t their job to know everything”, in reference to the different skills and knowledges held by “hunter-gatherers” versus spiritual people. She went on to acknowledge and honour “the people that kept the knowledge going even in times where it was fearful to do it”, stating:

“when it came time to fight for fish, only the people that knew what their place was, so deeply that they would...and it was ladies too. They just kept going out there, no matter if guns were pointed at them or if there were cameras up or if they were going to jail. It’s the fisher families that just went there anyways, maybe not the others ‘cause that wasn’t their thing. Maybe the other ones prayed or they were doing other things, but those families knew their calling to go and defend that part. They might not come there [to ceremony] and defend their spiritual part ‘cause maybe that’s not their thing.”

Knowledge may not circulate evenly at NFN, but there is respect for different specialities and the risk associated with protection. In reference to the “hunter-gathers” mentioned above, it was suggested that the issue of “rogue” fishers at NFN partly derives from the confidence, “stubborn[ness]”, or *knowingness* some people have of themselves in this capacity, or “clan”. The issue itself also provide “evidence of...prior exclusion” from fishing (Brownlie 2003, 91), not evidence of an absolute ‘disruption’ or erasure of knowledge. The fragmentation of knowledge is not new, given the centuries since contact; so more interesting than loss is attention to resilience (Tobias and Richmond 2014) and the ways in which knowledge sources and practices remain intact.

A woman from a fishing family believes that “[she] still [has] the knowledge” whether or not “[she] might go out and hunt” or fish commercially. Above, Peter talks about receiving traditional knowledge as a youth, including from “[the ways] it was covered up”, while a cultural arts teacher indicates that the teachings are carried “in our being”. The person who shared the importance of “intent”, a teaching he received at NFN from Eddie Benton, also stated:

“Culture can change, but your heritage stays the same. When you ask ‘where do we come from’ you ask important questions, like, what sustained us? Spirit, tobacco, Creation teaching. Creation was here before us. Creation doesn’t need us. We need Creation. If you look at those ideas and those teachings, that’s what sustained Anishinaabe people for thousands of years. So, those principles and teachings can sustain us moving forward [...] Spirit has always been there. It’s life; it’s what motivates life. It’s there regardless”.

Founded in the land and in bodies (above; Watts) knowledge may be uneven and operate cyclically, it may lose some Anishinaabe, but knowledge is not lost.<sup>82</sup> Contrary to colonial ideology that frames IK in terms of loss and disappearance, McGregor (2004) explains that IK continues to derive from many sources: plants, animals, the sun, moon, each other, children, the spirit world, and Creation itself. Decolonizing the concept of TEK, she brings attention to the creative acts of remembering and reclaiming - of cyclical thinking - within Indigenous culture and knowledge systems (embodied within the Haudenosaunee Thanksgiving Address and Anishinaabe Creation and Re-Creation stories).<sup>83</sup> As a circle, IK is the process of re-generation and re-creation, embodied by Indigenous peoples, communities, and nations. Recalling the Anishinaabe Creation story, Wendy Geniusz reminds us that Anishinaabe-gikendaasowin “has been around since before the birth of the first human being” (Geniusz 1999, 11). It is embedded in the land, in all of creation, including Anishinaabe. According to the Seven Fires of Creation story, in which Jim Dumont is cited as one of Simpson’s first teachers, Anishinaabe knowledge is embodied and limitless (Simpson 2013).:

“after Gzhe-Mnidoo lowered me [substitute for ‘First Person’] to the earth, Gzhe-Mnidoo put her/his right hand on my forehead and he-she transferred all of Gzhe-Mnidoo’s thoughts into me. There were so many, that the thoughts couldn’t just stay in my head, and they spilled into every part of my being and filled up my whole body. Gzhe-Mnidoo’s knowledge was so immense from creating the world that it took all of my being to embody it. This tells us that, in order to access

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<sup>82</sup> The Truer brothers’ response to a question on a National Public Radio program about why Native Americans are losing their languages: “We are not losing our language, our language is losing us” (In Nelson 2013, 229).

<sup>83</sup> Winona LaDuke uses the word *Minobimaatisiwin* to refer to the creative process of rebirth and striving to live a good life (McGregor 2004, 403).

knowledge from a Nishnaabeg perspective, we have to engage our entire bodies – our physical beings, emotional selves, our spiritual energy and our intellect [...] and the integration of those four components into a whole” (45).

In terms of knowledge revitalization, the flood or Re-Creation Story contains teachings about the resurgence of Anishinabek intellectual tradition, including the responsibility each person has to generate new vision from even the smallest grain of sand (46). Knowledge revitalization is situated, as when snapping turtle volunteered her back as the place upon which the new world was ‘danced’ into existence. This emplacement is multi-scalar. The revitalization of intellectual traditions is rooted in the land, stories, languages, Elders, and in “our minds, bodies, spirits and the web of relationships we create and maintain with the human and non-human world” (46). Revitalization begins with the individual, in the home and with family; with the use of language and ways of behaving under stress; with care taking and decision-making; how leadership is modeled, mistakes addressed, and one’s gifts expressed. Multi-scalar and holistic, the revitalization of knowledge – not separate from governance and law - is also diverse: “there are a lot of really excellent ways of being Nishnaabeg” (Ibid.).

An elsewhere is not downgraded by complexity or contestation. Again, from my interlocutor above: “tobacco [spirit] isn’t the only way. You can’t impose it. You can’t force people to go that way”. People may belong differently, and have different relationships to knowledge, but there is a sense of collective inheritance and importance, the need for protection, and appreciation for diversity

These findings are reinforced by other Indigenous scholarship. Reo and Whyte (2011) argue that, more than discrete pieces of knowledge, technology, material culture, or language, TEK is the expression of traditional moral codes and institutions (ethical relationships and responsibilities). These are built into the land, into “storied landscapes” that are, “in a very real way”, “moral landscapes” as ecological ethics and values are embedded in the stories (Nelson 2013, 215). TEK cannot be dismissed or discounted on account of harvesters’ use of modern technology or pursuit of commercial livelihoods. Knowledge exceeds technological change – or that of a socio-economic, political, or cultural nature. Integral to Indigenous knowledge, the ethical dimension is alive. It remains active. For instance, in response to a question about Indigenous knowledge, a cultural artist said, “Your final test is how many fish are you gonna take out of the lake so that other people can enjoy it? That’s where the final test comes in”.



## Knowledge sovereignty and Anishinaabe science

And finally, that NFN and MNR work together and exchange knowledge does not mean that all is well, that the relationship is reconciled. Given the historical context it is an unlikely assemblage and is constituted by uneven relations of power. Contending with imposed changes to relations with the land and to food systems (Day, I; Geniusz in OCF), First Nations draw on multiple knowledge systems, and they do so easily and effectively (Richmond 2016). More than the knowledge per se, it is the values, ethics, priorities, assumptions, interests and claims; the norms, supporting logics, and institutions of white settler-colonialism, that are misaligned or incommensurable. People at NFN are cautious – remaining, rightly, “vigilant” and “suspicious” (Brownlie 2003, 130).

There is a desire “to heal our communities first”. Such comments resonate with what Kyle Whyte has called knowledge sovereignty and with Kimmerer’s notion of Indigenous knowledge as an ethical framework for the application of Western science on Indigenous lands and its interaction with Anishinaabe science (2013); that is, the need for frameworks that guide appropriate and ethical exchange of knowledge. In this final section, I outline briefly what is meant by these terms before transitioning to the mechanisms through which they might be realized, in the subsequent chapter.

At the 2016 Native American and Indigenous Studies Association (NAISA) session on *Anishinaabe Science*, Kyle Whyte used “climate sovereignty” to describe a related set of questions or processes: how to reorganize “our own house” and how to work ethically with scientists. At the 2016 *Indigenous Environmental Justice Symposium* organized by Deb McGregor at York University, Whyte (2016b) used the term “knowledge sovereignty” to describe “getting our house in order” because mobilizing “our own knowledge is the best source to deal with climate change”. His examples of knowledge sovereignty included tribal climate change plans, the restoration of native species, educating Indigenous communities and settlers about their responsibilities, and building institutions (social, political, economic, cultural, etc.) that sustain life and align with the dynamics of ecosystems (i.e. seasonal rounds, 13 moons).

According to the Karuk Climate Change Projects, “Knowledge sovereignty is an extension of cultural, social and political sovereignty” (2016). Under the North Pacific Landscape Conservation Cooperative Tribal Climate Change initiative on Knowledge Sovereignty, Norgaard (2015a) situates Karuk traditional knowledge “in the practice of cultural

management, indicating how Karuk knowledge cannot be separated from either the practices that generated the information, or the practices that emerge from it” (2-3). The term is not explicitly defined, but this gives a good idea:

“Tribal knowledge is a living cultural practice and knowledge sovereignty is intimately interconnected with overall Tribal sovereignty, [so] much of this report will center on the central need for expansion of Tribal traditional management on off-reservation lands. In this context, the most immediate barrier to the wider practice of Karuk traditional management and sharing of Karuk TEK is not knowledge itself, but understanding of how to communicate traditional TEK and expand traditional management in a manner that simultaneously promotes knowledge sovereignty, Tribal self-determination and Tribal self-governance. (Norgaard 2015b, 11)

Tribal or Indigenous knowledge cannot be separated from either the people or the land (source of knowledge is the land itself). It cannot be separated from the political interests and territorial claims of the people, from their resource management goals, governance systems, or self-determining (sovereign) practices.

From my reading, knowledge sovereignty means rejecting the idea that TEK is a knowledge system. *Part* of TEK is a knowledge system. TEK has a “knowledge system (i.e., epistemology) aspect” (Reo and Whyte 2011, 15). TEK is experiential, it is lived (McGregor); it is also multi-dimensional (Houde 2007), moral/ethical/relational (Reo and Whyte 2011; 2013), embedded in Indigenous lands and bodies, inseparable from governance (Johnston 2006), and inherently sacred (Watts).

Knowledge sovereignty means working with others. Out of necessity, but also principle (treaty vision), knowledge sovereignty involves non-Indigenous peoples because of the nature of traditional lands, which fall under the control, use, benefit, and in some cases, ethical/sustainable stewardship of non-Indigenous jurisdictions.

And knowledge sovereignty means revitalizing (and living) Indigenous ways of knowing, not lost, but living in *process*. At the same 2016 NAISA session, Robin Kimmerer asks, what are the tools of resilience? She lists cultural networks, sharing, spiritual strength, and with a focus on Anishinaabe science, emphasizes that TK is a tool for resilience in a very different (contemporary) world as it is adaptive and exceeds historical circumstances.

While there has been knowledge loss on account of colonialism, she reminds us that knowledge *is* the land (kindaasowin).<sup>84</sup> Therefore, it cannot really be lost: “[T]he land remembers even when we have forgotten”. It is “our library” and “sacred text”. The question is, “do we know how to read that book”? The work is to remember, to reclaim ancestral knowledge. Anishinaabe science, then, is listening to the land and remembering how to learn *from* the land. Luckily, she continues, “we’re embedded in the book”, echoing the Anishinaabe Creation story and Place-Thought. Anishinabek “have teachings about *how* to learn” (see also Nelson 2013). TK is methodology. Concerned with ethical principles, reciprocal relations, and perception, Anishinaabe science is capable of addressing new situations. It is about inquiry; for instance, what is the role or gift of a novel plant or what is ecosystem change teaching us (see also Nelson 2013). And it is about process or practice. Strategies to re-learn include re-exposure to land, developing qualities of perception that allow one to accept the teachings, embodying values such as gratitude, respect, and humility, direct observation and experience, and intuitive and spiritual practices. Our oldest teachers, she addressed, are still talking to us and the land is waiting to teach us again. This is profoundly hopeful, a trajectory that I explicitly develop in Chapter 6: Power and Vision.

## Conclusion

Gulfs in knowledge, ethics, and other competing systems on Indigenous territories are not overcome by reifying the status quo, by working to include Indigenous peoples in existing discursive frameworks or decision-making regimes for natural resources. There is a need to exceed TK, TEK, IKS, and other discursive (and material) models that seek to capture diverse ways of life within colonial systems of power and action. Anishinaabe science and knowledge sovereignty offer constructive alternatives. What seems like unlikely combinations, challenges, and unknowns are often workable because change and transformation are part of deliberative, dynamic processes embedded in the land and constituted by spirit. NFN is already practicing knowledge sovereignty despite issues and challenges. In next chapter, I demonstrate that this practice did not stop and how sovereign knowledge and governance practices might be supported.

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<sup>84</sup> That is how I heard the Anishinaabemowin word in Kimmerer’s presentation; in Geniusz (2009) it is *gikendaasowin*, “knowledge, information, and the synthesis of our personal teachings” (11).

## Chapter 5: Governance

In the last chapter, I wrote that traditional knowledge (an externally defined concept and policy framework) does not reflect the essential relationship I've observed at NFN between knowledge, fishing practices, and sovereignty. In my fourth community vignette, *Meaningful Fisheries Governance*, September 2016, I wrote the following.

*In July, I wrote that traditional knowledge (an externally defined concept and policy framework) does not reflect the essential relationship I've observed at NFN between knowledge, fishing practices, and sovereignty. From a knowledge sovereignty perspective, resource and environmental decision-making across traditional territories should be guided by Indigenous knowledge holders, harvesters, and leadership. What mechanisms support this version of fisheries governance? Three related ideas emerged from my interviews with community members.*

*First, the foundation is self-governance: community processes that involve knowledge-holders, support management decisions, and uphold responsibilities. Work to revitalize language and culture, renew relationships with lands and waters, and generate participation in tough decisions about the fisheries are some examples of what is already taking place. People talked about fishing in relation to the "original intent" of the ancestors - to that which constitutes being Anishinaabe, expressed today as practices that simultaneously protect fish, fishing livelihoods, and the relationship future generations may enjoy with the lake. Reflecting [another example](#), NFN knows that culturally-meaningful, stable, and collective community institutions are key to successful environmental governance.*

*Second is the importance of Nation-to-Nation relations. Examples at NFN include using both Western and Anishinaabe knowledge systems, advocating politically as the Robinson-Huron treaty region, and cooperating with provincial agencies. Based on partnership and coexistence, or, "walking in parallel", an elder talked about relations needing to reflect the original spirit and intent of "those first*

*agreements” where “the pipes were taken out and there was a sacred exchange”. Governments may use the language, but actual Nation-to-Nation reconciliation requires an end to oppressive relations of power. It requires [support for the regeneration](#) of language and political, educational, and other systems that have been attacked by centuries of colonialism. The recent MOU with MNR could be a mechanism through which the province supports NFN Law (for instance, by contributing enforcement capacity). Time will tell whether this collaboration generates enhanced self-governance and reflects those first treaty agreements, or whether it just reproduces the status quo.*

*Third, beyond human-centric governance structures is Natural Law. People say that the lake can manage itself and that “fish don’t need to be managed, people do”. I was told that Anishinaabe people have a responsibility to support the inherent cycles and beings that comprise Lake Nipissing, and that this caretaking role sustains identity and community. Natural Law is gaining traction in increasingly broad contexts. Influenced by Indigenous political, legal, and governance systems, the rights of the Earth itself have been acknowledged in [new constitutional and legal mechanisms](#) in Bolivia, Ecuador, and New Zealand.*

*To sum up, fish don’t observe jurisdictional boundaries. Cooperation between governments is needed to sustain healthy fish populations. Interviews reinforce the idea that [self-governance](#) is an important pre-condition for effective co-governance with outside agencies. At all levels, trust, respect, and mutual benefit are needed. Considering the history with MNR and the federal government, it stands to be seen whether this is possible. I explore this question in my next submission.*

In the previous chapter I argued that instead of focus on how IKS can be used *to enhance the sustainability of Canadian fisheries management* or how we can better ‘know’ IKS in order to help Indigenous peoples, community members wish to heal and get ‘our house in order’. This reflects an interest in knowledge sovereignty and also research findings in Ontario and B.C.

whereby effective Indigenous self-governance is an essential pre-condition for successful resource co-management (Bowie). I introduce this work on co-management – and move away from the stated Fish-WIKS question - because uncoupling IKS from the land and the people is inappropriate. And because even co-management arrangements can be limited, in this chapter I think more about empowered (Goetze 2006) relations and argue, similar to Bowie, that it is dependent on effective Indigenous self-determination. Bringing the fish into the conversation, I argue that the sustainability of relations between multiple human and fish nations necessitates Indigenous self-determination as an essential pre-requisite.

Governance at three related scale emerged from my interviews with community members: self-governance, natural law, and nation-to-nation relations. I will present some orienting literature, followed by my grounded analysis pertaining to these intersecting levels of governance. Then, I look to events that took place in the aftermath of the signing of the MOU to comment on the status and interplay of self-determination, Nation-to-Nation relations and natural law. Ultimately, I argue that thinking about governance in the context of law induces a useful analytic for considering the research as a whole, including some of the challenges, tensions, and debates. I will discuss this contribution near the end of this chapter and elaborate on it in what follows, my final analytical chapter.

## Literature

Indigenous self-determination is essential to the success of natural resource co-management. Seeking to understanding the conditions in which effective co-management is possible – particularly in the absence of state recognition of Indigenous authority over EG and EM, as is the case in the Lake Nipissing region, Ryan Bowie (2013) studied two co-management arrangements, the Turning Point Initiative, led by Haida in British Colombia, and the Whitefeather Forest Initiative, led by Pikangikum FN in Northern Ontario. On these lands – subject to no treaty and to an historic treaty, respectively, there are no provisions for co-management as would be seen in comprehensive land claim agreements, also known as modern treaties. Reinforcing ideas introduced above about knowledge sovereignty, Bowie stresses that in order for cooperative EG or EM to become possible, first, effective Indigenous *self-determination* must be in place (i.e. that which is grounded in Indigenous worldviews and

systems of EG). Absolutely essential, it is a prerequisite for a *Collaborative* approach to TK (Latulippe 2015).<sup>85</sup>

It is possible to expand on Bowie's work to explicate what effective First Nations environmental governance looks like. From 2006-2008, the Centre for Indigenous Environmental Resources worked with the National Centre for First Nation Governance to research and document examples of successful environmental governance and how it is being implemented by the First Nations of the Carrier Sekani Tribal Council (CSTC) in British Columbia (CIER 2009). They learned that First Nations with successful environmental governance share seven essential elements: 1) A strong connection to culture; 2) Respect for the authority of community leadership; 3) Stable institutions to address environmental issues; 4) Access to information about environmental issues relating to their lands and waters; 5) Capacity to conduct independent environmental research; 6) Administrative structures to implement the mandates of their institutions; and 7) Financial resources to build capacity at the community level.

Briefly, at NFN, council has been taking an increasingly "culturally appropriate stance" in terms of fisheries management decisions. In addition to chief and council, decision-making authority is embodied in the youth, kinship networks, women, and cultural leaders. Institutions have been established, such as the Fisheries Law and Regulations, Fisheries department and management program, and restorative justice, while NFN does not stop working to make these and others increasingly stable, effective, and responsive to community needs. The Lake Nipissing fishery is awash with data that is produced by or with NFN, or shared with NFN in the case of OMNR. Capacity remains an ever-present challenge for First Nations to implement their goals and priorities, but according to the Chief in 2014 NFN has "invested \$2.75 million in fisheries management on the lake in recent years, including employing a full-time biologist" (Young 2014), of their own source revenues, which is not matched by surrounding areas that reap major economic benefit.

In what follows, I draw on my research with NFN to explore these aspects of self-determination; I also explore relations with Ontario in terms of fisheries management. Bowie's work provides further indication of what effective partnership with Ontario might require (mindful that NFN is not interested in participation, but still needs to work with Ontario to some

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<sup>85</sup> Environmental governance (EG) versus environmental management (EM): setting the priorities, practices and institutions *versus* merely implementing the existing priorities and objectives established by others

extent). Within a framework of revitalization of Indigenous governance structures, processes, and institutions,<sup>86</sup> conditions for full and effective First Nations participation in provincial EM and EG include:

- Initiatives led by Indigenous peoples, reflecting Indigenous priorities
- Indigenous peoples control the application of their knowledge, reflecting its breadth and deploying it to protect and advance community interests
- Co-governance model based on Aboriginal and treaty rights that challenges dominance of entrenched state priorities and practices (p 100)
- Ongoing resistance, direct action, and sustained political engagement (e.g. Nuu-chul-nuth and Haida)
- *Nation-to-Nation relations; and broad collaborations*
- Relationship-building and consensus-driven collaborations; cross-cultural dialogue, social learning, trust building;
- Involvement of Indigenous knowledge holders
- Changes to structural and institutional EM frameworks so that Indigenous communities have decision-making authority. e.g. Cree-Quebec Forestry Board, and CLC co-management boards (p 98); “empowered” co-management, established via co-operation, resistance, and negotiation, not CLC (Goetze, 2005)

For the purpose of this chapter, additional principles or requirements from the literature that resonate with conditions at Lake Nipissing include: the end to oppressive relations of power, to what Napoleon and Johnson (2015) call inequitable reconciliation; compensation for the illegal dispossession of lands and expropriation of resources, and the right to protect title to lands, say no to development, access and benefit from resources (Linden 2007; Manuel and Derrickson 2015); knowledge co-production: shared learning through change, which enables institutions to build adaptive capacity and sustain difficult social processes (Armitage et al., 2010); “empowered” cooperative arrangements, at multiple levels (Goetze 2005; also Cox et al. 2010; Ebbins 2002; Reo et al. 2017); and broad engagement with Indigenous law, including

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<sup>86</sup> Bowie explores Northern Touchstone FN fisheries policies (p 105), Pikangikum’s land use strategy (p 110), and Haida Land Use Vision (p 112)



natural law, by Indigenous and non-Indigenous peoples (Napoleon and Johnson 2015; Von der Porten et al. 2017).

With regards to the latter, Indigenous political, legal, and governance systems have made inroads into mainstream environmental governance, with innovating results (which is not a new phenomenon, as will be discussed below). The rights of the Earth itself have been acknowledged in new constitutional and legal mechanisms: Bolivia's Law of Rights of Mother Earth, Ecuador's Constitution, and New Zealand's Whanganui River, which has been designated a living and legal entity (McGregor 2016). In the Great Lakes region at the time of writing, Grandmother Josephine Mandamin, the 2017 For the Earth and Water Walk, and the Picking Up the Bundles Canoe Journey are leading a petition to The House of Commons "to formerly acknowledge the Great Lakes as Living Entities, thereby assigning legal personhood to each Lake including Lake Superior, Lake Huron, Lake Erie, and Lake Ontario" and to reinstate the Navigable Waters Protection Act (Parliament 2017; Shkapjiganan 2017). Additional mechanisms that restore Indigenous jurisdiction and work to harmonize laws (Borrows 2010b), include a series of Area Management Tools that equip Maori tribes in New Zealand with the authority and necessary support structures and capacity to implement their stewardship responsibilities with regards to restoring coastal ecosystems, sometimes in co-management arrangements with other groups (TMK 2017); tribal parks in the United States and Canada (Carroll 2014), and Native land conservancies, including land trusts, collaborations, and conservation groups in the United States (Middleton 2011).

In what follows, I explore these elements of self-governance and cooperation on the Lake Nipissing fisheries. My research reveals what NFN is working to achieve, some opportunities and threats to its realization, and what is needed, *in addition to* "greater understanding" [Von der Porten] of Indigenous worldviews.

## Self-determination at NFN

What does self-governance look like at NFN? Who makes decisions and how (what mechanisms)? Fisheries related decision-making takes place at multiple, related scales. At a community level, deliberation takes place through formal meetings, including monthly Chief and Council and specific fisheries meetings; through informal chats at any number of community gatherings, public advocacy and lobbying work, social media, on the water and at the docks. The

NFN natural resources department plays a key role. Deliberation occurs within families, where much of the knowledge on fishing is generated and where critique also takes place. Groups commiserate and problem-solve, such as fishermen, cultural people, technicians, politicians – and this takes place within and across First Nations communities. Individuals make decisions; for instance, where and when and to what extent they will fish. The fish have agency and could be said to make decisions.

Powerfully informing decision-making at NFN is the sense of belonging to the lake and to the community (and community-oriented values) that I have discussed earlier in this work. As a mediating institution that underlies decision-making at NFN, others, both formal and informal, include economics, culture, politics; knowledge, practices, and beliefs (Reo 2011), mutual moral responsibilities; and law. They work in many ways, some of which I could discern through my research and detail below.

These bases of decision-making at NFN are not immutable. They are interrelated and operate at multiple nested scales; including, “your relationship with yourself, your family, your environment, your community” - with each informing the other, holistically, they contribute to the “quality of life” on Lake Nipissing. Recalling last chapter, the ethic of care (“we take care of each other”) translates into management decisions at the community level: “So if you’re from Nipissing, and you raise your family [here], your kids will naturally become involved with the fisheries, with that activity. That’s where the regard kicks in, and that’s where the communal aspect comes in.” The ethic of care and responsibility is not a function of but emerges with familial relationships, intergenerational knowledge, spiritual and ancestral connection, a way of life, culture, and so on. In what follows, I explore the actors, institutions, and scales through which governance takes place.

Extended family and community relations translate to fisheries management decisions. A long-time fisherman and occasional commercial fisherman provided the following explanation:

“Fish are nomadic in the lake. There are certain season’s fish would travel to different areas and that’s how we’d fish. Everybody fished in the same pretence. Each family was different and had different areas they’d fish. That was something very particular to those families, and they wouldn’t go anywhere else. When they did though, there was usually a discussion somewhere afterwards, “oh yeah I was out by your place...”, in the general context of conversations afterward. Because everybody got together eventually [...] That’s where the conversations...that’s where people would say, ok this is our boundaries, this is where we’re fishing,

that's where you're fishing. [...] so that no one was overlapping each other. There was a lot of fair treatment.

N: How did that initially get sorted? Like whose families and where?

R: I don't know. I think it was just once we picked up fishing with nets like that, those things just came naturally. The hardest thing to describe is the idea of what it's like to live in a community where every family is your family. There are no fences. There are no locked doors. There's usually a pot of soup on anybody's stove if you're hungry you'd have something to eat. [...] For me, the Goulais were way at the end of the reserve, of garden village, so I wouldn't go in their house to have something to eat like that unless I was invited by one of their children. But where my family group was, like with my aunties, I could go in [their] house anytime. If I was hungry there'd be a pot of soup or stew or fry bread [...] There was never a locked door. There was never a no.

N: That's the part about living in community. I guess, what you're saying is that you saw that translated to out on the lake?

R: Yeah, the things you experience here [in the community] are brought out there and taught to you out there [on the lake] as well."

With another example, a registered commercial fisher explained that prior to formal fisheries management, fishers shared information amongst themselves, "like catch numbers, depths, temperatures – not specific locations, mind you, but general locations where they're fishing". The normalcy of "information sharing helped the fishermen be comfortable with sharing the information that [the committee charged with establishing the NFN fisheries regulations] needed". This history of "a lot of open discussion" means that, today, most fishers provide the fisheries department "with the information they need to make decisions".

That "foundation", as the fisherman above stated, the collectivity, familial relations, and community life - "[t]he hardest thing to describe" - instils confidence in community-based decision-making and problem solving:

"As far as fishing now, I think we can manage our fisheries – Nipissing First Nation, we can do that. We've done it for thousands of years, and we just maybe need to work out some kinks or whatever but we'll get back on track, I know we will. So, I don't like when other people come in and try and tell us what to do – specially, MNR or Ontario government or federal government, because I believe that we can make our own decisions and we can make wise decisions, and we have a community to gather up and talk about stuff if we need to. [...] Yeah, we've done that in the past about other issues, whatever that came up – you know, 'We need to talk about this now so let's get a meeting together', and they do. They come out. They come together and try and figure

stuff out. People put ideas forward that maybe you didn't think of, and then they just agree, 'Okay, let's do this' and 'Let's do that'. So yeah, *I just have faith in my community.*"

This woman's comments reflect the collective decision making taking place at the time of our interview; specifically, community meetings that were set to take place (see timeline Table in case study, below) a few days after we spoke.

They also represent a push back against non-Indigenous attitudes and interference in the Nipissing fishery. The discovery of a number of ghost nets that summer served as powerful subtext during my research; namely, a rejection of the blame consistently directed at NFN. Part of a longstanding discourse going "far back", this woman mentioned the "newspaper articles talking about natives fishing and depleting the fish stocks and blah, blah, blah" and more recent "stuff on Facebook about, 'Oh yeah, let's get a petition to get rid of the treaty rights of Lake Nipissing'". As a teenager in the 1970's, she was charged for fishing at a newly designated fishing preserve, a site used by Nipissing peoples "for hundreds of years". Her comments characterize what I understand as a common perspective in the community: while issues and challenges are recognized, for instance, some people are "too greedy" and there are social issues that probably contribute to this, most fishermen are compliant with Nipissing fishing law and regulations. There is disagreement about the extent of the problem and the level of intervention needed, but the point is that Nipissing is going to continue managing its fishing practices, is capable of "work[ing] out some kinks", and outside interference is not productive.

The community-based management takes a number of forms. Operating at family and community levels, social pressure, also termed "peer pressure" and "the shame factor", were discussed in the research as "naturally" occurring mechanisms that continue to mediate fisheries-related decision-making. For example,

R: I just think it's a bad thing if somebody gets too greedy, and then they say, 'Well, I'm gonna set ten nets every night and take all the fish, and you guys are not gonna have nothing'. I mean, there's been a little bit of that throughout the years, but it usually gets resolved pretty quickly.

I: How does it get resolved?

R: Well, they find out who's doing it, and then they go and tell them...confront them or whatever – just one fisherman to the other, right.

I: It's self-regulated in a lot of ways?

R: Yeah, everybody knows who the fishermen are, and everybody knows where their usual spots are, and then if somebody comes over and takes their spot, well they know who it is, and yeah, so they kinda know what's going on.

I: What are some of the other controls or ethics? Like you said, this idea of not to be greedy –

R: Yeah, I think too, if there was a greedy person, that they would be singled out and pointed out or whatever, and then people would know, and then they would either just stop by themselves, or the other guy would say, 'Look, come on man, that's enough', right, and usually it tends to quiet down after.

I: What's driving that control mechanism?

R: Well, if they're gonna depend on it for their livelihood, they also have to take care of it, right, or else they don't have no livelihood (laughs).

Some feel that such internal mechanisms, "that community presence", are not fully functioning. Reflecting on the ethical harvesting principles that were imparted in his youth by elders, an occasional commercial fisher noted:

R: Today's a little different. A lot of our elders have passed on; the ones who would be more predominant and vocal about what's going on, they've already have passed on.

N: The ones who would have that moral authority?

R: Yeah. And the other ones that are still here, they're just really not speaking. It seems to me that they don't really have the...well, because that community presence is less there than it used to be...it's almost like, if you talk in a one on one with them they'll let you know, but we don't have that communication like we used to. There are some people that know, but they're just not saying, and they're not doing what their elders are telling them not doing what their elders are telling them.

By way of a recent example, he explained that a recent break and enter at the fisheries building "would never have been tolerated before." The family are "fed up with him", but according to interviews, people are understanding of and are sensitive to the structural factors that contribute to such behaviour. Aptly associated with "not fitting in anywhere", linked back to exclusion in the Fish chapter, substance abuse and drug addiction were identified as a function of the compounding and intergenerational impacts of structural dispossession and the doctrine of elimination. Impacting the fisheries, "it corrupts their decision-making abilities [...] that's the nature of addiction."

And yet, community-based management and decision-making continues to take place at multiple levels and in new capacities. I will provide three important examples: restorative justice, social media, and lobbying. Restorative justice is a long-standing practice. In the past, a cultural arts teacher explained, “the punishments were very severe when those [teachings] were broken. A person would get told to go live in the bush by himself (laughs). It was very, very serious. A person had a lot to lose.” A way of instilling humility, one of the seven grandfather teachings with a very material basis, “[t]hey’d soon find out that they need to be connected with everything”. Regarding compliance, he continued, “If you had these teachings, [fisheries regulations] would already be built in. You would have the regulators right in the families”. It would mean that the fish, indeed all of life, would be put “ahead” of oneself.

A contemporary alternative to banishment is the justice circle, a form of restorative justice. According to a person involved, unlike punitive justice, this form of “customary law” facilitates a “conversation” between community members. Circles include family and other fishers, as well as a wide spectrum of people from the community, such as youth, First Nations law enforcement, a male and a female elder, a fisheries technician, somebody from the school, a daycare worker, someone not related to fishing, some of the community’s professional hunters; “It’s set up like a circle, like a lodge, like we have the tepee there, so set up in a circle [...] so everybody’s facing each other. It’s not like you’re behind the stand or anything. Why we sit in the circle is just to signify that everybody is equal; nobody’s higher, nobody’s lower.” In this restorative justice model, the interests of the individual who broke the community laws are “acknowledged and addressed” while the circle encourages the individual to internalize the impacts of their actions; for instance, hearing about how they affect other community members and future generations’ ability to catch fish “teaches that person to not be as selfish.” It’s “an education piece”. But this does not mean that it is easy: “probably the most gruelling justice you ever have to face is to face your community”, claims another person who has been involved. Individuals “come up with their own punishments”, which tends to be “very hard for those people.” Not everyone feels that they provide an adequate deterrent, but anecdotally, the justice circles have been very effective at managing non-compliance, “a lot better than the court system”, with none to very limited re-offenses [a move that inches further away from “just imitating western society”]. The following personal account summarizes its important social function:

“[it] gets the family involved and returns the strength back to the community when you're dealing with family. You get family dealing with this together, it gives a lot more strength back and it changes the ball game in the sense that you will reduce the likelihood that these offenses will continue to happen when you get more family together to work on something. From personal experience, I know that's probably what saved my life, my family working tougher for something that happened with me once.”

Management issues are actively discussed in online forum, including blogs, editorials, Facebook groups, and in the comments section of online news outlets and online versions of newspapers, which Bonita Lawrence asserts is an important source of contemporary nation building (2012). Community member Bob Goulais' *Anishinaabe.ca* blog often features fisheries related pieces. Of particular note during my research was a personal offer of a \$1000 reward for any information provided to NFN or the MNR leading to the prosecution of those responsible for fishing illegally, i.e. failing to register with the band and provide gill net tags, and abandoning nets (Goulais 2014). Addressing NFN community members and the general public, in his writing he discusses the *social* bases of challenges facing the Lake Nipissing fishery, as opposed to framing them as purely ecological. Racism, he identifies, precludes improved cooperation:

“The bigger problem, however, is the racial divide that has resulted from incessant finger-pointing, blame and intolerance directed from one side to another.

Some newspaper readers and social media commenters gets absolutely incensed by headlines about ghost nets, fish waste or other news stories about the struggling Lake Nipissing fishery.

Then they begin to shoot from the hip.

Almost immediately, people will begin blaming Nipissing First Nation, “the Natives, those people” or other colourful descriptors. While a newspaper article is careful not to lay blame without proof, John and Jane Q. Public aren't too concerned about evidence or facts. He or she will rarely write about solutions, perspectives or co-operation. They only write about blame.

Some will openly call for the elimination of our constitutionally-protected legal rights. They'll call for an end to what they call “race-based law” without any understanding of indigenous rights, the treaties or why things are the way they are.

[...]

For those who may not know, First Nations have a constitutionally-protected, aboriginal and treaty right to harvest walleye. This has been tried, tested and true

through the highest law of the land, the Supreme Court of Canada. This right includes the Nipissing First Nation commercial harvest.

But with this right comes a tremendous responsibility to manage and regulate this fishery. The responsibility to manage the First Nation fishery rests with the rights-holders themselves in co-operation with the Ministry of Natural Resources and other Lake Nipissing stakeholders. (Goulais 2015b)

Like Goulais, interlocutors and community groups active on social media and online comments tend to emphasise the majority of Nipissing commercial fishers who are fully compliant with the community's laws and regulations, the unfair blame and finger-pointing directed at NFN, and the non-compliance of some community fishers; the Nipissings' inherent and treaty rights to fish; the illegal regulation of Nipissing fishers, historically but also into the present; NFN's relatively immense fisheries management efforts compared to the size and scale of provincial regulatory agencies and funding<sup>87</sup>; and conservation principles, but from a cultural perspective – that is, the mutual moral responsibility to care for the fish. For example, talking to me about a facebook group he is involved with, a respondent offered:

“We’re called Nipissing First Nation Voices [...] we’re not anti-government; we’re anti-abuse of fishery. My understanding of the group is that many of us are pro-conservation, and it speaks for itself that many of... the major partners in that group are known as traditional Indians in our community.

[...]

One of the rants I did talks about how pickerel have sustained us for many, many years – thousands of years – and now that they’re in trouble, because of us, we’re ignoring them.

[...]

The rogue fishermen only talk about the money and their rights, and the community takes a political point ‘cause it’s voting [i.e. No chief wants to say, ‘I am going to restrict the fishing rights’], but nobody speaks on behalf of the pickerel, which is what our group is trying to do through Facebook because, if you look at it, if it wasn’t for pickerel – I mean, sure other animals too – but if it wasn’t for pickerel, do you think there’d be any Nipissings? I don’t think so.

While they discuss the challenges, these online conversations also concern strategies for moving forward; for instance, the need for improved public awareness and education, a temporary (five year) ban on fishing in Lake Nipissing the lake, for non-Indigenous fishers, but people also talk about for all users, including NFN fishers, and the need to equip NFN with more

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<sup>87</sup> “Nipissing First Nation has invested hundreds of thousands of dollars and significant staff and resources to managing the Lake Nipissing fishery” (Goulais 2015b).



authority to enforce its community-derived laws. Proposals also include improved regulation of water levels, establishing a hatchery operation, and addressing predators such as the cormorants. These ‘ecological’ and technical fixes could be viewed as deflecting attention away the driving social, economic, political, and psychological bases of management problems. Some feel that the public admonishment of some NFN fishers, “rogue” fishermen, equates to a “more polarized” environment within the community, exploiting existing divisions (like the MOU, interpreted as another iteration of government’s divide and conquer strategy<sup>88</sup>), instead of investing in community. While others feel that public outing forms a continuum with the ‘peer pressure’ that has always functioned as an effective management tool. I tend to see it as the latter, though I cannot deny that government are experts in the divide and conquer strategy.

Commiseration and problem solving also takes place formally, through political advocacy and lobbying at NFN. *Prior to launching his petition in July 2014, a youth leader that I spoke was encouraged for about six months by community members. According to this young man, people came to him, saying, “You need to, our youth need to, step forward.”* Circulated internally within the community, the petition called for a ban on commercial fishing. Some read the petition as a form of internalized racism, accepting the blame couched in racialized terms directed at his people for the decline of the fishery. In a context where state-driven intimidation, harassment, and criminalization is a recent, living memory on the reserve, it was read by some as an unwelcomed effort to curtail rights that generations had suffered to exercise. But, the petition did generate support from community members. Collected signatures were presented to Chief and Council, the governing body under the Indian Act (and changes have been made since this time, which I discuss later).

I believe that the petition, which calls for “more regulations from [their] own people”, represents not surrender but an assertion of inherent rights, responsibilities, and self-determination. The petition, picked up by local news, reads in part:

We... sign this petition, not as an attack against the fishermen who have adopted sustainable ways of fishing, but this petition is to carry out an obligation by the people of Nipissing for the protection of treaty rights granted to all of the Nipissings as a collective group, not [to] individuals. This is the way the Treaty was signed, as a collective. We feel the fishing rights belong to us, not a few. We are speaking up for those who have no voice: the children, the next seven generations, the fish, and they deserve our respect as equal parts of society. We,

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<sup>88</sup> Heard this at NFN and regionally from a person working with Temagami and spending time in the Nipissing area.

the community, are concerned citizens who urge *our* leaders to act now to stop commercial fishing in Lake Nipissing, so that *we* can keep our inherent rights to fish sustainably for future generations. (in Turl 2014, emphasis mine)

It engages a set of values such as respect for all of one's relations, including the unborn, and an insistence on the collective nature of rights and related stewardship obligations.<sup>89</sup> It engages natural law (care for the fish), sacred and customary law (Treaty; obligations), positivist, and deliberative law (advocating internally among membership and leadership), which I expand upon below in the discussion/theory section.

In terms of leadership: "I think our leaders are doing it the right way. They can't come out and say, 'Ok, I saw a bad article in The North Bay Nugget, so I'm making the decision now'. They're saying, 'What do you have to say about it? What does our fishery people have to say? What do all the participants have to say?'" They are working "to get a collective agreement". According to this former political leader, community consultations and the work of the fisheries department have made considerable progress:

[Before] people weren't talking about it, and just blaming, and saying, 'It's not my problem; I want the problem to go away and somebody should just fix it with a magic wand' [...but now they're] saying, 'Ok, I'll comment on it and I'll say things about it, and I'll make some recommendations too because I'm given that opportunity, and you may like or dislike what I have to say, but here's my chance to contribute.' [...]he decision is gonna be made. If we fail here to make a decision, then the credibility of all this [community consultation process] will be gone. [...] It's gonna be hard for the leaders to say, 'Here's our decision', but [they] did the best [they] could collecting everything to get to where we are."

There will not be total agreement or a perfect decision, but strong leadership based on community input is necessary.

Strong leadership is precedential at NFN, with a number of examples provided by respondents; historically, ceremonial leadership ensured that the people would be able to feed their families and visitors (Feast of the Dead, also in Leatherdale); in the negotiation of the Robinson-Huron treaty of 1850, leadership "clearly identified that the Nipissings want to maintain the full and free privilege to fish and hunt on the lands"; and later, people would gather in the absence of the Indian agent (which was law) to discuss their concerns. It was the women who in the early twentieth century organized successful resistance to the expropriation of their lakefront and fishery, and, in the 1950s, effectively lobbied for access to education for their

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<sup>89</sup> or responsibilities (McGregor 2014)

children. As these examples demonstrate, leadership is not only exercised by chief and council; in these final paragraphs, I discuss youth leadership and traditional governance.

Above, I discussed an example of youth leadership in the management of Lake Nipissing. The importance of the youth, of listening to the youth, was reiterated throughout the research. An integral part of this is knowledge transmission activities between youth and Elders (see McGregor and Plain 2013).<sup>90</sup> A cultural arts teacher explained this integral process of generational knowledge transfer and youth leadership in a teaching about the medicine wheel. The four directions, the four quadrants, are age related: the infants and babies are gifts, “they bring joy”; while children, the youth, “they’re very inquisitive teachers. They’re our teachers” because of the questions they ask and the curiosity and fearlessness they embody. Young adults, parents, bring new life into the world; while the grandparents “have life teachings”. The Elders “keep all the ceremony, all those beautiful teachings”. As the four directions of the medicine wheel, each one “has a partner, and they sit right across directly from each other”. The youth and the grandparents sit across from each other. They are connected:

“These youth, because they’re so challenged, they’re sent over here to visit these people [the elders] ‘cause these people need help too in their ceremonies, and what happened was the government said, ‘Well, we’re gonna separate [them]’. They knew something was keeping...the people strong. So what happened was they targeted this group – anybody from 5 years old to 25...or 18. They sent them over there to residential school. So, right away, as soon as they left the community these were affected most [the elders] because ... these ones lost their connection [to] the ones that helped them [the youth]. They almost lost their will to live ... they had nobody to connect with, they were kinda removed from this circle too...”

Forced assimilation, lost cultural teachings, social disruption, “it was just a mess” as each age group was removed from the circle – for instance, when residential school survivors eventually had children of their own. But, the connection is “coming back now”, beginning “right where these little ones come in”; for instance with welcoming ceremonies that let young people “know that they’re very important”, that they are loved and cared for. Evident in the activities at NFN, and, as this teacher assured me, across many cultures, is the revitalization of inter-generational connection. About the status of generational knowledge transmission, I was told: “Some signs of it are, like some of our youth[...] are re-taking up the culture [...] and we’re

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<sup>90</sup> I observed and participated in a number of these activities: podcast; medicines workshop; full moon ceremony; Creation story teaching with Elder Jim Dumont – all of these involved the youth in important ways.

seeking elders and their opinions on stuff.” Also demonstrating the importance of culture, the students at Nibisiing Secondary School, located on the reserve, comprise the largest group in attendance at the spring ceremony held for the water and the fish.

Finally, traditional governance or the clan system represents an important decision-making structure at Nipissing. According to a young woman, “we had our governance. We had our own way of being”. She introduced a teaching about two roads, which, to her, meant continually seeking balance between a Western and Indigenous way of life, of relating to oneself and to others, and of making decisions. Few respondents would identify that Indigenous governance system by name (i.e. Otter clan, eagle clan), but its function – more than its name – was evident in community life:

“I think the idea or the concept is there, but it’s not formally recognized or whatever. See, when I was growing up, there was families, right, and that’s what I see as the clans [...] when somebody explained the clan system to me, I said, ‘Okay, so that’s what that means.’ To me, it was the family system, and then they said you would send your person who represents your clan to the meetings, and then you would talk about it and then you would make a decision. Okay, so then the Commanda’s would send a representative, the Beaucage’s would send a representatives and [the other families would send their representatives]. Oh yeah, I could see that easily working.”

Similarly, another person felt that while “we don’t know much about our clans [...] when you’re exposed to more knowledge, then you can piece things together better”. She explained how she became cognizant of the clan system operating at Nipissing, “one of the biggest days of [her] life”, when she received a paradigm shifting teaching from Tom Porter, an elder from Syracuse, at the University of Trent. On the topic of grief, recovery and the clan system:

[When there’s a death] [n]ever should the family that’s grieving do anything. It should be other clans, and I notice that happens here. Without even knowing you’re a clan system, you’re doing it; so the other clans, someone will go in and clean the house, and another person will go help take care of the grieving family’s kids [...] someone goes and starts a [sacred] fire, everybody goes there – that’s the clan system at work without anybody even knowing, and he talked about that – that knowledge does come up in times of spirituality. Everybody knows what to do. So, he spoke about that clan system in the context of grief and recovery. But when he spoke, it came to me that way in grief and recovery, but it’s everything we do – when there’s a birth, when there’s a crisis, the clans have to come out and take care of the clan that’s affected.

While significant elements may be absent, community life and decision-making resonate with a clan-based structure. A cultural person discussed the loss of a system in which particular families or clans were responsible for certain teachings, including specific fishing practices and their history and advising leadership on decisions to be made about fishing, associated territories and relations with other groups. An occasional fisherman added that growing up, “we didn’t really get into it too much in terms of the clan system or anything [because of the Indian Act] we were in the suppressed, even before I was born, a suppressed society”. However, he continued: “there was culture in the things that we did, like using tobacco, putting it down before and after, stuff like that” (JAL). Likewise, as will be recalled from the Fish chapter, an important interlocutor continues to identify with his clan as a source of belonging to the lake. Speaking about governance, a tradition person offered that it relates to “family, community and nation; so the clan system actually starts out as family. You’re born into your clan”. And, although the older generation may not know about “[traditional] practices of governance” they “know the stuff to live off the land”. And that counts. Bob Goulais offered:

“Governance is the way we organize ourselves. So governance isn’t just decision making; it’s really how we go about our lives. So governance in the home, for example, comes from how our parents make decisions, and governance with regards to how we do things, like fishing, that would come from, again, those clans that established those things. Again, it’s all a part of TK [...] To me [as second degree Midewin], that is culture. It’s how we relate to each other, how we’ve lived, how we’ve received all those teachings and learnings and how we exist today. Governance is a part of all of those things, but generally how we live according to how we have in the past.”

As a system of care, advisory structure, and way of organizing roles and responsibilities, the traditional governance or clan system is evident at Nipissing. In numerous ways, it has evolved and endures. Goulais continued to explain that the clan system is one of “representation” within the village or community, which relates to other Anishinaabe communities across the territory who share language and similar values, “that belong to our nation” in the form of the Three Fires Confederacy. The contemporary expression of the Three Fires Confederacy, the Union of Ontario Indians (2016), of which NFN is a member, has been re-establishing their governance system along traditional lines. Locally, community consultations, diverse forms of community building and deliberation discussed above, and more formal sub-committees of chief and council, are contemporary forms of representation.

## Nation-to-Nation relations

Nipissing First Nation has always had relations with other nations. Referring to the Feast of the Dead, also discussed in the Historical Context II, a former community leader said: “so that was part of the fishing tradition then – using the fish for consumption *and feeding all their guests*.” In this section, relations with others include Indigenous and settler governments.

Ethical relations with others includes working as a Nation, as the Anishinabek Nation, as a treaty region, or collectively in some other configuration that honours Indigenous political and cultural geographies. Working from May 2009 to August 2011 for the Union of Ontario Indians, founded on the oldest political organization in present-day Ontario, the Three Fires Confederacy, my job included policy analysis and advocacy on behalf of 40 member First Nations. At that time, and in relation to discussions about the establishment of a Treaty Commission in Ontario (IIPAC), leadership sought to organize politically by treaty region (i.e. Robinson-Huron, Robinson-Superior, Williams treaties, etc.). During my interviews at NFN, treaty- and Anishinabek Nation-level organizing arose among some of the political leadership and also cultural teachers; that is, to pool resources and advocate politically as the Robinson-Huron Treaty region and/or the Anishinabek Nation.

For example, in the context of healing, of the “really hard” work of the elders “to get our community whole”, a cultural person shared: “you have Nipissing First Nation here, you have Eskasoni way out [there] and we’re all separate, we’re all separate entities, we’re all divided, but we’re all under *the same treaty agreement*, which doesn’t want to be recognized by the dominant (laughs)”. To me, he is gesturing to Indigenous nationhood and nation-building.

A political figure and former fisheries technician called me back to speak with him a second time, after some time reflecting on our first conversation. From my handwritten notes, he said: the Nation has to work together – the Anishinaabe nation and the Robinson-Huron treaty nations need to act together. That’s where the strength and opportunity lie. As one small community, like Nipissing First Nation, “strong individuals” can “manipulate processes” and disrupt them, such was his experience on the former fisheries committee. Factions, divisions, or “power plays” can be offset within larger collectives; moreover, operating at a larger scale, “more momentum” can be garnered to “incorporate” or enact more effective natural resource management. As a nation, he offered, communities could advocate for enhanced support and training: “It would be more helpful to have that larger body to help us to manage our own

people”. Instead of single communities fighting or resting the MNR, an agency regarded as seeking to contain and manage First Nations (Algoma comment), with more expansive lobbying, they would “give us the money to manage”, especially when “us is a larger group with more capacity”. He talked about leveraging the mass population of the Anishinabek Nation – namely, the youth - to push First Nation-governed resource management. The youth, he continued, are the change-makers. They have the vision. The “kids push the parents to change, so we have to target the youth in that strategy. The youth are concerned that there won’t be any resources left. If the leadership doesn’t do anything, the youth say we won’t have anything – there won’t be any resources left”.

There is potential to work more closely with other First Nations, but already NFN works with other Anishinabek communities and First Nations in Ontario and beyond. Through the Political Territorial Organization (PTO) structure, this work is coordinated provincially by the Chiefs of Ontario, and at the Great Lakes Anishinabek level by the Unions of Ontario Indians. Indigenous Nation-to-Nation relations also occur by historic Treaty region - Robinson-Huron Treaty region (COO 2012; Becking 2015; Batchewana 2016), by tribal council, through specific agreements, and new treaties. Relations often follow Indigenous political and ceremonial protocol, may be formally organized or operate at a grassroots level, and are led by women and youth in addition to band council Chiefs.

Nation-to-Nation relations at NFN also involve non-Indigenous governments, both federal and provincial, and working relations are common with government (and non-governmental) agencies. Comments above about First Nations being “under the same treaty agreement”, was followed by, “and that’s where we have to start making...become equal partners in looking after our North America.” The model has already been established and proven effective in the past (Latulippe; McGregor; Turner 2006; Corbiere): The *same treaty agreement* referred to above are “those first agreements that were made – the first agreements – not the second ones, not the third ones. Those first ones because that was when those pipes were taken out and there was a *sacred exchange* there, and it was an *equal sharing*”. I understand this to mean Nation-to-Nation relations (those between Indigenous peoples, with newcomers, and with plant and animal nations) from an Indigenous perspective whereby treaties are fundamentally about self-determination, respect, mutual benefit, and trust.

Interview respondents had much to say about “those first agreements” and the consequent relationship with provincial authorities. They are captured in the wampum belts. According to a respected elder and language speaker: “those belts are like sharing. There’s two roads [...] we’re holding hands and we’re in this together, and I’m sure that’s what Chief Shabogesic intended with the treaty [Robinson Huron Treaty of 1850]: we’ll share this land, but it has to be fair all around”. Young people also spoke of the wampum belts as “agreements of friendship between two nations”, and, according to a political figure, “to work together. Like on the Wampum belts, it’s to walk hand in hand and [...] grow together”. To many, the agreements recorded on the wampum belts represent a relationship of co-existence, “like, you stay in your canoe, we’ll stay in ours”, a policy approach that unfortunately remains “a long time away”; Currently, Ontario’s approach is “we want in there [the canoe] and we’re gonna steer it too”, according to political figure in the community.

In the community, “I think that we need a new partnership”, was a common sentiment - not because people seek ‘reconciliation’, but given the reality that “we share this lake”: “my definition of co-management is we manage our areas of responsibility and our rights but we also recognize that the settler nation, those we sign treaties with, have the right to regulate theirs as well”. What would this look like? Speaking to natural resource and environmental policy formation and review, a respondent with experience as an advisor in the provincial government commented that evidence-based policy, science, and research “should be a full partnership with First Nations people”. Instead of hiring “a consultant to go to aboriginal communities and do the ‘TK study’ [just to produce recommendations and a study] it’s go to be a full partnership”. Under the current model, they consult First Nations late in the policy development process, which is inadequate. Policy development, including “to save lake Nipissing and the fishery and to make real change here for our lake and the pickerel and for everybody’s best interest”, this person continued, “we need to do that in partnership right from the start”. Not just a decree by the Minister,

“[i]t has to be decreed by our community leadership that says yes we're going to do this and yes it's going to be done in partnership. Then we formulate the plan together; then we go out and do a real traditional knowledge study together, to really understand, like I said earlier, everybody in the community getting to know who the MNR is and that they're partners with us in this.”



To achieve coexistence and the recognition of “full partnership” would involve decision-making, lands, trust building, and truth telling. These were spoken of together, as interrelated. A former policy advisor for the government of Ontario spoke about the ideal involvement of First Nations in decision-making (natural resource related but also education and other policy areas) at all levels – on the ground, in management, locally, regionally, and provincially, and so on, echoing Goetze’s work on multi-scalar “empowered” co-management (2005). Empty without the return of land, recognition of the first agreements would require “that land is returned properly, where native people have equal use of that land, equal use to the resources, equal use to decision making...and everybody here [at NFN] contributes to that decision making”. Respect for Nipissing decision-making authority, the restitution of lands, and more informed knowledge based would require massive re-education as “Canada has been shielded from the truth for a long time”. A fisher also spoke of the connection between truth and resource equity, which he carefully distinguished from “equal opportunity” or “equality” narratives that commonly used against Aboriginal and treaty rights. He said:

“All those things that were from back then that happened until recently. I guess we’d have to just use the last 50 years as a base point, when we want to look at the ‘equality’. Like, we just got the right to vote within the last 50 years. We also just got the right to leave the reserve without having to ask for permission. You look at all these other things, women were finally allowed to keep their status and give it to their kids - whereas men would be able to marry a white women bring her onto reserve, but if an Indian women got married she’d have to leave the reserve, all that happened in the last 50 years. So now when you talk about ‘equalizing’ those rights on the fishing, it sounds good but there’s really a lot more going on. There’s things we need to do amongst ourselves to straighten out our mess. The MNR, and the law for off reserve communities needs to do a lot more to straighten out its mess, because to get a better understanding about what’s really happening on this lake, all that stuff has to come out. The truth has to be told about what’s happening where, on every scale.”

I would characterise this relationship between knowledge and decision-making that is being articulated by community members as truth and restitution. Reinforcing my argument in the previous chapter, right relationship requires education - not *about* Indigenous peoples, but rather about colonization and its consequences on Indigenous nations and economies. It requires resource equity, that First Nations have access to, derive benefit from, and have authority to

make-decisions about their lands and resources. Again, the sharing of knowledge cannot be uncoupled from the sharing of land.

Moreover, an informed and “trust based” relationship is affective and it involves healing. It requires “more *real* interaction, not just at a governance level or policy level”, but relationships in which government “can see themselves in our communities and establish those relationships”. In this context, “[e]verybody has to share their knowledge, just like we share our resources. We share the water, we share the air, everything, and this should be no different.” According to this community member retelling the eight fire teaching,

“[t]hat’s when we’re supposed to all come together. All colours, all races are supposed to come together and work as one. That’s when you either choose the road to materialism[...] that’s just going to be the destruction of earth. If you choose the other road, that’s when everybody starts healing and earth is going to heal on its own, and that brings...that’s when everybody has to come together.”

Operationally, NFN and MNR certainly have an improved working relationship, at least at the regional/district level. Perhaps government has adopted a ‘new approach’ to First Nations, but expressions of optimism— “I *don’t* think government’s *not* interested in helping” (emphasis mine), are tentative at best - and not widely shared. Beyond the information sharing that does take place, “government isn’t there”. They do not recognize “what we’ve really said in the treaties – we’re going to live here together and share this [...] a full recognition of partnership”. People talk about government’s failure to implement their side of the treaty, chronic in Ontario (Linden 2007), and analyzed in relation to the MOU below.

## Nipissing law

A number of respondents remarked that the lake can manage itself, that “fish don’t need to be managed, people do”. In addition to self-governance and nation-to-nation relations, respect for natural law, the intelligence, sacredness, rights and responsibilities of fish, emerged as part of a third level of governance. Other forms of law also emerged from the research. They fit closely with what John Borrows (2010b) calls the five sources of Indigenous law: natural, sacred, customary, deliberative, and positivist. I draw on Borrows’ work to understand law, broadly, at NFN. I begin with participant comments on natural law and expand into its connections with

other aspects of Nipissing law expressed by participants, moving thus through each of Borrows' five sources of Indigenous law.

On natural law, Bob Goulais explains: "the lake has a spirit, the fish life definitely have spirits, and a lot of the aquatic life, how that happens, comes in cycles, life cycles, cycles of the health of the lake, natural cycles of the climate and all of those things." He continues, "as Anishinaabe people, that is a very important piece, because we know that there is natural law before any kind of law; sacred instructions were given to our people at the time of creation by our creator, those animals, those plants, that living water, they were all given that natural law from the start." Evidently, **natural law** and **sacred law** are connected.

Borrows explains that Indigenous peoples develop law from observations of the physical world around them. Legal principles, legal guidance, standards of judgment, analogies can be drawn from the behaviours of plants, watersheds, rivers, mountains, valleys, meadows, shorelines, etc. These laws are literally written on the earth i.e. how a plant interacts with insects, how insect interrelates with a bird, and so on; that is, how to respect, how to relate. In the example above and those that ensue, the seasonal and life cycles of the natural world contain instructions for how to live well in a place – perhaps colloquially referred to as 'Indian time' – and with place (all the beings who live there). Borrows also writes that some Indigenous laws have sacred sources. Sacred law stems from the Creator, creation stories or other revered teachings that endure over long periods of time; they are often given the highest respect (some of the principles and ethics we've talked about; treaties).<sup>91</sup> Sacred law and custom does not mean blind acceptance of oppressive behaviours, as being critical and rigorous is central to the revitalization of Indigenous legal orders (Napoleon 2007).

The following is an extended explanation of natural law provided by a research participant, in which the relationship to sacred sources of law is also articulated:

"Natural law is very much...we think of law as something that is created by human kind, whether its government established legislation, Acts, the judiciary deciding on things, but long before people even had any kind of instruction, and long before people were even put on the earth, the animals, plants, fish life, bird life, all of those things, came here before us. And with them, they didn't get instructions the way we received instructions. The animal life, they're put on the earth, were here before us, and their

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<sup>91</sup> Civil law and common law in Canada have been significantly influenced by ideas about religion – Canada's constitution's preamble states that Canada is founded on principles that recognize the supremacy of God (Ibid.).

instructions from the Creator were in the form of what we call natural law. A lot of animals live on instinct, you know, once four-legged is born for example, they have some nurturing and some learning from their relatives, but they know how to flee and hide and hunt in a lot of cases. Same with the fish life. The fish life, once they're born or hatched, they know how to swim. They know how to eat, how to find what they need, how to protect themselves. That's all sources of natural law. The earth itself and how water and air moves, how climate is naturally, comes from natural law. When humankind was put on this earth, the Creator in that same creation story - Jim Dumont is one of my teachers, he's chief of our eastern doorway of our lodge - what was put on this earth was that very first man and he wasn't called the Anishinaabe. He wasn't called Wanabocho, even though that's who that ends up being. He was called Mishkogabwe. He was put on the earth as one of four brothers, and each of those four brothers was put on this earth, almost made up of the same thing that the creator was made up of, in his image. It's funny, you hear that in the Bible too, but he was also in his image he was very much a spirit person, a spirit man. He wasn't just a man that descended to the earth. He was spirit, just like the Creator. And that really goes back to the cycle of teachings from where we are, that we start off as spirit beings, live this earth, go out the western doorway, we're spirits again. In that way we are related to the Creator. But when we are put on this earth as those spirit beings, and as we started to evolve our relationship on the earth, and they said that Mishkogabwe, who became Anishinaabe, *the one that was lowered to the earth*, received a specific set of teachings that were given specifically to him, given to us, as human beings. Not just Anishinaabe, but human beings. And with that we were given two very distinct gifts, and no other creature is given on earth: the gift of intellect, the ability to learn, to take one experience and be able to decide and assemble that kind of knowledge. That's really the basis of our traditional knowledge too, is that gift. The other gift is the gift of free will. Unlike other animals, we have choices to make based on the information we get. So with the gift of intellect and the gift of free will, the instructions that were specifically given to us, and the reason why we were given those teachings and those gifts, was to look after all those things in creation that couldn't speak for themselves. And that's what it says in the language. We were given at that time - you hear a lot of people say we are stewards of mother earth, that's our role - a lot of people don't understand that specific instance in our Creation story when that was given to us. So when that Mishkogabwe, he was Nanobocho, our oldest ancestor, looked up at the creator and spoke with the creator and had that relationship with the creator, *the creator directly told him that that's what you're supposed to do*. And with that, that is where our traditional knowledge comes from. That, no matter what, our people were told right from the start, and that line of knowledge went unabated for probably a thousand years, however long we've lived here, thousands and thousands of years, we heard from the creator this is how we need to protect the fishery, protect the lake, we continued that way unabated until the early 1900s, and that's an

incredible thing to really understand. But it's through being taken off that path, the challenges we were given, we had a number of prophecies that told us there was going to be these things that are going to happen to us that will take us off that path and challenge our way of thinking, and that's really where we are at. That's where traditional knowledge comes from. (emphasis mine)

This story expands upon content in the Historical Context I and illuminates a number of connections within the research data: the original instructions given to humans derive from Creation - Anishinaabe law derives in part from a sacred source; equally, natural law derives from Creation and deserves equal attention and respect – the animals and the life cycles need to be able to fulfill their instructions, so human beings need to be cognizant of and live according to natural laws, also part of Anishinaabe law. Moreover, for human beings, sacred law is intimately connected to the gifts of knowledge, agency, and ultimately responsibility. As a former political leader stated, “with law comes responsibility”.

A former political leader who was involved in fisheries for many years added to my understanding of natural law:

“The people that like myself that didn't want to comply with the provincial regulations back then are aging, and the younger people are coming along and saying, ‘Well, my interpretation now is that I can do what I want’, and Nipissing [First Nation] is saying, ‘No, we have a Fisheries Law to manage the fishery *for the same reasons that our elders managed the fishery*’. *The elders were fortunate because they had a natural law in their time*; they didn't need something – you know, 400 pages of documents every time say, ‘Oh, let's see section 21A or B means you can or you can't...’ They didn't do that; it was just a natural law that they knew that you had to protect...you were responsible for looking after this resource for the future, and that's what some elders told me in Manitoulin – they said, when they entered into the Robinson/Huron treaty – that were (00:25:26 inaudible) in Nipissing – that, if you look at all the films and the land negotiations and that, natives never came to the front and said, ‘We own this land’. They said, ‘The land and the resources on it, nobody can own that. It's owned by the creator, and we have a responsibility to look after it’. *So, when we entered into this treaty, it means we're gonna take care of this resource*, and that's one of the reasons they kept the fishing and hunting and that is to have food and also manage that, and that was something that the First Nations had an affinity too, right. So, they said, we can't sell....there's some things you can't sell, right. [...] Nobody (00:26:21 inaudible). They felt the land was here (00:26:25 inaudible)”

The crux here is that obligations to the environment understood through Anishinaabe law are built right into the treaty relationship. Understanding that when the Nipissing entered into the

treaty they were affirming their responsibility to take care of the land means that Anishinaabe law is embedded in the treaty relationship with the Crown, which is the basis of present-day Canadian law (Borrows 1997, 2010a; Linden 2007; RCAP 1996). Therefore, Anishinaabe law remains intact and active on the land and every non-Indigenous person – all treaty partners – are invited to pick up this law, which is not a new phenomenon (Ibid.). This powerful assertion also signifies the relationship between sacred, natural, and customary forms of law.

**Customary law** are practices developed through repetitive patterns of social interaction that are accepted as binding on those who participate in them (Borrows). Treaty Protocols are an example of customary law, as are many of the ethical protocols that constitute the ‘right way to fish’. As will be recalled from the Knowledge chapter, what I have called tradition, a way of life, etiquette, and proper conduct can be considered law; namely, a combination of natural, sacred, and customary sources of law. Again, Bob Goulais, on customary law: “how First Nations managed the fisheries, and that was based on our teachings and how our people have done things in the past, have been taught by our parents, grandparents, aunties and uncles. It’s how we’ve done things when it came to spearing or to netting or nowadays commercial netting, and even angling. All those came from how we did things and how that evolved over time.” Rules or conventions about catching, handling, and preparing fish, including safety protocols, not being greedy, ways of cleaning, cooking, preserving, and sharing fish in order not to waste food, and respect for the water, wildlife, and other fishers, these were “ingrained”. They were law.

The same former political leader continued with a story he read in missionary’s notes about an old person at Nipissing who was recorded as saying:

“I don’t own these things [air, land, or sky]. They’re put here so I can enjoy them for my life while I’m on this earth, to complete my circle of life, and then go back to wherever it is we’re going’, so there was a very different way of thinking, and the fish were here because the creator wanted us to have these fish to eat; not to kill as many as we can or not to do other things with them. So, [...] where we’re missing something here, the missing link today in our time is *what about those children? What about the future of the fishery?* [What about the fish? *The ones who can’t speak for themselves*]

Questions posed here represent, to me, the active way in which people think *with* Nipissing law. Law, Napoleon explains, is fundamentally about asking questions, thinking, reasoning, and learning from the present “while drawing what is useful from the past” (2007, 11). Law is alive. Legal reasoning is dynamic, used guide action, behaviour, judgment, and to solve problems.

This active engagement with law takes place on many fronts, not only among traditional, political and conservation-minded people, but also technical people and youth. This young person illustrates the link between sacred, natural, and customary sources of law and how he engages law to make decisions:

“I’ve actually moved to bass fishing and pike, and I don’t even keep them. I’ll just fish them just for fun because I don’t even want to take any fish out of the lake, and this isn’t...and I know, for a fact, that it’s not just me that does that. The people I fish with, we all have the same reason why we do that now – we don’t want to put any more pressure on the lake than there already is, and we don’t want to take out anymore – we don’t want to be contributing to that cause – and I think that’s what we believe our inherent rights are, away from this thing called ‘treaty’ that was made by white people; versus us where it’s [...] our natural laws that tell us that we’re not supposed to, or our culture or whatever you want to call it. That’s why I always have trouble with people saying, ‘It’s my inherent right’. Yeah, it’s there [treaty right to fish], but it doesn’t talk about all the seasons; it doesn’t talk about the balance; it doesn’t talk about the harmony.

I Like earlier we were talking about time and all the factors that would have gone into making the right decisions?

R Yeah, all the people see is ‘aboriginal rights are hereby recognized and affirmed’, and The Charter of Rights and Freedoms. People see that and they say, ‘Oh, it’s my right...it’s free’. [...] and that, to me, is something that I look at as - people say they don’t want to follow the white way, but they’re following the white way because they put it there. *If it was put in a context where it was our people put something in the [NFN] Constitution that says, ‘All first nations people must live in balance and harmony’, you know what I mean - It might be a lot different than what it is today.*

This quote exemplifies the tension between what some consider an inherent, individual treaty right to fish (enshrined and protected in section 35 of the Constitution) and what others consider a collective responsibility based on law (natural, sacred, customary, and aspects of Indigenous legal order). It also raises the final two sources of Indigenous law, deliberative and positivist.

**Deliberative law** is a broad source of Indigenous legal tradition formed through processes of persuasion, deliberation, council, and discussion – law developed through people talking with one another. This aspect of law speaks most clearly to me of Napoleon’s emphasis on law as living; as dynamic, ever changing and evolving in response to changing circumstances, never static. She writes that law is essentially a collaborative process, “something that groups of people do together”, and it changes: “it has to change in order to be an effective part of

governance—it has to be appropriate to new contexts and circumstances or it simply will not work. It also it has to be appropriate to the experiences of the people or it will have no meaning or legitimacy” (2007, 4).

Regarding one of the community consultation sessions held in the summer of 2014, “I like the meeting, how they said it should be....we don’t want to draw anybody’s conclusions for them; we want them to draw their own conclusions, and that’s how I strongly feel”. For this person, “it’s a huge opportunity [...] that a lot of people will be able to provide feedback, and what they think they should see, [and] have a more solution-focused meeting where we can come up with ideas”. Evidently, Nipissing people are talking to each other - in council meetings, on facebook, and at the shoreline; they are considering legal precedent (the stories, the values/customs, natural law, and so on) in their decision-making, i.e. whether or not to cut back; they are doing law.

The Constitution and NFN Fisheries Law referenced are examples of the codification of law, what John Borrows calls **positivist law**, the fifth source of Indigenous law. This source of law can be found in the proclamations, rules, regulations, codes, teachings, and axioms that are regarded as binding or regulating people’s behaviour. It includes the codification of Indigenous customary law (Mills 2010; Napoloen 2007; von der Porten et al. 2017). Positivist law does not necessarily depend on appeals to the Creator, environment, or deliberative processes, but it carries weight because it is made by people or a group of people regarded as authoritative by a significant number within a community; for instance, hereditary chiefs, clan mothers, headmen, sachems, or band leaders. Both the Constitution and the Fisheries Law are community-derived, resulting from consultation, deliberation, and band council processes.

Law offers opportunities that otherwise go untapped: “I think a lot of people missed the boat on [...] the aspect of natural law and the management of the lake in terms of how that manages itself.” While researchers and scientists are interested in how First Nations are managing or adapting to climate change through traditional knowledge, Goulais said in response to my account of the Fish-WIKS project and others like it, “a lot of thought doesn’t go to the natural state of the lake and the natural management of things”. Goulais emphasized the need to “keep [natural law] in mind”; that is, to support those cycles, and not attend solely to human management principles, rules, and teachings, whether Indigenous or non-Indigenous. All five



sources of Nipissing law represent an opportunity to enlist legal principles towards the resolution of challenges currently facing Lake Nipissing and the Nipissing people.

## An embedded case study

Thus far, I have established some principles of governance on Lake Nipissing at three levels: self-determination, Nation-to-Nation relations, and Nipissing law. I've presented mechanisms through which these relations operate, in past, current, and ideal contexts. In what follows, I explore their interplay through a mini-case study: a series of public events that took place in September 2016 following the signing of the MOU in March 2016. This provides a point of entry to illustrate and discuss issues and opportunities at the intersection of all three levels of governance.

The MOU was entered into, but without full consensus. In fact, it was publically challenged by a segment of the community in September 2016. At issue is whether the MOU supports NFN's self-determining capacity or whether it represents the state wresting jurisdiction, NFN acquiescence, and another 'divide and conquer' mechanism. At NFN, the tension resonated with decision-makers, resource harvesters, and others I spoke with; and, it is a pressing concern for policy advisors and technical people, both Indigenous and non-Indigenous, with whom I have shared my preliminary findings. Fundamentally, it speaks to the nature of settler-colonialism in Canada and the question of Indigenous resistance, resilience, and survival.

As I have said in this dissertation, there is no consensus about the state of the pickerel fishery; and in cases where a problem is recognized, opinions about the extent to which harvesting is liable, who is culpable, and what is to be done are equally varied. In the Fish chapter I suggest that this disarray stems partly from the consequences of colonial exclusion, of not-belonging to community, place, and economy, imposed by the Indian Act, other assimilation policies, and the expropriation of fishing livelihoods. In the knowledge chapter, I added that, luckily, epistemological uniformity is not necessary for a robust system of knowledge, practice, and belief (ethics) to serve the needs of community. In what follows, my third level of analysis, I explore some of the tensions surrounding decision-making and resource equity on Lake Nipissing. The first part of my argument is that issues that blew up in September 2016 express the structural conflict inherent to settler-colonialism. The very interest of the province to negotiate with NFN can be traced to the Crown's assertion of sovereignty and the violation of

Indigenous and treaty rights in Ontario. The second part of my argument is that these issues will *not* be assuaged by any means other than Nipissing law – not only its codification, but also its full expression, which would involve all three levels of governance considered above. In the following chapter, I explore how to get there. I walk through these events and end this chapter with their broader meaning.

## The MOU and its aftermath

**Table 2: Timeline of Events**

2014	Community consultation process
Spring 2015	By resolution, Chief Marianna Couchie and Council institutes regulatory changes to NFN fisheries regulations
July 2015	Chief Scott McLeod elected
August 2015	Chief and Council close commercial fishery early, cutting the season almost in half
September 2015	Community meetings
February 2016	Notice to membership regarding the MOU
March 2016	MOU is formalized, after more than one year of discussions with the OMNRF
September 2016	Group of community members challenges NFN Law and the MOU

The product of community consultations, the Memorandum of Understanding between NFN and the province was entered into on March 10, 2016, following a pipe ceremony conducted by Elder Peter Beaucage. A collaborative framework, it respects the spirit of the NFN Chi-Naaknigewin by “upholding our values as a top priority in moving towards a more sustainable fishery for current and future generations”, while its intention is “to support successful implementation of NFN’s Fisheries Law and management” (NFN nd ‘March 10, 2016’). Shared goals include the recovery of the walleye population while recognizing NFN’s inherent and Treaty rights to harvest. Crucially, it secures financial and technical resources for NFN; it also enables enhanced data exchange, harvest reporting, fisheries assessment and monitoring, and training (Ibid.). Another crucial point is that compliance and enforcement protocols are to support the NFN Law and principles of Aboriginal restorative justice (Ibid.). There is a joint enforcement protocol, with NFN retaining lead responsibility for compliance and enforcement, but fishers would be charged under MNR policy (Learn 2016; NFN 2016, April).

Anishinabek Nation leadership has praised the MOU. Anishinabek Nation Grand Council Chief Patrick Madahbee has congratulated NFN “for leading the way in maintaining the inherent jurisdiction [NFN] has with respect to the fisheries management on Lake Nipissing since time immemorial” (Anishinabek News 2016). Further,

“The Anishinabek Nation has centuries of experience on how to manage our resources and these types of agreements will allow our communities to share their expertise [...] it is a leading example of the types of partnership arrangements that the Anishinabek Nation will be seeking on a full range of resource management issues” (Bay Today 2016).

It is “an historic first” and a “trailblazing activity” as the province, through the MOU, recognizes NFN Law (Madahbee in Learn 2016; McLeod in McCharles 2015b). NFN is adamant that the MOU strengthens its stewardship role on lake Nipissing, protects its jurisdiction, and further protects compliant fishers and community rights to fish (NFN 2016, April).

However, not all community members are supportive. Some perceive the MOU as part of provincial efforts to “revoke”, “relinquish”, and “attack” the inherent and treaty rights of NFN members (McLeod in McCharles 2015b). In September 2016, a video was posted to social media that captures a confrontation between three NFN fishermen and two OMNRF officers with one NFN Natural Resources representative (Turl 2016). A fisherman is recorded saying that the confrontation is an attempt “to interfere with NFN members treaty-protected right to fish [and] to infringe on inherent rights of cultural and hereditary significance so as to cripple our way of life. This would subject all First Nation's to ever higher levels of government control” (in Turl 2016). Asking “to be charged or left alone” the group of fishermen is testing the community’s right to regulate members (Dale 2016). They are calling to question individually- versus collective-held rights. Moreover, the rejection of community-derived harvesting restrictions enforced through provincial power brings to light deeply historic, economic, political, and cultural subtexts.

Also taking place during this period of unprecedented ‘cooperation’ between NFN and the MNR, the province picked up on tacit discourse in the 2014 Lake Nipissing policy document - that to work with NFN is “to better understand the demand for walleye” not to support the community’s responsive fisheries monitoring program - to further suggest that NFN would be to blame for declining pickerel stocks (OMNRF 2016). Also, after NFN closed their commercial fishing season early (on August 31<sup>st</sup> 2016) in order to remain within the recommended safe harvest level (Turl 2016), NFN made a commensurate call on the province to shut down the

2016-2017 winter recreational fishery: “not only as a sound measure based on science and data, but also as a gesture toward reconciliation” according to Chief McLeod, and a move towards restitution and resource equity, considering “that there are nearly four times more ice huts on lake Nipissing than there are houses on NFN” (in Nugget 2016). But it was ignored by the province and perceived, predictably and apolitically, as *ridiculous* (Brownlie) by the non-Indigenous population.

## Historicizing events

In this chapter’s introductory vignette, published in September 2016 but written in August, I said that it would take time to know whether the MOU will enhance self-governance and reflect those first treaty agreements, or whether it will reproduce the status quo. However, it is possible to do some analysis now based on the data gathered during my research and in relation to the literature. In what follows I historicize, politicize, and theorize these events, drawing on my relational methodology, entrenched in my research question and treaty based conceptual framework, to draw out important challenges and opportunities.

Historically, the fisheries management strategy across Canada has been to remove Indigenous fishers, not to implement decisions based on sound science and equitable management principles (Harris 2001; Bavington 2015). Working in his youth as a guide on Lake Nipissing for non-Indigenous fishing tourists, a respondent remarked, “we would go out, catch 100 fish a day, in the spring I’ve reached 200, on a hook and a line. There’s only 3 of us in the boat”; then, about 40 years ago, “the new game wardens came, and they started to buckle down on the 6 pickerel, 6 bass, 6 ... [and] That’s when they started harassing the Indians, charging a whole bunch for setting nets”. Another commented that for centuries the Nipissing harvested based on cultural teachings, while “purely governmental policy focused [management] for many years wasn’t based on good science [or] good research; it was based on, ‘these are the rules, this is what we think will protect the lake’”. Even today, typifying comments made by a number of fisheries technicians (working for NFN and for other organizations), “the [management] decisions are driven politically; they’re not driven by science”. Business and economics are understood by many to motivate provincial resource management, corresponding with my brief analysis of the interests and values guiding OMNRF fisheries policy. Moreover, there is considerable distrust of conventional fisheries management methods, termed “guesstimating”

and “guess work”, echoing the literature on the inherent error in fisheries science (Bavington 2015).

In the aftermath of precedent-setting court decisions, including *Sparrow* 1990, which established a hierarchy of rights, the “capture” of Indigenous fisheries (Harris 2001), integral as it is to the Canadian regime for fisheries management, has worked by way of negotiated agreement (Harris and Millerd 2010), and also conservation and fisheries management discourses (Thoms 2004). Clear to leadership of the time, the province used the threat of an ever-expanding doctrine of infringement (Harris and Millerd 2010) to pressure NFN into signing an ACFL, an Aboriginal Communal Fishing License, the standard negotiated agreement used in Ontario to regulate First Nations fisheries. In response, the NFN established its own law. According to a councillor involved in the many years of negotiation with the province:

“We tried to negotiate a fishing agreement with them one time. For almost ten years, we couldn’t come to an agreement because it always came down to they would tell us how to fish, and nothing we said, or any input we had was completely disregarded. And when they walked out of here, the last meeting...they were walking out of the door, they told us [...], ‘We’re gonna find other ways to enforce our laws on you’, which meant they were gonna go with the Sparrow case, but *if we didn’t have a law in place*, they would force us, and that’s not the way you negotiate an agreement. You have to respect each side. We took into consideration [in the drafting of the Law] things that MNR had said at the table[,] what our fishermen were saying and what the band membership was saying, so that law is very fair – fair to the fish; fair to the fishermen. The fishermen could still make a fairly decent livelihood.”

Established in response to coercive pressure, according to a former Chief, the NFN Law was “not really” based on Anishinaabe values, but rather a reaction to “outside pressure”. Created under conditions of duress, to establish the right to a commercial fishery and manage the (temporary) “influx” of fishermen, the fullness of the Nipissing tradition could not be contained in the law, regulations, and subsequent management and compliance initiatives. Asking whether the NFN Law was built on traditional principals, they answered:

“It was necessary, okay. We had to because of the pressure from the MNR. Even though Mike Harris went on to become the Premier of Ontario, the MNR kept on pushing us, pushing us to sign what they called an ACFL – what they were going to control, and tell us when we could start and when we have to stop, so they were going to take control of our Treaty right. As a community, people didn’t want that to happen; thus, the fishing law was developed.

To enforce their law and manage the fishery, NFN established a fisheries department. From the outset, NFN has struggled with compliance. Even those politically and personally invested in the commercial fishery acknowledge that “[t]here are a few people that don’t follow it” and that there is a need to “find out how to enforce it.” Acting as a councillor at the time the law was introduced, another respondent offered:

“The whole principle was to help the people in need to go out, when I was councillor. What they should have done is put a person to manage and watch it real close. But they didn’t, they just opened a book. There weren’t guidelines. For example, if you do overharvest, this is the penalty you’re gonna have. But I heard someone say that they put nets right around Newman Island. I heard customary law charged them only 20 fish.”

Notwithstanding challenges, the community-derived law is nevertheless precedent setting and remains a source of pride. A pair of commercial fishers said with regards to the period in which MNR was trying to push an ACFL, “our reserve said too bad, we’re gonna do it the traditional way, our way”, which, in this context, meant not “signing away our rights” in reference to comprehensive land claims that demand First Nations extinguish title in exchange for a defined set of rights. Similarly, a commercial fisher and political figure involved with the establishment of the Fisheries Law situated it in a context in which “First Nation people have always been very strong on [...] enforce[ing] our own laws; we make our own laws. We’ve had non First Nation people tell us what to do for the first hundred years – two hundred years – so it’s time we start to control our own.” The person who decried the 20-fish punishment above also said that had the Fishery Law been applied a generation ago “it would have helped a lot today and taught a generation”.

The challenge remains NFN’s ability to legally enforce its law. Any pickerel management tool instituted, or even considered by NFN, is “a political nightmare for our government” and a cause for division in the community. Legitimacy and enforcement of the law, challenges at the crux of issues to arise in September 2016, are contextualized in the following extended quote from a political figure with technical fisheries background captures the situating informing the MOU.

“[Sparrow] basically gave us some power but also, at the same time, took away power from the province and the federal government, for that matter. So, if the province was to say, ‘Okay, the Natives are taking too much fish’, well first they would have to prove [that] what they’re doing is jeopardizing the actual

sustainability of the stocks because [conservation is] paramount; secondly, if it was, and they wanted to shut down either ... [First Nation] personal use or First Nation commerce, they would have to shut down commercial fishing... So, taking non-native people right out of the picture before they could take [First Nation fishing], to protect that fishery, gave us some room to manoeuvre as far as asserting our jurisdiction, and took them kind of out of the picture. But what happens now is, because all our rights are treaty based – and we looked at this a million different ways --- how do we govern, as a first nation, that individual that breaks the law? Because the provincial government can't touch them because they fall back into to those first two categories, and unless they shut down these two fisheries, they can't touch them, so that leaves it up to us, so we have to make some rules to try and govern those people. So, we looked at, okay, what laws do we have? Well, we didn't have any, so we looked at how do we protect that fishery against those individuals? Basically, what it came down to – because we knew one thing that was very important, and that's we don't have individual rights, at least in our opinion on this First Nation, because my name is not on the treaty. We were assigned as a community, so therefore, in our opinion, it's communal rights, so we can govern this from a communal aspect. But then, what legal power do we have? What mechanism do we have in place to say, okay, 'if so and so is not following, what can we do? What court do we have?' We can't try him in a provincial court because that's another – like, we're two nations here – so we don't have court systems, so how do we do it? And really, what it came down to was something that was, I think, politically (00:46:28 inaudible) – it was 'no, we can't do that' – and that was to ostracize that person from the community – to say 'you no longer belong to Nipissing First Nation' – which is...that's a big price to pay for fishing with too many gill nets. So, we tried a system where [the honour system] and peer pressure was the key behind getting everybody to follow, which worked for a while. [...] An honour system that everybody, 'okay, this is the rules guys. We gotta follow up because, if we don't, we're jeopardizing our own right, so we gotta follow it,' and then the rest of the community was putting pressure, saying 'yes, what are you doing? You're not following our wishes.' So, we tried that and it worked for a while, but slowly started to unravel, [...] then there was no real consequence, and then *now we are where we are*. So, it's a political nightmare for our government, and it's splitting the community because they.....the masses of our community want something done."

Ultimately, "where we are" is the pickerel crisis I introduced earlier in this work. Around the time I began my data gathering in 2014, the state of the fishery reached a critical point (NFN 2017 'Commercial Fisheries' and 'FWIN'; McCharles 2016). The data was distributed within the community and conversations ensued, both formally and informally. NFN harvesting numbers were subject to a series of NFN community consultations and much scrutiny on social media and other deliberative channels discussed above.

Public deliberation resulted in “a lot of political turmoil” (commercial fisherman). On the one hand, “community members, rightfully, are upset”; they want NFN to respond before it’s “too late”. On the other, “the fishermen, even they’re rightfully upset because they’re just trying to get ahead [and to survive]”. Enflaming tensions were the discovery of a series of abandoned gill nets in the summer of 2014 (McCharles 2014). A fisherman noted that “the bad publicity of the ghost nets and that, [made it a lot] harder on the community than normal because, once people read that, they start talking nothing but that [thus creating] tension between non-fishermen and fishermen” and inciting greater “resentment” among some fishers towards any form of management, seen as a punitive measure.

In the summer of 2014, NFN established a community consultation process. From the recommendations arising, Chief and Council instituted significant regulatory changes for the 2015 fishing season. In order “to ensure the health and long-term sustainability of Lake Nipissing and the walleye fishery”, these include: the elimination of gill netting *and* spear fishing during the spring spawn, shortening the commercial fishery season, reducing the number of allowable nets and changing the mesh size to allow more juvenile pickerel to pass through, reinstituting the fish hatchery, enhancing training opportunities to enhance the Restorative Justice Program, mandating negotiations with the OMNRF “to find a mutually acceptable approach to managing the fishery”, and seeking legal advice to use the Chi-Naaknigewin to strengthen Nipissing laws (NFN ‘Commercial Fisheries’).

While NFN is limited in their exercise of formal enforcement authority, Chief and Council were voted into office in July 2015 with a mandate to make “tough decisions” (McLeod in McCharles 2015b) and “deal with” the fishery (McLeod in Campbell 2015). Responding to high catch numbers, NFN shortened the commercial fishing season by almost half, closing it on August 22<sup>nd</sup> 2015, though not without “some backlash” (McLeod in McCharles 2015b). Community meetings were held in September 2015 and a notice to membership went out in February 2016 about the MOU. Since the signing of the MOU, there have been challenges, detailed above and analyzed below. Moreover, a NFN staff member has graduated from Ontario Police College conservation officer training, a first for NFN, and representative regularly patrol the lake with officers of the OMNRF. There are a number of important points to appreciate at this moment.



## A relational analysis

Tensions within the community and between NFN and the province of Ontario do not indicate immutable division in the community, a fundamental break (i.e. assimilation) in tradition, knowledge or governance systems, Nipissing law, or the impossibility of Nation-to-Nation relations. Through a relational methodology, defiant remarks and seemingly contradictory events are actually consistent with the structural conflict that characterizes settler-colonialism and animates the fishing wars.

No one is interested in demonizing NFN harvesters, those who have maintained “a proud tradition”. However, First Nations people are entangled with imposed systems including possessive individualism and capitalist mode/relations of production that drive and materially reward white settler-colonial subjectivity. Neither are First Nations people exempt from the liberalist ideology that animates individualism over collective rights and responsibilities. There is value in naming and deconstructing the frameworks and institutions that produce social and environmental injustice – not in outing individuals entangled in these systems.

The distrust of government intentions, western fisheries management, and scepticism towards the MOU is animated by a long and difficult history of resource inequity. Speaking to past negotiations with the MNR (prior to the MOU), Ontario had refused to support NFN’s request for training and enforcement help during the spring moratorium for assistance in the implementation of their community-derived law. A view reiterated by a number of people involved, “they wanted to sit in the background and wait ‘till Nipissing fails on the fishery, and then take over the fishery”. This was reiterated regarding events taking place during my fieldwork. For the 2014 open water season, the province instituted regulatory changes to the recreational walleye fishery (changes came into effect in May, 2014) that were perceived as “just a little tidbit to try and get us ... to sign this [ACFL]” (NFN leadership), as changes to the provincial slot size– which determines the size of walleye anglers are legally allowed to keep – would render the NFN commercial fishery to blame for any further decline of the juvenile walleye population (even though non-compliance occurs on both sides of the population; MNR had been advocating for years for OMNRF to make this change; and there are additional, complex ecosystem factors responsible for decline populations). NFN, it is felt, bears the brunt of the cost, risk, and blame associated with changes to the lake Nipissing fishery. The MOU is no exception. Community members are weary, and so is leadership: securing enforcement capacity

through the agreement is an expressed strategic move on the part of NFN to ensure that the “onus” for the walleye fishery does “not fall to one party”, according to Chief McLeod (in Learn 2016). Evidently, trust, respect, and equity are missing from the MNR-Nipissing relationship.

Moreover, the management of the non-Indigenous recreational fishery is deemed, not unfairly, as “guess work” (see Bavington), compared to the more responsive system at NFN in which lake-specific catch data is used to inform real-time management decisions. According to fisheries technicians I spoke with, who work for NFN and for other organizations, “the [management] decisions are driven politically; they’re not driven by science”, but by business and economics. This corresponds with my brief analysis of the interests and values guiding OMNRF fisheries policy. Quite inevitably, nobody believes that government are working in true partnership with NFN.

Enforcement has been a problem for harvesters not since the NFN Fisheries Law came into effect, but since the province presumed to have authority over Lake Nipissing fisheries in the nineteenth century. Since that time, non-compliance was a heroic, survival tactic. Today, refusal to comply with centralized authority reflects historic disenfranchisement. It is “evidence of” prior exclusion, not only of individuals and families vis a vis the Indian Act, but, at a broader scale, the whole of ‘Indian’ fishing (methods, bodies, purpose) that was deemed out of place (Thoms 1999), rendering the Nipissing economy and system of governance illegible, including to some community members. Current challenges facing NFN to enforce its own law represent an *opportunity* for the community to do something different than the punitive, inequitable, and anthropocentric model of centralized resource management. People talked about the need to educate community members about traditional governance, about ‘what we did’ (i.e. archaeology dig), while the one who spoke initially of belonging to the lake stated the need to better articulate the connection piece (i.e. belonging); that is, between resource users, knowledge holders, decision-makers, and also the fish, waters, and the other affective elements of an animate landscape.

Moreover, the oral tradition is strong. Defiant and “more aggressive” fishing that began after the courts decided in favour of First Nations harvesters has been fuelled in part by generational stories of repression. Given this strength, there is opportunity for narrative innovation, for ‘better’ better stories (Geogris) about power, change, and transformation that

transcend colonial relations [and biology/economics], oriented instead towards the heart of trauma and healing;

That said, uneven relations of power continue to constrain the conditions of possibility at NFN. The Fisheries Law and even the Nipissing Constitution were pre-emptive, “a response to maybe they don’t want to have something pushed onto them so they did their own [...] have a say of what goes on”. This opinion extends to views about the state of duress from which NFN makes fisheries decisions; for instance, the need “to take people off the lake [to avoid] this external jurisdiction coming out and trying to take everything away from us”. According to a commercial fisherman, early closure in 2014 of the whitefish and pike seasons “was more a gesture to show that ‘we will shut down...we will protect the stocks as much as we can, we do manage our activities to the point that it does a detriment to us, but we will do it’”. But, having to “prove to everybody that we can [...] stop our own people”, is to manage the imposition of one system onto another. Opportunities are missed; including, perhaps counter-intuitively, where interests align with the province. There is no simple remedy, but there is agitation for NFN to stop responding; that is, to “make *our own* [...] wise decisions”, to upend the current regime.<sup>92</sup> People feel that NFN ought to be managing Lake Nipissing, with support from Ontario; for instance, the province could sell lake-specific licenses and have all anglers hand in catch forms, echoing the adaptive management model at NFN; revenue from fishing licenses could be distributed to NFN to management the lake; and, the penultimate proposal, “why don’t they [the province] adapt Nipissing First Nation law into the Ontario law”.<sup>93</sup> I put this incredible concept in conversation with John Borrows’ work in the final concluding paragraphs of this chapter.

This highlights a distinctly Nipissing perspective on the treaty relationship, violation, and resource allocation. A language speaker, political figure, and respected storyteller explained that “the chiefs’ intent [in 1850] was ‘This is my land, and then we can share the rest’, and he said, ‘if my moose goes over the line of my territory to crown land, I can chase my moose there’”. The Nipissings never intended to give up hunting and fishing, to give up control or access to their traditional territories, those lands used for subsistence, economic and social purposes (trading,

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<sup>92</sup> Upending the current regime: “It should be the other way around. They should be living in little places and we can live wherever we want to live” (participant).

<sup>93</sup> In full: “I was told, no, no, they wouldn’t enforce our law – wouldn’t help enforce our law because...the reason they gave me was, it’s not an Ontario law; they can only enforce Ontario laws. And I said, ‘Well, why don’t you adapt Nipissing First Nation law into the Ontario law?’, but they don’t want to ....they still didn’t want to work with us on that part.” (respondent)

inter-marriage), nor did they consent to its exploitation and contamination. Astutely stated by a political person who is a hunter, trapper, and fisherman, non-Indigenous peoples “think they own it”, having mistaken shared lands for ownership. He continued, “at some point, we, as First Nation, have to have some say on how *we’re* gonna share hunting and fishing”, speaking to the previous paragraph about NFN as the primary decision-makers. This also relates to the allocation of the resource. While it is in “everybody’s best interest to work together”, government are “the ones that’s turn around. They’re not...going by the treaty, and they signed it”. Treaty violations inhibit NFN’s ability to “be caretakers of the lake because we don’t have any control over it”, in terms of regulating Nipissing and non-band members alike. Under these conditions, people rightfully question why it is NFN members who should stop fishing the lake, limit their catch, or even share the resource. Relative to other communities around the lake, the poverty at NFN, “intrinsic” nature of fishing “to the needs of the people”, the time, money, and effort Nipissing contributes to the resource, and the failure to implement the treaty (that is, to be treated as “equals” and to have access to resources), renders even a 50-50% allocation between Indigenous and non-Indigenous fisheries profoundly inequitable. Again, this speaks to restitution – the impossibility of reconciliation without giving the land back (Simpson 2013b, 2016); that is, compensation and a say in future development.

Colonial power is oppressive, but also productive: a new governance regime, including Chief and Council, the band office, *Indian Act* bureaucracy, concomitant funding and legal mechanisms, and so on, has replaced former governance structures. A positivist fisheries law and regulations and the very need itself to enforce “rules” are held in tension with traditional fisheries management, understood by some to have been “intrinsic”, “just done through practice”, “demonstration”, and the grandfather teachings (“you know, that you always respect, and you take what you need, and those kind of fundamental things”), and with “no real opportunity to capitalize on that commodity”. Conflicts arise as one system replaces another, particularly when the aim is to eliminate the former. But conceptualizing power as productive, as generative and not inherently oppressive nor liberatory, frees up the possibilities for change (Cooper 1994; Foucault in Georgis p 19). This is something I attend to more deeply in the final chapter.

Other perspectives counter that there *is* continuity between traditional fisheries management and that of the present day. This was expressed in at least five ways: responsibility,

deliberation, sovereignty, culture, and respect for difference. Responsibility is foundational to leadership and governance; according to Brownlie, “the authority of chiefs was founded on [...] the respect they inspired by their actions. It was also based on the extent to which they [...] fulfilled their duty towards those for whom they were responsible, since responsibility was arguably the most dominant feature of the role” (102). A former Chief at NFN who said “with law comes responsibility”, added, “and the responsibility back in the 1600’s and previous to that, and from there to the eighties and nineties, two thousands, there was still a responsibility”. He described the tone in the community during the summer of 2014:

“the realization now in the community came very strong that, it’s one thing to make a law, it’s another thing to be able to live with the law, and be responsible, and maintain that law and enforce it. So, our communities are all going through a transition [...] we can draft the law, and we can re-draft it and draft it twenty times and then pass it, but then the test is, it’s gonna be challenged – *every law is challenged* – federal, provincial, municipal – someone’s gonna challenge that law, and is the community going to enforce the law? And we’re not law enforcement people – that was not our way, and it’s not the way of native people to say, ‘Tomorrow we’re gonna enforce the law on you!’ – that doesn’t happen. They try and massage it and work with those people, and say, ‘Work with us as a community [...] support one another.’ This is for the betterment of the community, why this law’s in place; it’s not because someone wants to say, ‘I’m a law enforcement person and I’m charging you, giving you a conviction’ – it’s not about that; it’s about trying to make it work for everybody.”

Secondly, continuity in the tradition of governance is expressed through deliberative decision-making, and law. There is disagreement and non-compliance – common in any community but also distinct given the specificities of settler-colonialism – but, articulated through deliberative channels, difference can be inclusive. As part of a long tradition of problem solving, community members are talking it out and working it out. People tended to express great hope and confidence in this process, in the community and its leadership, both formal and informal. The younger people are “speaking up” and speaking for the ones who cannot. The idea that “something good” derives from hearing “other peoples’ critiques”, from debate, and letting people speak, expresses the lived politics of self-determination. The process of talking to people, collecting signatures for the internal petition, and presenting them at Chief and council - while it was not supported by everyone and interpreted as an admission of culpability by a subsequent non-Indigenous petition - actually demonstrates the living, deliberative tradition of Nipissing law. According to a supporter, it speaks to the opportunity NFN has “as a community to voice

our concerns and to further strengthen our own management of the lake, and it would make us a strong and united front, as well as it would make us very fierce on the outside [...] and as a whole nation, we can be very strong”.

Thirdly, when NFN engages internal debate and contestation they demonstrate enduring sovereignty. During the inter-war period, for example, “[DIA] Officials sometimes classified reserve communities or band councilors into two groups: the progressive and the unprogressive” (Brownlie 2003, 47). The former “accepted federal control and the goals that Indian Affairs has set for Aboriginal communities, including agriculture and assimilation”, while the later “were those who rejected the Indian agent system, opposed assimilation, or insisted on raising issues such as treaty entitlements and grievances” (47-48). But, even with the displacement of traditional authority structures and kinship networks, communities had some success provisioning social services from the Indian agents, the frontlines of the Indian Act system (Brownlie). So, instead of confine the decision to work with the MNR with ‘unprogressive’, NFN is working to acquire what they need in order to enact their community-derived law. Facing difficult tensions and working through deliberative governance processes, leadership is making decisions; they may not be favoured by all members. But, limited by the *Indian Act*, jurisdictionally trapped ‘between water and rocks’ (Borrows 1997b), leadership nevertheless needs to act: “it’s gonna come down to the leadership. The commercial fisherman, the average citizen, those that fish or don’t fish are gonna say, ‘What are our leaders gonna do?’” The point made by this former political leader is that NFN is making decisions; the community will live with the consequences and amend policies and decision-making processes as needed. This is self-determination.

Moreover, tensions evident during the summer of 2014 can also be seen to underlie events taking place in the Fall of 2016:

- Assertion, versus denial, that pickerel numbers are precipitously low;
- Desire for more NFN enforcement capacity versus defiance: “who’s gonna stop us”;
- Emphasis on fluctuating water levels, cormorants, and the non-Indigenous fishery to explain declining pickerel populations; and simultaneously, the feeling that “[n]obody ever wants to accept responsibility. They all point the finger and blame and blame”;
- Purist notions that economics should not govern resource-related decision-making;

- Language of “responsibility”, versus “given up our rights”, to describe reduced levels of harvesting among community members; and
- Calls for more cultural education versus a perception that ‘culture’ can be used to justify unsound harvesting practices.

However, apparent contradiction also signifies a move towards effective environmental governance. Not an easy task, to ban spearing during the spawn “goes against our values [because] when there was a lot of fish in the lake, people did spear in the spring during the spawn”. But, given the threatened state of the pickerel, it is a “start” towards “a culturally appropriate stance” (leadership). It marks a transition; a shift away from “out of control [...] money driven” harvesting that is “too western”, to a more cultural approach:

“Well, we’re approaching that now. The stand that we took to ban the [spearing?] (00:43:05 inaudible) – that’s the beginning of it – and as we move through our fisheries management plan, we will start to approach the older ways more and more.”

Fifthly, the Nipissing governance system endures in the form of respect for difference. The woman who discussed a teaching from Tom Porter added: the “hunters and gatherers”, “the chieftans”, the ones “preparing medicines”, and those responsible for “spirituality”, each had their distinct skills, gifts, and responsibilities; “Maybe it wasn’t their job to know everything. Assessing the present context, the youth, the conservationists, the cultural people, people on the land, technical people (midwives, fishers), and so on - each have their unique and essential role and perspective. These will not necessarily be shared nor will they advocate similar policies. This is strength: “And you can’t go and force it on other clans: ‘This is how you’re supposed to do it’. They know their job inside themselves already. I think that’s indigenous knowledge, and I think it’s trying to come out, and it’s coming out in a larger way”. She concluded that the aim is to “bring it all together someday”. And I interpret this to mean the strength, the robust decision-making, and the good life, Mino Bimaadiziwin, arising from a range of knowing and being.

Ultimately, the community is strong and unified in many respects. Internal management challenges and the range of opinions about them do not negate the communal or social nature of fisheries management at NFN: “one thing that hasn’t been taken away is the community... that’s been together for ten thousand years”. Community-based decision-making is “still happening” and “It’s a strength.” While NFN operates on “kind of a white system” in terms of the imposition

of Indian Act governance, this respondent continued, “there’s a core there...[and] that part of it has been growing in the last thirty years, stronger, and culture is coming back, and certain things – the language is coming back.” It is coming back and can even be even strengthened by contemporary issues and challenges.

“[A]t the end of the day, as much as we fight between ourselves, and as much as the different division that we have in our community, we’re still the same – we’re still one - and the non-native government and everybody else are outsiders and will always be outsiders. So, I think, when it comes to a certain point, we’re gonna pull together and say, ‘Well, we have to do this because we don’t want to be governed by anybody else, so we’re gonna take the necessary steps to ensure....’ because if we’re not governing ourselves, we’re not a nation [...] when it comes down it, whether it’s a commercial fisherman that’s not abiding by the law, or a traditionalist who thinks that we should ban commercial fishing altogether, at the end of the day, they’re gonna be standing side by side if it comes to fighting the government.”

The sense of community, of “strong connection to my community, to my people, and to the land, and to the water” seems to be the most important opportunity and strength. Building on these connections will only help to advance the interests and goals articulated in these chapters; for instance, “[h]aving the community more involved” and trying “to rebuild a stronger identity to the lake, and to express that to the fishing partners for Nipissing, in a very respectful way [...] the fishermen would come together and kind of respect that too”. The connection piece, inclusion and belonging, emerge once again as organizing feature in the research.

## Conclusion

Undeniably, the MOU is a significant break from the status quo. Ontario does acknowledge Indigenous law through the MOU. However, the blame, still directed (and funded) by Ontario towards NFN suggests that the MOU is not in and of itself a harbinger of fundamental change. It succeeds in granting the province a form of access to the First Nation fishery, something it has ceaselessly sought to control. MNR is now empowered by the MOU to work with NFN to restrict harvesting practices, aligned with the structural imperative of settler-colonialism, articulated by a community member, “to control [and] reduce or eliminate our rights to the fishery”. That said, their reach is seriously limited by the enforcement protocol established by NFN, and NFN is free to terminate the agreement at any time. Opposing positions are entrenched, at least for the time being. The MOU supports a community need, but it is not co-



existence, co-governance, or knowledge co-production. It is but one strategy among others to assert self-determination. NFN is aware of these limitations, of its need to content with the brutal pressures exerted by settler-colonialism, and that the MOU does not provide adequate support to rebuild what was taken. Beautifully articulated by Zoe Todd, the MOU is an example of the “principled pragmatism” exercised by NFN, not capitulation to provincial jurisdiction (2014, 219). A “mechanism to keep on talking” (former NFN leadership), the MOU also demonstrates NFN’s commitment to implementing its side of the treaty – that is, to customary and sacred law.

While consistent with the structural conflict built in to the system, instead of concluding through a binary framework that the MOU is either an example of assimilation or resurgence and that particular assemblages within the community are problematic, I have demonstrated the generative potential of a more relational and contextual analysis. Eschewing division, a relational perspective is supported by feminist, black, queer, and other liberatory social and political thought and aesthetic critique (see for example Solnit 2016, Moten and Harney 2013; Monkman 2017; Georgis 2013), as well as in Indigenous-led, intersectional, and “unlikely” alliances (Grossman 2017). For example, queer theory complements and offers insightful alternatives to the binary logics that would assign communities as either assimilationist/conciliatory or resistant/resurgent. Resonating with an important interlocutor at NFN who argues that the fishing crisis is not a problem of biology, but of psychology, Dina Georgis argues that by engaging non-normative forms of desire, that is, emotion that is *unworked-through*, new stories can emerge that help people to face grief, melancholy, suffering and other expressions of queer affect and ultimately bring about healing.

Colonialism ensues, but so does an elsewhere. McGregor and Plain (2013) write, “Anishinaabe people have faced many challenges over the past two centuries, yet we strive to retain the principles, traditions and values of our nations” (103). Striving and retention take many forms and can resemble patience and understanding (Sinclair 2014, 94) as well as “co-existence with dignity” (Lee in Sinclair 2013). Resurgence is called for at NFN, but not “based on anger”, “frustration”, or the “community dysfunction [arising] from multi-generational trauma”, which “cloud our decision making here in Nipissing [instead of taking] responsibility for ourselves and fight for our rights” (traditional person, NFN). In this context, resurgence is to have people “really think” and to “make decisions that are in the best interest of all of our people, collectively” – and to operate from a place of “love” for the lake (interview respondents). It

fundamentally involves knowledge traditions and is about collective governance processes. To rebuild the unity needed for survival as land-based peoples, accessible with the help of the mnidoo and the animals, suggests Day, is to “learn to live [in place]” (100).

Looking ahead, one might ask what NFN *is* doing (as oppose to not doing) and what is needed by way of support to generate more robust decision-making processes (buy in). A relational perspective discourages harmful discourses that push FN people into a defensive position and makes it harder for community to be proactive or practice deliberative decision-making. It attends to First Nations’ own conceptualizations of power, equity, and governance, including models for working together across difference (i.e. the treaties). Through politics of refusal (i.e. non-compliance), a generative lens, what becomes legible i.e. non-compliance is then read as yet another exclusionary mechanism, like the racist and sexist Indian Act and ‘legal’ expropriation of First Nations fisheries. Finally, through an Indigenous legal order, what becomes visible? Similar to Von der Porten et al. (2017) who argue convincingly that Canada and the provinces need to better “reflect Indigenous inherent and legal rights” in their marine and other resource policies, it is to this very final piece that I now turn.

From this analysis, Nipissing law, which includes ethical Nation-to-Nation relations, robust natural law, deliberation, and sacred, customary and positivist forms of law, provides a relational framework through which governance might be improved on Lake Nipissing. In two works intended for the wider Canadian audience, Anishinaabe legal scholar John Borrows (2002, 2010b) argues for the resurgence of Indigenous law within a system of legal pluralism. The imposition of legislation and common law have weakened Indigenous peoples’ connections to the environment, displaced traditional land use patterns, erased Indigenous environmental practices, and excluded Indigenous peoples from environmental management (Ibid. 30), and the absence of mechanisms for First Nations to interact with their neighbours results in conflict (Ibid. 43). He challenges Canada’s unilateral assertion of sovereignty citing that the prior and continuing legal order and territorial rights of Indigenous peoples have never been lost or surrendered. Essentially, Indigenous law survives as an “unextinguished prior and continuing legal order” (Ibid. 112-113). Nipissing First Nation is engaged in the articulation of their law and jurisdiction over the land. As for relations between nations, Borrows argues for ‘coextensive’ sovereign powers between Aboriginal peoples and the Crown (2002, 115), a multi-jurisdictional

legal culture (2010b, 1), and legal pluralism (2010a, xiv). Treaties already provide the “inter-societal framework” for peace, order, and the harmonization of laws (2010b, 21).

Advancing critical legal scholarship, Borrows remains overwhelmingly optimistic. Characterizing Canada as “a work in progress” (2010a, 68), he seeks to re-inscribe Indigenous values over the landscape (2010a, scroll 12), writing that “[room] has to be made to receive [Indigenous] issues, individuals, institutions, and ideas on their own terms” (2010a, 134-35). Living Indigenous legal systems (2010b, 56) need constant renewal and revision (60). In a collaborative tone, he argues that Anishinaabe teachings and law require broad “interpretive communities” (Ibid., 10), as they “were meant to be tested in many settings and circumstances” (2010a 114). Indigenous law is relevant, dynamic, and capable of responding to and informing contemporary issues, individuals, institutions, and ideas both on and off the reserve (Ibid.). All would benefit from the harmonization of laws, reduced conflict, and enhanced relations with the land. A variation on the fish-WIKS focus on IKS, Borrows writes: “our legal traditions have something important to add to how we make decisions in this country”, particularly generative where the western legal system fails (Ibid., 197). Indigenous laws “give us knowledge of the earth that is impossible to get from other sources” (Ibid., 72). And the *Kaswentha* (Two-Row Wampum), for example, has already been shown to provide a viable “approach to collaborative environmental protection based on a relationship of mutual respect and cooperation, and the desire to work together to solve commonly held problems” (Ransom and Ettenger 2001, 228; McGregor 2004b). Ultimately, the bases for cooperation between peoples and with the land have already been established, but, untapped, they are missed. In my final chapter, I consider ways of thinking that might help us to pick these up.

## Chapter 6: Power and Vision

Last chapter I argued that Nipissing law is the source and route to right relations of governance at Lake Nipissing. How this might be realized motivates this chapter. I begin with my fifth and final research vignette, entitled, *The Nation-to-Nation Relationship (and Beyond)*. In it, and in this chapter, I could have concluded with the absolute and enduring structure of settler colonialism, or short-change my foregoing analyses and say that more education, awareness, and appeals to human rights will help NFN. But the most important questions do not start (and *did* not start – I realized I needed Historical Context, part I after writing part II, the colonial history of fisheries in Ontario) nor end with the settler state.

*Last month I wrote that respect for natural law, effective self-governance, and nation-to-nation relations support healthy fish ecologies. Because fish have their own cycles and do not observe political boundaries, at least some cooperation between governments is necessary. Thinking about cooperation and coexistence, in this reflection I explore the relationship between First Nations and non-First Nations involved in Lake Nipissing fisheries.*

*These days, NFN cooperates with MNR on fisheries assessment, monitoring, and now enforcement of NFN Law. This is incredible to me considering that intimidation and harassment, surveillance, and arrests are a living memory in the community. Relations with government have improved; however, they have yet to exceed settler-colonialism. Settler-colonialism is not an event or even a collection of events, but an enduring structure built on certain logics, interests, and technologies or mechanisms that shape relations between people and with other beings and the land itself. Because fisheries management has been used to establish and maintain colonialism in Canada, can relations between First Nations and the Crown ever really improve?*

*Historically, the creation of reserves, together with new [fisheries management and law](#), worked to dispossess First Nations of their land and open the resource to settlers. According to a research participant at NFN, “the camps didn’t want the Natives setting nets”; however, non-Native communities benefited from their own netting, a thriving commercial sturgeon fishery, and of course from the tourist camps. Across Ontario, powerful mid-19<sup>th</sup> century [sportsmen's associations](#) influenced the early development of fisheries management, establishing arguments*

*against Aboriginal rights, recasting Indigenous fishing systems as a serious threat to conservation, and contributing to the criminalization of Anishinabek fisheries. Their ‘truth statements’ about “equality” and rights frozen in time endure in the online comments and present-day lobbies. These, combined with fisheries management principles (like, the privilege afforded to non-Native interests, even [in the courts](#), and government efforts to limit Aboriginal fishing practices), continue to obstruct Anishinabek fishing systems.*

*While settler-colonialism exerts an oppressive force on communities and their fishing practices, it is also productive. Fishers, families, and the community as a whole are forced to respond to colonial interventions. In this way, colonialism produces new ways of being, knowing, governing, and so on. For instance, when traditional economies were suppressed to make way for settler economies, guiding became an important survival strategy. When guiding work became scarce (or replaced by non-Native guides), commercial fishing occupied the void. Covert strategies to catch and market fish were carved out of repressive times. Adaptive strategies and logics that emerged then, also endure today: distrust of government, resistance to scientific data and centralized resource management, and firm defense of rights. Whether it’s racism, a threatened way of life, or internal tensions, difficult challenges facing the community are products of colonialism.*

*Regarding my question above, consider the findings of the [TRC](#): that governments wished to divest themselves of legal and financial obligations to Aboriginal people and gain control over their lands and resources (assimilation means no reserves, no Treaties, and no Aboriginal rights). Like residential schools, the suppression of Aboriginal fisheries was an assimilative tool, another colonial mechanism. Research participants understand that government efforts to “legislate us out of existence” were deeply entwined with those to “get Native people off the lake”, “exclude us from the economy”, and “eliminate our rights to the fishery”. That colonialism works through the [legal capture](#) of fish is revealed in many ways: an abundance of fisheries-related conflicts (Saugeen, Burnt Church, Wisconsin Walleye War, British Columbia, etc.), glut of Supreme Court cases dealing specifically with Aboriginal and Treaty-based fisheries, [failure to implement](#) hard-won commercial fishing rights, and, on Lake Nipissing, the “tidbit” offered by MNR in the form of changing the slot size. Cooperation and coexistence are*

*deeply challenged by colonialism's [shape-shifting](#) nature: it constantly evolves to find new ways of securing Aboriginal lands and resources. After 150 years of treaty violations, the relationship between governments will likely remain cautious and strategic, with First Nations leveraging shared interests only where it is perceived to advance their rights, claims, and interests (like the MOU).*

*Having said all this, maybe I've not posed the right question. Wrongly, I've assumed that First Nations' liberation is based on the (unlikely) goodwill and generosity of the colonial state, its agents, and the nation-to-nation relationship. More compelling questions start with the actions of First Nations themselves: In what ways are knowledge holders, harvesters, and leadership transforming western science and resource management for the better? What long-standing principles and values can be drawn from traditions within the community to deal justly with internal challenges? What can [love](#) and the seven grandfather teachings, [transformation](#), cyclical time, and agency from an Anishinaabe worldview teach about sustainable futures?*

*The capture of fish has been deliberate and specific, and it has worked to entrench colonial relations of power between people and environments. But fish have also been central to First Nations' resistance, proving that colonialism is not inevitable or complete. Resilience and a refusal to accept inequality run deep. What opportunities stem from here? What futures become possible from this position of strength? And how does the community (with its neighbours?) get there?*

## Wresting jurisdiction and structural conflict

The historical record suggests that the wresting of jurisdiction is an ongoing project, as I argued in chapter two of this work. It is never complete because Indigenous peoples continue to resist and, against the odds, to thrive on their territories. Thus, conflict is built into the structure of settler-colonialism,<sup>94</sup> particularly salient with regards to the fisheries. In the contemporary context, it is incongruous to believe that the Crown will meaningfully support the ideals I have discussed in this work, such as Nation-to-Nation relations, partnership and meaningful participation in state frameworks, legal pluralism, truth and restitution. In what follows, I provide

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<sup>94</sup> 'Indian' displacement is never complete, leaving settler society in a state of "infinite paranoia" (Byrd 2011, xviii).

evidence to support this claim and then shift to Indigenous theories of power, change, and transformation, an entirely more generative way to conclude this project.

In addition to opportunities outlined last chapter, Ryan Bowie (2013) describes constraints to First Nations' meaningful participation in environmental governance:

- Uneven relations of power embedded in bureaucratic institutions e.g. priority-setting and decision-making authority remain with the state;
- Access to resources remains the “primary motivation for Canadian and territorial governments to negotiate land claims” (101);
- (narrow) state interpretation of historic treaties;
- Constitutionally-defined provincial jurisdiction over lands and resources;
- Limited effectiveness of participation in Environmental Assessment and limited Impact and Benefit Agreements with industry i.e. cannot say no to unwanted infringement or development;
- Insufficient and highly conditional government funding; and
- Immediate community needs.

Expressed in these constraints is the settler-colonial imperative to eliminate Indigenous peoples in order to secure unfettered access to lands and resources, an ongoing “structure, not an event” (Wolfe 1999; Wolfe in D Moses 2008). Once Indian Affairs had been transferred from military to civilian control in 1828, a campaign of settlement and ‘civilization’ began in 1830 with the implementation of a new set of policies by British and British-Canadian authorities, with assimilation the primary objective (Brownlie 2003,154).<sup>95</sup> The goal of Indian Affairs policy was acculturation and *integration* into Euro-Canadian society, the “gradual elimination of First Nations people as a distinct group” (Brownlie 2003, 30). Why? Most recently articulated by the TRC, Canada “wished to divest itself of its legal and financial obligations to aboriginal people and gain control over their lands and resources” (3). The impetus for Indigenous expropriation remains.

The ability to dispossess, as well as the momentum, moral justification, and technology to dispossess consists of physical power and violence (including threats) against Indigenous bodies

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<sup>95</sup> Before this time, Indian agents or superintendents were hired by Britain to maintain diplomatic relations with First Nations, acting as ambassadors and distributing presents to secure and maintain military alliances, no longer needed after the War of 1812 (Brownlie 2003; RACP 1996).

(especially women's); infrastructure, policy, law, and maps; the interests of capital in profit and of settlers in forging livelihoods; and cultural discourses of race, land use, and nature (Harris 2004). Additional mechanisms include research (Smith 1999), fisheries management (Harris; Bavington), 'TK' (Nadasdy), jurisdiction, law, and the alchemy of sovereignty (Borrows 1999; Pasternak 2014), and knowledge – or who and how we know (Simpson and Smith).

Consequences include many of those identified by the RCAP (1996) and the Report of the Ipperwash Inquiry (2007): poverty, frustration, and conditions ripe for conflict. Since the last visit by the United Nation to Canada in 2004 - the same year evidentiary hearings began on the events surrounding the death of Dudley George at Ipperwash, James Anaya, Special Rapporteur on the rights of indigenous peoples, reports that in 2014 relations between the Crown and its former First Nations allies have deteriorated. Treaty and aboriginal claims remain persistently unresolved and there is a high level of distrust among indigenous peoples toward government at both federal and provincial levels. Thus, conflict ensues; and constraints to effective partnership, like those identified by Bowie (2013), are firmly entrenched.

This discursive and material violence plays out in my region under study with regards to the fishery. Social media, comments on online news stories, and opinion editorials promulgate ignorant, hateful, and race-based speech towards NFN harvesters (Figure). Anti-First Nations racism is often explicit, including discrimination against 'status card users' on the lake (Smith 2017a), a petition to end 'Native netting' (Turl 2014), an active facebook group called *Stop the slaughter of Lake Nipissing* that sells t-shirts and organized a rally at the North Bay waterfront (Turl 2015), and the need to disable online comments at the height of Lake Nipissing's ghost net problem. The Ontario Federation of Anglers and Hunters continues to advance an anti-Indigenous harvesting rights agenda (OFAH 2012, 2014), promulgating views that are supported, if tacitly, by Nipissing MPP Vic Fedeli and, most recently, by provincial funding (Hamilton-McCharles 2015a; Young 2017). Nipissing fishers are still harassed, even youths, by non-Indigenous anglers, government agents, commercial and other interests, both on the water and online.



### Figure 10: Social Media Excerpts (facebook screenshots)


I think its time for everyone to stop gill netting. Gill nets are killing the fishery. It doesnt matter who they belong to.

Reply · Like ·  12 · Follow Post · July 18, 2014 at 1:23pm

We live in the 21st century! I was born believing that we all have the same rights as individuals, no matter where or who you come from. Why do some of us have more rights then others? I feel like some of us are at the back of the bus on this trip.

Reply · Like ·  2 · Follow Post · July 19, 2014 at 9:28pm

I don't think the use power boats in accessing nets was also part of any consideration given when netting was agreed upon in treaty rights.

Reply · Like ·  1 · July 20, 2014 at 4:39pm

Think about all those outfitters, businesses and camps that businesses are suffering due to the low numbers and commercial fishing. Nobody is buying fishing gear, gas, oil, repair boats, rent ice shacks, rent hotels, renting a cabin and boat, taking a guide for

Many comments exemplify “discursive re-inscription” (Howitt in Coombes et al. 2012, 695), the persistent reproduction of Thoms’ ‘truth statements’ and other legitimizing discourses. They powerfully demonstrate that “ideas about Aboriginal difference” continue to contribute to the “symbolic ordering of social relations” (Brownlie 2003, 142), including on the land and water. Online comments often focus on changing tools and technologies, a convenient and contingent tethering of NFN’s contemporary commercial fishery to a constructed past. Recall from Brownlie that technology and material culture figures prominently in constructions of Aboriginal legitimacy. There’s abhorrence for the use of nets, a racist-cultural-class contrast with fishing for leisure (Thoms; *they don’t like the way we fish*), as well as ‘modern’ technologies, such as motorboats. Their use by Nipissing’s fishers is seen to nullify any historic claim to fishing rights. The past continues to define Aboriginal rights (historic technologies only!), except with regards to treaties, which are viewed as lifeless relics of the past. This distorts the reality of treaty violations, government obligation, and the legitimacy of claims, re-framed as “special privileges” void of any enforceable right and can be withdrawn at any time (Brownlie 2003, 93). This recycles colonial logic from a century ago: Having already “served their purpose”, the treaties were, in the words of an Ontario Indian agent during the interwar period, “‘past and done with’, an archaic relic of times past” (Ibid. 82). Moreover, comments that reify subsistence

harvesting rights (as opposed to commercial) reproduce constructs of an ‘Indian mode of life’ in which traditional economies have no place. This has justified assimilation, expropriation of fish resources, enfranchisement and encroachment onto reserve lands (in combination with reification of private property) and is upheld by the Canadian legal classification of separate subsistence, ceremonial, and commercial Aboriginal fisheries (Harris and Millerd); the affirmation of subsistence rights by the courts is a potent example of the cunning of recognition. These discourses distort the ongoing legacy of economic exclusion and marginalization from fisheries and natural resources more broadly, and systemically (Linden), which, as I have shown, accounts for some of the issues of non-compliance, or defiance, at NFN today. In agreement with Thoms in the case of Lake Nipissing, such discourses in the Nipissing context “continue to obstruct the rehabilitation of Ojibwa fishing systems and treaty rights” (ii).

In terms of formal policy, in the Fish chapter I outlined the incommensurability between Nipissing human-fish relations and the organizing frameworks informing and upheld by recent provincial policy documents. Recently, the city of North Bay and District Chamber of Commerce solicited a study through provincial Trillium grant funding that Chief Scott McLeod called a "colossal waste of time", as data is regularly reviewed by NFN with the OMNRF, and, in 2016, by independent reviewers (Turl 2017b; Young 2017; OMNRF 2016). The Chief questions the intent of the report:

“It's presented in a very colonialistic point of view because it seems to centre on the importance of the fishery around the local economy. [...] It's maintained our community for 10 thousand years and somehow that's not as important as a local economy. However, we're kind of conditioned to that kind of perspective. That's not surprising.” (in Turl 2017a).

And while the report's summary suggests that MNR is leading management initiatives on the lake, which is untrue, the MNR in their own documentation still blames NFN for declining stocks, if tacitly (see MOU case study, above) – and this is mirrored in everyday contexts, such as social media and online news.

In her book, Brownlie (2003) argues that little has changed since the inter-war period: “[a]ll in all, it is not unfair to characterize the systems with which First Nations people currently deal as slightly modernized versions of the old colonial DIA system” (2003, 157). Indian agents were phased out in the 1960s, and some staff are now Aboriginal, but they are bureaucrats who implement the *Indian Act*. Today, significant, scarce resources are invested by First Nations into

negotiations with governments; band councils often have few sources of revenue besides federal transfer payments that are controlled by the federal government; and officials shape policy. The department faces a high turnover rate from its employees and ministers alike, while the systems remains bureaucratic, rigid, expensive, “premised on the colonial notion that [Aboriginal people] cannot administer their own affairs” (157), and Indigenous elimination (Diabo). Moreover, hundreds of unresolved grievances regarding land, treaty implementation, and harvesting persist, the same claims raised by leadership for decades (156). Provinces remain “singularly reluctant to recognize Aboriginal rights” (156), seen clearly in the Report of the Ipperwash Inquiry and aftermath. Officials may intervene to help communities “obtain the greatest possible benefit from existing conditions” (93), for instance in the case of past exemptions to licensing regulations granted to some First Nations so that people could feed themselves (92), and perhaps the MOU in the present, but the Crown’s self-interest, the settler-colonial imperative, remains.

Inherently, neither government nor their policies are set up to benefit Indigenous peoples. There is little, if any, evidence to suggest that the recognition of Indigenous peoples’ “essential” role in natural resource decision-making (Doyle-Bedwell and Cohen) will translate into meaningful implementation (unless First Nations do the implementing, as is the case with the NFN Fisheries Law). I doubt that “a more positive relationship between Canada and first peoples” (Brownlie 2003, xxiii) is possible. I’ve established that more knowing and awareness will not work, nor will appeals to rights based on racist conceptualizations of the human (see da Silva 2007). If a more positive relationship were possible, if Bowie’s constraints were to be lifted, it would entail colossal limits to settler-colonialism (an improved relationship, articulated by a community member, is contingent on the meaningful recognition of NFN rights and jurisdiction)<sup>96</sup>; and, on the part of Indigenous peoples, continued political pressure, ‘principled pragmatism’, and ‘vigilance and suspicion’. Thus, the remainder of my argument tacks in a different, more fruitful, direction.

The fishing wars and other land-based conflicts are structural, but the status quo and current challenges are neither natural, inevitable, or absolute. First Nations have made incredibly successful adaptations, continue to preserve their treaty and inherent rights, and exert powerful political pressure on governments. Despite efforts to get First Nations fishers off the lake,

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<sup>96</sup> “they’re getting more...seeing our side of it, a bit [...]now they know the treaty, and it won’t stand up in court when they put charges on people They know that now, so they’re kind of backing up.” (participant)

Nipissing First Nation remains a fishing community, asserting their “knowledge and command” of the lake (NFN technician). Against a host of compounding issues and challenges, NFN is enacting its role on the lake and its responsibility to community members and to the fish.

Thus, I conclude my analysis in a way that speaks not to dead ends, but to motion, trajectory, and survival – harkening to weak theory (Wright 2015), and consciously aligning with Indigenous theory. Promise and opportunity for fish and fishing communities lies not in government policies of inclusion but in the leadership of First Nations, including their approaches to fisheries, and in the myriad elsewheres articulated by diverse Indigenous individuals and collectives.

## Indigenous futurities

My thinking at the end of this work returns to my thinking at the beginning; that is, to center Indigenous ways of knowing and being in ways that are grounded in my own lived experience, motivations, and relations to the histories and geographies of Indigenous (Anishinaabe) peoples. This is the right move; checked against my relations of accountability, it is validated by my observations and conversations with research participants and other contacts at NFN, and I see it reflected throughout Indigenous scholarship – to which I briefly turn...

Eve Tuck and Wayne Yang (2012) talk about the impossibility of Indigenous decolonization according to colonial frameworks (both discursive and material), premised as they are on the ongoing settler-colonial desire for (re)settlement, (re)occupation, (re)inhabitation, and to “rescue settler futurity” at the expense of Indigenous futurity (1). Here, and in another work by Tuck and Gaztambide-Fernández (2013) who cite Andrew Baldwin, futurity is “rendered knowable through specific practices” and “intervenes upon the present through” anticipatory logics, including pre-caution, pre-emption, and preparedness (80). In effect, settler futurity precludes that of Indigenous peoples, as it rests on their (discursive and material) elimination and replacement. Alternatively, Indigenous futurity “does not foreclose the inhabitation of Indigenous land by non-Indigenous peoples”, but it “does foreclose settler colonialism and settler epistemologies” (Tuck and Gaztambide-Fernández 2013, 80).

While I think that some elements of post-positivist qualitative research and critical social theory *do* complement Indigenous theory (i.e. justice orientation), Tucks’ assertion combined with that of Watts, who argues convincingly that a holistic Indigenous epistemology-ontology-

axiology-materiality-cosmology cannot be dissected without harm coming to Indigenous peoples, lands and to other beings, and that there is *power* in this holistic, dynamic worldview (power that is missed from Western frameworks), has convinced me to look to Indigenous theories, especially of power, change, and transformation, in the contemplation of fundamental questions raised in this dissertation. Ultimately, this concerns the nature of settler-colonial power and what is needed – materially, conceptually, spiritually - for Creation, including humans, to thrive.

## Anishinaabe theory

At an international Indigenous research conference in 2014, Katrina Walters, in her talk that included reference to the Trail of Tears, upended what Even Tuck has called a ‘damage-centered’ narrative (2009), undergirded as it is by colonial narratives of the vanishing Indian and theories of “scarce” power (Tuck 2016).<sup>97</sup> Without erasing violence, pain, and loss, Walters emphasized the agency, creativity, and survival of the people, expressed as the “power, love, and vision” of the ancestors. Like the Ryan McMahon’s (2016) emphasis at the NFN Elder and youth workshop, it is vitally important to teach youth about the ongoing history of settler-colonial violence without dampening the gifts of creativity, vision, and energy that they embody. What McGregor and Plain (2013) call, an “integral aspect of Anishinaabe knowledge revitalization”, youth are fundamental to “the re-creation of knowledge to sustain current and future generations while honouring our ancestors” (103). A theoretical framework that inspires and sustains the youth (their energy and creativity) is fundamentally important.

Indeed, Indigenous theories of vision, power, and love, change and transformation, agency, creativity, and survival are instructive at this stage of my analysis. While a full review of the literature is beyond the scope of my purpose, I will reflect some elements that help to explain what is taking place in Nipissing territory.

Anishinabek are exceedingly visionary and creative. According to Creation stories, it was profound “creative and artistic energy” that compelled the dreaming and “then the making of this of this universe [...] creating everything we know”, including Anishinabek, who embody the limitless intellect, creativity, and vision of Creation (Simpson 2013, 44). Vision is an important

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<sup>97</sup> At the 2014 International Indigenous Development Research Conference hosted by Ngā Pae o te Māramatanga at the University of Auckland.

part of the tradition of being Anishinaabe. Leatherdale describes historical records of visioning ceremonies conducted by the Nipissing. Day (2013) shares that *jiiskaan*, the shake tent, and other visioning ceremonies including fasts and other rites of passage, were performed throughout Anishinabek territories. Simpson (2013) explains that the Anishinaabe Re-Creation Story teaches of the possibility to generate new vision from even the smallest grain of sand.

Power according to Indigenous theories tends to be “amorphous, diffuse, flowing around and into us, social” and dynamic, not binary (Deloria in Tuck 2016). From his perspective as a land-based Anishinaabe who has learned from Elders, “Bush Anishinaabeg”, stories, and from the land, Isaac Day (2013, 85) talks about abundant power that is spread across Anishinabek territory: “The land is rich with *mnidoog*”; it is “rich with the history of our people” (85). Rock paintings throughout Anishinabek territory speak to the power of the *mnidoog* who live in particular areas. A kind of being communicated with at rock painting sites are the giant serpents, *mishiginebig*, underground or underwater *mnidoog*: “They say the serpents have horns, little legs in the front and back, and are big and black [...] These *mnidoog* are very helpful, but also very dangerous. They are sometimes said to be evil beings, though I find that debatable” (Day 2013, 90). Diffuse across the land (Day 2013), the power of the *mnidoog* registers as strong, temperamental, unpredictable, benevolent, indifferent (Day 2013); and also ambivalent, indeterminate (Nelson 2013, 221), and ‘transactional’ as Anishinabek would gift, commemorate, and otherwise acknowledge and reciprocate for the help or protection offered by the *mnidoog* (Day 2013, 90-92). They require reverence and reciprocal relations from human beings (Nelson 2013).

A helpful articulation of the nature of power, Melissa Nelson (2013) writes of *Mishipizhu*, an underwater panther and powerful manitou. Providing two separate stories about *Mishipizhu*, she demonstrates ‘Trickster logic’, an epistemological clue or tool that can be used to creatively respond change – in this case to climate crisis.<sup>98</sup> Trickster logic, drawing on Gerald Vizenor, is “a tool of liberation from any form of linear, monolithic style, and universalizing theory” (214). In one version of her story, *Mishipizhu* has disappeared from the waterways and underground tunnels across Anishinabek territory, another victim of the colossal damage

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<sup>98</sup> Against the argument advanced by Watts to treat the stories as ‘real’, Nelson (2013) frames serpent stories as metaphor and epistemological tool, demonstrating that there is no single approach to doing Anishinaabe research.

wrought by colonial climate disaster, like the fish and aquatic life going extinct or becoming endangered and like the trope of the ‘vanishing Indian’.<sup>99</sup> In the other version, Mishipizhu “the regenerator” (227), in his power that is beyond humans, is the *creator* of climate change, “orchestrating these massive shifts as a way to renew and balance the peoples and systems of the earth” (214). Disavowing binaries in favour of adhering to Trickster logic, Nelson concludes in wonder if there might be a third, forth, or other way to answer the question, “Will Mishipizhu survive climate change, or is he creating it?” (228). For instance, because the serpents have relations with other mnidoog –the thunder beings are “the enemies of the serpents” (Day 2013, 91) - perhaps together they would have something to say about climate change. Nelson argues that versions of the story ask us to explore the power of Mishipizhu as an entity (real ‘person’, for lack of a better English word) *and* as a metaphor, highlighting the value of metaphor in Indigenous ways of knowing and relating to others, the “rich cognitive and imaginative realities” of Anishinabek narrative (228).<sup>100</sup>

The gift of transformation figures prominently in Creation and re-creation stories, Nanabush stories, indeed, many Anishinabek stories, including the serpent story that follows. The ability to transform “is an important attribute of the Anishinaabe people and is held in high regard” (McGregor and Plain 2013, 106). Equally applicable to knowledge, the continuous process “of learning, testing, creating and transforming” means that while new knowledge is created, “old knowledge” does not disappear, but changes form “with the intent to serve the people” (107), something I heard repeatedly at NFN - that knowledge serves the needs of the community. The youth play a fundamental role in transforming and creating new knowledge, re-visioning governance, and imagining “a future filled with promise” (104). Grounded in core elements of tradition and culture – that is, grounded in relation to the Elders (mentorship) who carry language and the teachings, equipped with transformative and visionary energy, the youth make sure Anishinaabe society continues to “flourish” (McGregor and Plain 2013, 103).

Animating theories of vision, power, and transformation are language and the epistemic tools found in stories. In a book that is largely about the meaning, function, and application of

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<sup>99</sup> Though, it is the thunderers, not humans, who are able to kill Mishipizhu (Deb McGregor, personal conversation, June 27 2017)

<sup>100</sup> Anishinaabe hydromyths and narratives of ‘moral ecologies’ “demonstrate their ability to increase humans’ cognitive adaptability and to stretch our imaginative capacities so that we can generate new ways of thinking and being in the world” (Nelson 2013, 229).

stories as the center of Anishinabek studies (methodological and theoretical approach to stories), editors Doerfler, Sinclair, and Stark (2013) write,

“Anishinaabeg stories are roots; they are both the origins and the imaginings of what it means to be a participant in an ever-changing and vibrant culture in humanity [...] They embody ideas and systems that form the basis for law, values, and community. Stories are rich and complex creations that allow for the growth and vitality of diverse and disparate ways of understanding the world” (1).

Stories connect past, present, and future; and they are participatory, ‘storying’ the listener into life; they provide epistemic tools for understanding a dynamic reality, and they guide behaviour through the depiction of moral landscapes. In their form, stories mirror the transformative/transformable, complex, and resilient nature of creation/re-creation, Anishinaabe culture, and of relationships. As theory, they describe meaning; they provide instructions or a “map” to navigate challenges and create new worlds, depicting reality, knowledge, and law, as perpetually unfinished, undefined, and in progress. As methodology, they celebrate complexity, diversity, and contradiction; individuality, possibility, and growth, as meaning is often left to be inferred by the listener (Ibid.; McGregor and Plain 2013). Stories are alive (Stark 2013); they are *manidoog* (manitous), “living beings who work with Anishinaabeg in the interests of demonstrating principles necessary for *mino-bimaadziwin*, that good and beautiful life” (Doerfler et al. 2013, xviii). In these and other ways, stories have the potential to extend and illuminate many points I have made in this dissertation.

## Nipissing futurities

The powerful and visionary quality of Anishinaabe theory is apparent at NFN. The ethical dimension that dictates how fishing should be practiced - the values that live in the ‘heart’ - are intact, embodied by the young generations; the fish are “surviving this onslaught”, the people as well, because the Nipissing celebrate the water and conduct ceremony for the fish; the community is adopting an increasingly cultural stance, what I understand to mean decision-making that accounts more for responsibilities (reducing catch) than rights (to harvest); and, pushing for change, community members are deliberating publically on social media sites, sharing the data and advocating for harvesting limits, going “out on the limb” in difficult political conditions to protect the resource for the future. Some of these people are motivated by



the teachings, and specifically the prophecies, linking past, present, and future: “we're the eighth fire [...] and we are standing up now”.

There is a sense of motion and trajectory: “our communities are all going through a transition”; “We’ve come a long way in last 50 years”; and, talking about the community meetings “it’s a start and there’s lots to do”. Even with regards to ‘imitating western society’ with new enforcement protocols that have replaced the ‘old rules’, a youth ventured that perhaps “it might be just a part of our evolution”. To grow the fisheries department increasingly in line with the culture, to get “us back to that connection”, to fully utilize the Constitution, will take time. In this state of change, there is a striving for balance, for instance as leadership tries “[their] best” to navigate “a very delicate situation” that is enforcement. And there seems to be ease with transition and transformation:

“I think, the way the band is managing the fisheries, I think it’s an attempt or a beginning – it’s a beginning of something that’s going to be for the better for the community in the future. We have a long ways to go but, just like anything else, when something is just new, it’s going to grow, and along with growth comes a lot of good things will come out of it too, and I think it’s good for the future generations that are coming. They’re going to be born into a community that’s practicing conservation and practicing good harvesting for our community, and we have a bit of growth that’s going to have to take place here.

Already, people reported from the community consultations, there is an apparent shift from ‘it’s my right’ to something more akin to standing up for the fish. Key informants indicate that compliance and numbers have both improved since the MOU. There is a desire to use “our intellect and our free will to take our own responsibility for what’s happened”, resonating beautifully with the revitalization of knowledge theory discussed above.

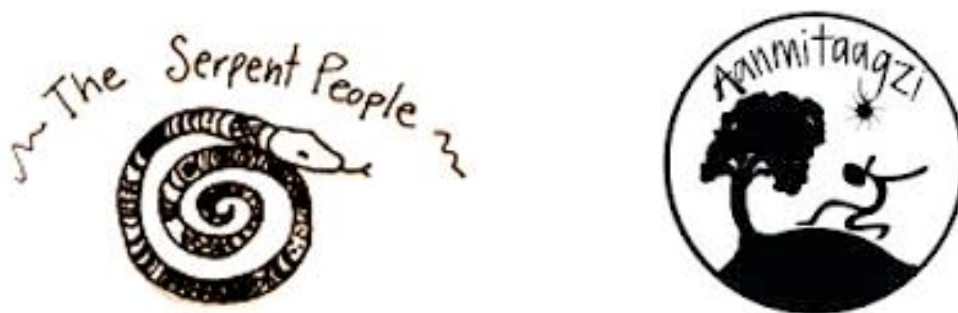
Stories help to navigate difficult political-ecological-cultural terrain. Creation stories, the teachings, even when called “common sense” (don’t waste or don’t abuse the resource) guide community members I spoke with. Reflecting on the current situation, “we’ve never had to deal with such a low population of fish. So the extreme idea of not fishing for five years sounds like a viable option in my opinion, but I come from a house thought that doesn’t rely on the lake as others do, so it’s easier for me to say something like that”. Considering the implications of this for the fishermen, this respondent looked to the teachings for direction:

“Fishing is what they do and they do it well. I feel like, culturally, it’s hard to answer something like that. There’s probably teachings for when you can’t do something, like in extreme situations, not that it particularly involves fishing, but there are teachings about when the loss of culture had happened and nobody was putting down their tobacco and stuff. The Creator was very disappointed with us to the point he was going to wipe us out, but the eagle saw pity on us and flew all across Turtle Island to find at least one person offering tobacco to the Creator. Eventually, just before Creator flooded Turtle Island, migizi (eagle) found someone. I’m sure there’s some sort of cultural teachings like that about fish. I heard a prophecy and I thought it was sort of silly at first, but it has to do with the maple syrup. We have a room where we harvest it; the cultural teaching is that when the syrup stops running that’s the sign it’s the end for mankind. So you hear these four horsemen of the Apocalypse, but for First Nations people it’s when the syrup stops running.”

He concluded, “So I’m sure there’s a teaching about fishing and stuff like that. I heard one story about the Serpent of Lake Nipissing but I haven’t been educated in terms of how that could be turned into a fisheries story”. Story offers the opportunity to ask questions and to contribute to the vibrant deliberative legal practice at NFN. One articulation of that deliberative process is represented by the Serpent People story, which I will elucidate below.

## The Serpent People of Lake Nipissing

**Figure 11: The Serpent People (Aanmitaagzi)**



Aanmitaagzi (He/She Speaks) is a multi-disciplinary professional artist-run company serving artists and community members from NFN and the surrounding area. The Serpent People is a multi-year and multi-platform interactive community-engaged project. I saw one version of

the story performed during the 2016 Ice Follies festival of contemporary and community engaged art on frozen lake Nipissing, and more recently (June 15 2017) as a live theatre performance in Toronto.

“Grounded in historic Anishinaabe stories of the Black Sturgeon from Nipissing First Nation as told by one of Aanmitaagzi’s founding artists, Perry Mcleod-Shabogeesic, *Serpent People* gathers, reflects, and expresses stories and imaginings about the human condition. What are we consuming that gives us power? What are we consuming that is toxic? What has taken us away from ourselves and the essence of who we are? What would it take to transform us, and what transformations have we already undergone in our lives? *Serpent People* investigates these questions and explores our ability for self-reclamation and to transform for the positive” (Aanmitaagzi 2017).

Performed on the frozen ice in the winter of 2016, The Serpent People began with the line, “She came from a long line of sovereign people”. The nighttime performance enacted the story of a young Nipissing girl whose family was transformed into serpents after eating a sturgeon from Lake Nipissing. Presented just off shore at the North Bay waterfront (Marathon Beach), the dramatization depicted events that occurred in winter at the Manitou Islands, in clear visual sight of the performance. Traditionally, the story would have also been told in winter. This kind of reiteration was an important thematic, depicted visually as stylized spirals on the walls of the outdoor art installations, aurally in the words spoken by the narrator to the effect that everyone, often without realizing, is on the same circular or spiral path, but at different points, and philosophically in that, presented as story, these historical events offer an epistemological tool for *thinking* about our (all people living around the lake) relations, with each other, the past, the animals, the future – and with justice.

**Plate 5: The Serpent People Art Installation, Ice Follies 2016 (Photo credit: Liz Lott)**



On February 23rd 2016, Aanmitaagzi hosted an evening of storytelling at Big Medicine Studio, part of their Serpent People cycle of a community-engaged art.<sup>101</sup> By way of an introduction, co-directors Penny Couchie and Sid Bobb explained that their early work began with an investigation of the Chi-odjig (the great fisher) story about sacrifice and working together. Through the story they asked questions like, Who are we? What are the things that have impacted us as a community? As it happened, the youth and elders wanted to share and hear these stories. Evidently, asking questions, co-creating, listening, thinking, and relationality remain important to the Aanmitaagzi methodology.<sup>102</sup>

As told by Penny and Sid on the night of February 23rd, and other storytellers including Darren Nakogee, Clayton Windatt, and Maurice Switzer, Serpent People is a coming of age story about a girl on her berry fast, staying temporarily away from her family.<sup>103</sup> After receiving warning from a vision, she goes to where her family had been staying near the Manitou, but she finds that they have transformed into serpents after eating the black sturgeon. She finds traces of their transformation, including slither marks on the snow-covered ice indicating movement towards the ice-fishing hole, access to the frigid water. It is a story about consumption and transformation; markings, pathways, and what has been left behind (the slither marks); and what

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<sup>101</sup> The Nipissing are Big Medicine People, hence the name of studio. The particular area has a strong history of ceremonies.

<sup>102</sup> Serpent People events I attended: Ice Follies, evening of storytelling, dance classes, Toronto opening (dates)

<sup>103</sup> A variation of the story can also be found in Leatherdale (1978)

we leave behind. The spirals on the installations at Ice Follies speak to “what kinds of things [traumas] we have spiraled into”, and other installations, such as the gas pump, express that which we consume (and the oil pipeline threatening to pass through the area, at the time).

Storytellers that evening also framed Serpent People in relation to a preceding Aanmitaagzi project called, Dances of Resistance, in which it was asked, How do we resist? It is also a story about resistance and about place, the particular lands on which the story takes place and is retold. Not a moralizing story, fish and serpents are not necessarily ‘bad’ creatures – an interesting point also in the literature to which I will soon turn. Everything has a purpose. Given that it was winter, perhaps the people took the option of eating the sturgeon, which they had been cautioned against, in order to transform and to survive. Perhaps the serpents needed to repopulate. Moreover, the Manitous are known as a portal (see ref), speaking to other dimensions beyond the physical – something that arose in my interviews. Storytellers also asked the audience to consider why the story is such a prominent one in the area.

### Nipissing theory: Interpreting the story

According to Stark (2013), Anishinaabe stories work “to provide meaning to the world we live in, teach us how to relate to one another, and help us understand our place in creation” (261). They are, “emphatically a source of law as they lay out critical principles for how Anishinaabeg order their world” (262). Even with ambiguity and inconsistency, for instance “when confronted with stories of a main character [i.e. Nenabozho] whose motivations are inherently contradictory”, or seemingly so, stories help us to “expand [our] perceptions” (Stark 2013, 261), what Nelson (2013) calls to stretch our cognitive adaptability. Meaning is not imposed on the listener, but rather used to foster individuality and self-growth (Johnston in McGregor and Plain 2013); there are hints, but also ample opportunity to derive own meaning and lines for further inquiry.

Margaret Noori (2013) writes that the way Anishinabek traditionally tell stories is to ask, “*Aanii gaa ezhiwebag?* What happened? What did the people and animals do? What was the relationship of the Anishinaabeg to the space and the sparks around them? How did the Anishinaabeg discuss the relationships between humans, animals, and forces not seen?” (36-37). Meaning is derived from action rather than description and pronoun over noun (2013). Nelson (201, 217 emphasis in original) also poses relevant questions to ask of stories: What stories *have*

survived? What stories stay strong? What stories go underground? What stories re-emerge, and why?

Specifically, serpent stories do a number of things: they teach about careful and respectful behaviour around water, reminding Anishinabek of the natural laws of water and rocks (for instance stories in which the serpents kill Anishinabek who are disrespectful around water); they teach about relationality and relational time, for instance through stories of the thunderbirds, who arrive from the west to lay their eggs in April when the suckers start to spawn and battle with the serpents until they depart in the fall after the lake trout are done spawning (Day 2013, 91); they express the connection between Anishinabek and the animals, once considered great beings “because we knew we would die without them. Our whole government was based around them” (99), and they invite us to reflect on changing values regarding food and the animals. As food systems change, so too do the beliefs and values of Anishinabek.

The Serpent People of Lake Nipissing is a contemporary version of an Anishinaabe serpent story. It provides an example of re-creation and re-production that keeps Ojibwe hydromyths and narratives of “moral ecologies” alive, an important contemporary example of “good medicine stories, new myths of resilience for these unprecedented times” (Nelson 2013, 229; Peacock 2013). In what follows, I interpret meaning from The Serpent People stories, including methodological and theoretical insights, and those informing praxis.

Methodologically, as an inclusive work in progress, Anmitaagzi’s Serpent People embodies the knowledge system and worldview I have been exploring in this dissertation. Narrated and embodied in place, and at an appropriate time (winter), dynamic and inclusive (interactive performances and multiple workshop offerings open to all), capacious style (literally, temporally, and narratively) that invites participants/viewers to interpret meaning for themselves, community-oriented and community-building, the project is about investigating stories. It involves youth, elders, Nipissing and non-Nipissing First Nation members. The works are inherently political, creative, and transformative - physically, emotionally, spiritually, and intellectually. Dancers writhe across the ice covered in their serpent skins while the audience shivers through winter coats and boots; the drum calls in the spirits; glyphs of trauma, healing and reclamation adorn the walls of the art installations; and, ultimately, the stories invite participants to think, and to change our minds about relations in this place.

Theoretically, numerous questions are raised. What does the story say about the role of women and girls, and about the power and importance of water, of water beings (including fish), and women's special relation to water and role as water protectors? The nibi mnidoog (water spirits), like the water serpents, "are a very strong and sacred source of power for our women" (Day 2013, 94); and while water contains manitous, "[w]ater *is* a manitou" (Nelson 2013, 217 emphasis in original). Moreover, the government system of the Anishinaabe is traced to clans that came out of the sea, "and so our very social organization with the clan system has its origins in water" (218). There are clans and stories about specific fish, including the culturally-significant sturgeon (interviews; Day 2013; Nelson 2013).

The story asks us to consider the "consequences" of failing to be respectful at sacred sites and failing to remember and follow the natural laws of land and water (Day 2013, 98). Like Day (2013), Johnston (2013) and Nelson (2013), Aanmitaagzi storytellers resisted characterizing the serpents as 'bad'... Rather, Mishipizhu, "provides a moral lens for water relations" (221); for instance, being "wary and cautious" was and remains an appropriate response to the ambivalent and indeterminate power of water manitous (Ibid.), while the need to "make proper offerings for safety and long-term balance" to the water and to the manitous (Nelson 2013, 222) remains ever appropriate given today's ecological and social challenges. With 'offering' understood as gift (Doerfler et al. 2013, xv) and reverence (Nelson 227), this speaks, again, of the need to maintain reciprocal relations, something expressed numerous times at NFN.

I discovered a newspaper clipping, entitled, *Old Shig-Nabic Once Terror of Lake Nipissing*, dated October 28, 1936 (though my photo of the date is fuzzy) at the Callander Bay Heritage Museum. A piece of "Indian lore", it nevertheless contains extended quotes from Ernest Couchai (Couchie) of Beaucage (Nipissing First Nation) about the lake serpent:

"Shig-nabic *really* existed [...] until 10 or 15 years ago. Many Indians have seen him. One night two of the Restoules from Dokis Bay watched him swimming down the [French] river towards the Great Lakes. He was never seen again. [...] The oldest Indians claim that there have been monsters like Shig-Nabic in the lake since the beginning of the world, but that civilization has driven them out. No one knows where they go..." (emphasis mine)

Ernest's son George is reported as saying that the 'monster' had a head like a horse and that he "cruised up and down the lake. He must have fed on the fish." What an incredible local *mishiginebig* or *Mishipizhu* story! Why did the serpent leave Lake Nipissing? Settler

encroachment, running of food, and perhaps Nipissings did not take care of their relations with the nibi mnidoog? Thinking with Robin Kimmerer (2013) who invites newcomers to act like they are going to stay, what could this mean for how the Nipissing and also settlers conduct themselves in relation to an inhabited landscape? In this way, Anishinaabe hydromyths and narratives of 'moral ecologies', like Mishipizhu and like the Serpent People, "demonstrate their ability to increase humans' cognitive adaptability and to stretch our imaginative capacities so that we can generate new ways of thinking and being in the world" (Nelson 2013, 229), including for non-Indigenous folk.

Absolute dependence on game, fish, and traditional medicines meant that Anishinabek recognized that everything had value, had spirit, that all were interconnected and collectivity was essential to survival, that it was necessary to petition one's natural surroundings for good health and safety and sometimes to ask the spirits that lived beneath the rocks to intervene, especially in times of crisis (i.e. famine, warfare, sickness) (Day 2013, 99). In terms of mitigating conflict - considering that raiding was taking place at that time the serpent story took place - perhaps the racism, structural conflict, multigenerational grief and trauma facing the people, land, and many beings today warrants a similar "appeal to the mnidoo to survive" (Day 99). In terms of survival, perhaps it says something about material connections.

The installations represent creative energy, "the most powerful process in the universe" (Simpson 2013, 45), made manifest. The performances, art, and methodology demonstrate the active and material nature of that otherwise ethereal creative vision. Creation was dreamed into being by Gzhe-Mnidoo, but also formed by "making [and] doing" (Ibid.). Even the "common sense" people "[who] don't care about creation", offered a respondent, "care about [their] children, nieces and nephews – that they will enjoy this lake someday" – those not considered cultural, and those on the land, are integral to Creation, to belonging, at Nipissing.

The Serpent People stories reveal a number of other important points about political and economic relationships. The girl came from a long line of sovereign people, who remain sovereign, regardless of MNR, sports fishermen, the Indian Act, and so on. Upon discovering what had happened to her family, the girl ran a great distance across the frozen lake to a community at the Sturgeon River. It is not clear whether they were other Nipissings, Anishinabek, or newcomers. Thinking now about right relations, questions arise, such as: Was she welcomed and cared for? What does it mean to be a good guest (proper conduct), and also a



good host; and what is the role of love, one of the seven Anishinaabe grandfather/grandmother teachings (Plain 2016; Borrows CBC)? What is needed to feel safe with and related to new people? And it is suggested in the story that the raiding taking place was a product of the fur trade and new economic realities. This gives us pause to consider the impacts of new economic and systems. The Manitous are known as a place where you should not stay, so why were those people staying there? Had they run out of options? This speaks to the nature of decisions made in a state of economic, social, and political duress.

Regarding fish, in her book about the conflict over Aboriginal fishing rights at Burnt Church, Sarah King argues that it was not really about fish, but about contested belief systems (including sense of place). But here, at Nipissing, fish are central to the sense of belonging to the lake and to the tradition of being Anishinaabe. In the Serpent People story, the sturgeon, an ancient and culturally-significant fish species, is central to the transformation of the people into serpents. Also, we know that fish were important currency in historic trade relationships. This gives rise to questions about the nature of healthy relationship between fish, diplomacy, and trade, between people, fish, and livelihoods.

Many stories remind the Anishinaabe of their ability to adapt, renew, and transform “to meet ever-changing challenges and demands” (McGregor and Plain 2013, 106). They speak to the dynamic nature of Anishinabek identity, culture and knowledge, reinforcing, I think, what I have said above about IKS as an assemblage, resistant to that which seeks to ‘other’ or render it hybrid (suggesting that there is a ‘pure’ version). Like the girl in the story, the people of Nipissing embody formidable strength and resilience, and it is important not to limit their story to that of settler-colonialism –something that resounded loud and clear in my interviews, particularly in stories about enjoying the lake and the focus on healing. The story resists settler narratives about the lake, its people, and resources, demonstrating resistance from a Nipissing perspective.

In this light, what can be gleaned from how and the why Serpent People is being engaged at this time, on the lake, and collaboratively by different people? What work is it doing? As it is partly a coming of age story, it is instructive for this era of ‘truth and reconciliation’, forcing us to consider whether, in fact, this is a ‘new’ era or whether we remain in a time in which the raiding of peoples, lands, and resources/economies is the norm. Serpent people relates to a prophecy about a snake that will traverse Turtle Island, representing pipelines and their refusal

by coalitions led by Indigenous peoples. It asks us to consider what we consume, what drives decision-making (i.e. greed), and what can be done to transform? I end with comments from NFN about the prophecies and about intent.

In the Seven Fires Prophecy, the Eighth Fire and final fire is “an eternal Fire of peace, love, brotherhood and sisterhood” (Bell et al. 2010, 51). There is a choice to be made about how to live well, here, together. A traditional person at NFN explained:

“Our prophecies told us that these two nations [Indigenous and non-Indigenous] are going to walk in parallel. At one point on that linear path our paths will converge and will become one great nation. And that’s not that we’re going to be absorbed or assimilated or the other way around, it’s going to be a full recognition of partnership. That’s what we’ve really said in the treaties – we’re going to live here together and share this. But government isn’t there.

N – So you’re talking about the Two Row treaty [B: yes]? But there is recognition that there’s partnership there... the two rows don’t stay independent of each other.

B – No. Not according to our prophecies. A lot of Anishinaabe people who want to assimilate other peoples’ cultures and understanding of what the Two Row wampum means will say, ‘oh we are never meant to be together’ - that’s not right. Anishinaabe people were specifically told that those paths will converge; in the language it says we will become one great nation.”

The slither marks represent what is left behind (like the prophecies, teachings, and traditions) and is there to be picked up today. We know that the Nipissing people always traded fish, acted as diplomats, ensured that hunting and fishing and access to shared lands, including governance authority, made it into the treaty of 1850. The treaty was to ensure that there would always be fish and meat and that natural law would be upheld. These ‘markings’ are well known by some, but the knowledge is most definitely uneven among the non-Indigenous community. There is certainly room for truth telling. Whether public education will equate to meaningful partnership remains an unlikely, if open, question.

The slither marks are instructive also for Nipissing peoples who are making difficult decisions about the fisheries. They indicate continuity and momentum; providing guidance with regards to fisheries other environmental governance processes. Specifically, they signify the importance of intent. The words of a cultural teacher are paraphrased here (from hand-recorded notes):

*When the community [key word here] is making decisions, you have to look at what those motivations are. Are they what you want as the basis of your decision? Sema [tobacco] is tied to teachings of the earth as living, breathing, alive thing.*

*How do we treat it? About the fishery, what are we sending forward? It's a confused message. There needs to be clarity on what the community wants to send forward. What's the basis for action? We have to know why we're doing something, the motivation, intention. What are we equipping our fisheries technicians with? As we make decisions now, what are we equipping future people in the fishery with?*

*Intent is expressed in practices that build that "regard" [for the lake spoken of earlier], proud livelihoods, something one would stand up for, protect, maintain and renew relationships – with the self, family and community members, other communities, nations, and with all of Creation.*

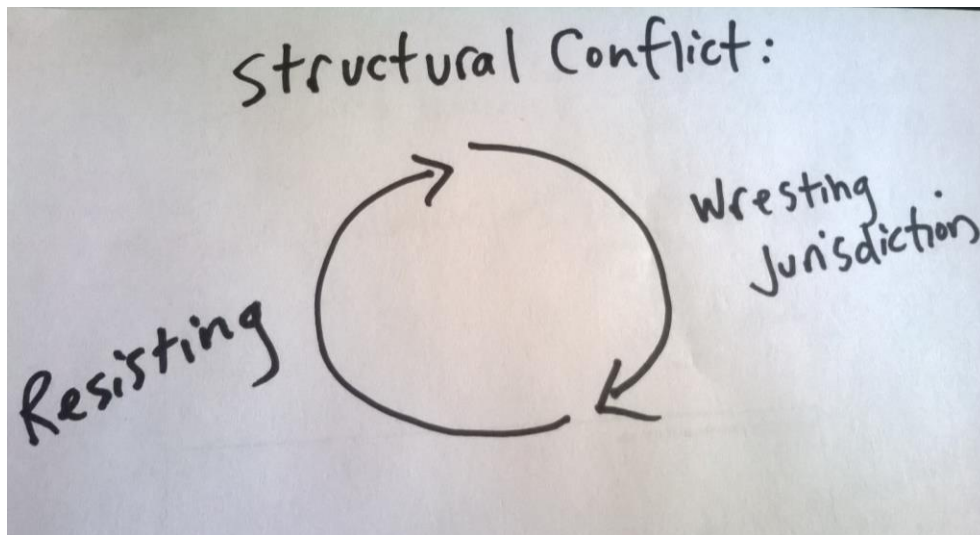
*If you look at any outcome of a decision, it will match the intent. Where we've gotten to is an outcome of what past decisions were based on. It is possible to do the same looking forward. Where will we end up? The starting point, what we're basing decisions on, matters. That's the importance of sema.*

This person asks: *individual and collective decisions and actions, what are they based on? What's their intent? Kindness, or greed, profit, and not knowing who you are?* To know who you are is to know your Creation story. This brings me full circle to the orienting framework of the Anishinaabe Creation story in which I situated this research. Many of the answers are already contained in the epistemic and legal traditions of the Anishinabek, including in their relations with newcomers. The work is to make these teachings live in new, challenging, and contemporary contexts.

## Conclusion

In this research I have advanced Brownlie's (2003) theory about the 'inevitable' and 'inherent' nature of conflict between Indigenous peoples/governments and the Crown to suggest that conflict over fisheries is structural and that the 'fishing wars' will persist on account of relentless work by the Crown and its agents to wrest jurisdiction (over lands and resources) from resistant Indigenous peoples. As settler-colonialism remains unfinished, Indigenous peoples can leverage cracks in the structure to advance their goals and objectives. This scenario was suggested by technicians at NFN who theorize that MNR has become more amenable to working with them in a more meaningful way ever since budgetary cuts (and legislative changes) have made it more difficult for the ministry to implement their mandate. Because they now need First Nations to help manage the lake, they have moved to an increasingly participatory paradigm compared to their legacy of command and control. To acknowledge the incomplete nature of settler-colonialism is to create space to consider the inherent and intact nature of Indigenous rights, traditions, principles, and values. They have not been successfully replaced by foreign systems. But there is little evidence to indicate that the Crown will not stop trying. Racist ideology rationalizes Indigenous erasure and settler replacement and popular conciliatory policy frameworks, including recognition, reconciliation, inclusion, integration, or participation, reproduce discursive and material structures of settler-colonialism. As such, conflict will ensue; fishing wars will persist, as will tensions and violence on and to the land. The only way out of this ceaseless cycle, I argue using Borrows' account of legal pluralism in the Governance chapter, would be to implement Nipissing law. But the Nation-to-Nation relationship as it currently manifests is insufficient to the task. This stalemate has been argued, and is depicted in the figure below (by the author).

**Figure 12: Ongoing Structural Conflict (Illustration by author)**



Alternatively, I have also learned through this work that there are other ways of understanding power and change, specifically that which originates with Anishinaabe ways of knowing and being in the world. Recalling the ‘twinness’ of Creation, perhaps power or force works relationally and not necessarily in opposition. The spiral figure below (by the author), adapted from the many spirals depicted in Aanmitaagzi’s co-created Serpent People dance performances and art installations, depicts power and destruction (in the form of a cyclone), but also relationality, possibility, renewal, and space - recalling the silence and space that long preceded Creation. We know from critical race theory that Whiteness and the racialized Other are co-constitutive, but what other relationships might exist, or at least be possible? Here I am thinking with the comments and literature on Anishinaabe prophecies and the story of Old Shig-Nabic who left lake Nipissing; they reiterate the agentic nature of Creation, the inhabited quality of territory (not *terra nullius*), and, echoing Kimmerer’s comments on Anishinaabe science, suggests that power is not lost (though it may lose Anishinabek) as it is embedded in sacred landscapes. Moreover, Aanmitaagzi’s Serpent People of Lake Nipissing ask us to consider under what conditions and through which behaviours, values, and affective relations (desire, transformation, fortitude, etc.) proper conduct takes shape; also, who is involved (i.e. neighbours, nations, spirit, fish, ancestors, and so on).

**Figure 13: An Alternative Dynamic of Power and Change (Illustration by author)**



Ultimately, this research has enabled me to develop an understanding of Nipissing and Anishinaabe theory, practice, and relations on their own terms, not via exogenous models, and to work at my edge, threshold, or limit to knowing. In so doing, I have come, in my own way, to a similar conclusion, or perhaps starting point, that I have seen in much Indigenous scholarship – that is, to center Indigenous ways of knowing within research and knowledge production, both within and beyond the academy. By extension, this also means to prioritize Indigenous traditions on the land, which is to meaningfully recognize Indigenous jurisdiction, governance, and law – reinforcing but also extending the First Nations policy work I have done. My research could have focused more on the structural racism animating conflict on Lake Nipissing; for instance, the analysis of discourses in the archival, news, social media, landscape and other sources I collected over the course of field work. This is important, as I received positive feedback from Nipissing and Dokis First Nation community members after presenting a structural analysis of the pickerel ‘crisis’ at Lake Nipissing (i.e. Lake Nipissing Summit; Gdo Akiiminaan Ganawendandaan, Taking Care of Our Land, Symposium at Algoma University; my Letter to the North Bay Nugget editor). I plan to develop this work, particularly for the appropriate audience. But this dissertation research has focused more on what Nipissing peoples are doing and why; and it has helped me to develop confidence in my methodology, a greater sense of *belonging* (in this academic field, in place, in-body), and the skills needed to transition into an academic role, conducting research and supporting students pursuing Indigenous research.

To conclude this work, in what follows I provide a few closing sections: a brief summary of what I have done in the chapters of this dissertation; my research contributions, adhering to the structure of my introduction for clarity of exposition; and final remarks about bridging work and further research (see Appendix 3).

## Research summary and contributions

In the Introduction, I talked about the opportunities and weaknesses associated with the Fish-WIKS project and arrived at my research objectives. I also introduced the literature and orienting debates surrounding Indigenous knowledges; the power of race, knowledge, and politics of difference; fish, settler-colonialism, and Indigenous resistance; Lake Nipissing fisheries policy and decision-making; and self-determination at NFN. I followed this with an account for my arrival at mixed (Indigenous and critical Western) research methodology and my interpretive approach to the data. My historical chapter established the dynamics reviewed and developed above, structural conflict and the cycle of Creation and re-Creation, with alternative theories of power, agency, and transformation.

The subsequent grounded analysis chapters covered Fish, Knowledge, Governance, and Power and Vision. I established that belonging to the lake from a weak theory perspective is experienced in a multiple of ways, including its sources and affective, embodied, material and spiritual dimensions. My analysis in Chapter 3 consisted of broadening policy discourses, detailing the mechanisms of not-belonging, and expanding a weak theory of belonging to account for dynamic Nipissing worldview, with key theoretical and policy-oriented considerations to emerge.

In the following chapter I presented a brief account of the literature on Indigenous knowledges, and proceeded to delineate the active and embodied, politicized, ethical and dynamic “tradition” from a Nipissing perspective. I explored the desire to lead fisheries knowledge production, the caution, skepticism, and aversion to working with the MNR, and found that the desire to employ knowledge traditions for healing was a priority at NFN. I argued against “knowing more” of Indigenous peoples from an objectivist, differentiated, abstract and racial position, and provided a snapshot of an “elsewhere” that involved “doing” and included epistemic diversity, knowledge sovereignty, and Anishinaabe science.

Next I outlined some of the literature on self-determination, Nation-to-Nation relations, and Indigenous law, establishing a foundation for understanding these layers of governance at Lake Nipissing. I explored a recent governance mechanism from a historical, political, and relational perspective, arguing that the MOU is an important part of a broader, long-term self-determining strategy in which sacred, customary, natural, positivist, and deliberative forms of Nipissing law are in effect. Legal pluralism emerged as a pivotal means to transcend ongoing structural conflict with the Crown known as the Fishing Wars. Finally, in the preceding chapter, I expanded my explanatory scope by engaging Indigenous, Anishinaabe, and Nipissing theory and praxis (The Serpent People of Lake Nipissing).

For clarity of exposition, in the table below I revisit the categories from my introduction (and the theories engaged throughout this work) to detail some of my substantive findings. Some contributions are specific to NFN, while others, as Creswell argues about case studies, are applicable beyond the immediate case.

**Table 3: Summary of Research Results**

Knowledge	<ul style="list-style-type: none"> <li>• At NFN, knowledge is embodied, affective, narrative, sacred, and material. It is indivisible from the people who carry it and from the land, rendering it inherent and regenerative. Exceeding epistemology, it includes beliefs and practices, a way of engaging the world and of living a good life; and</li> <li>• The ‘tradition’ of fishing also relates to peoplehood, as in ‘the tradition of being Anishinaabe’, reflecting its holistic, resilient, and dynamic quality, and the central importance of healing to the people at NFN</li> </ul>
Race and difference	<ul style="list-style-type: none"> <li>• Rather than reify ascribed difference, reproducing binary thinking and racial logic, my work encourages relational thinking, including about who is perceived to know, and who is knowable;</li> <li>• This encourages two things: 1) a rejection of the political project to “know” IKS as something abstract, conceptual and discrete that can be mapped and modeled by researchers or policy analysts, especially to uphold the status quo, and separated from the people and their way of life and concomitant cultural, legal and governance systems; and 2) a view of knowledge as fundamentally relational. This means that IKS do not need to be internally homogenous in order to be ‘authentic’; are not opposing, mutually exclusive entities vis-à-vis Western science; and that IKS grow and adapt, are impacted by changing socio-economic and environmental systems, and that to support Indigenous peoples and ways of life is to support IKS.</li> </ul>
Fish	<ul style="list-style-type: none"> <li>• Nipissing fishing tradition and the tradition of being Anishinaabe are interconnected; hence, aided by a weak theory of belonging, human-fish relations are ‘vital’ to a sense of belonging to lake Nipissing;</li> <li>• Belonging signifies a rich cosmology that, exceeding the “ontological”, brings to light the agency of the fish and the reciprocal relations required of human beings to maintain balance. This worldview unsettles ‘crisis’ narratives about ecological</li> </ul>



	<p>restoration, reconciliation, and rogue fishermen, pointing instead to the logics and conditions that bring about fragmentation, and also connection;</p> <ul style="list-style-type: none"> <li>• Structural conflict at the root of ‘fishing wars’ evinces the incessant drive to dispossess and wrest jurisdiction from Indigenous peoples, rationalized by racist ideology. This fundamentally challenges conciliatory gestures and claims of inclusion, participation, or new relationship by the settler-colonial state; and</li> <li>• Ongoing conflict means that settler-colonialism is incomplete and that something <i>else</i> is going on.</li> </ul>
Lake Nipissing	<ul style="list-style-type: none"> <li>• Relations of belonging far exceed ‘Aboriginal fisheries’, TK, and current fisheries management frameworks for Lake Nipissing and Ontario. Politicizing and historicizing these frameworks flips the research focus from IKS to the discursive framework through which white settler-colonialism <i>knows</i>, manages, and contains Indigenous peoples, their knowledge traditions, fishing practices, and threatens fish populations;</li> <li>• That said, working relations between provincial and First Nation governments have evolved to a point where Ontario is helping NFN to implement Nipissing law. Thus, improved relations are contingent on conditions set by Indigenous peoples; and</li> <li>• The MOU represents one tool for asserting control over fisheries resources, which can take any number of forms that are conditioned but not foreclosed by settler-colonialism.</li> </ul>
NFN	<ul style="list-style-type: none"> <li>• While NFN has been identified as a leader in Indigenous fisheries, my work helps to <i>articulate</i> and <i>delineate</i> the content of Nipissing’s self-determining goals and governance structures, and this includes, very consciously, dealing respectfully with difference and contradiction, or at least that which appears as such;</li> <li>• Relational analysis demonstrates that Nipissing tradition, knowledge sovereignty, law, and theory are far more generative and generous (towards the fish, community, coalition-building) than constructs originating from external sources; and</li> <li>• My methodology is transparent about interpretive steps to actively resist colonizing frameworks and move instead towards, and to think with, Indigenous ones (a work in progress). This includes thinking with difference, complexity, change, and limits to knowing.</li> </ul>

My mixed research methodology and treaty-based conceptual framework have provided an entry point and ethical approach to knowledge production in a contested field (Latulippe 2015a; Latulippe 2015b) and helped me to generate a transparent interpretive style and to theorize with complexity as part of an intelligible whole. The ‘space in between rows’ has been generative: methodologically, I have written openly about my limits to knowing, how I worked to transcend those limits (e.g. “and I remember”), and say something of value about transformative learning. Substantively, I have engaged purposefully with difference, contradiction, and complexity in the research.

Thus, difference shapes many of the significant aspects of my work. Thinking in relation to Battiste and Henderson (2000) who argue against essentializing IK, Coombes et al. (2012) who celebrate what may be ‘messy’ in the study of Indigenous geographies, the transformative

role of change, complexity, mystery (Sinclair 2013), and contradiction (Stark 2013) in Anishinaabe stories, and of course Wright's (2015) weak theory of belonging to Indigenous lands, I have explored how community members, decision-makers, and me, as a researcher, ethically and affirmatively deal with difference, enact bridging work, and think relationally. Theoretically, my research with NFN demonstrates that it is possible to belong, differently, to a fishing people; that diverse, even contradictory knowledges can nevertheless be community-oriented; and that deliberative, community-derived law is ultimately strengthened by a multitude of perspectives and practices. Running contrary to mainstream discourses, inconsistency and Indigenous futurities are not mutually exclusive, and the 'space between rows' does not mean absolute difference. In terms of Indigenous and community-based research praxis, particular interpretive practices cohered with my methodology and research objectives.

To historicize and politicize some of the gaps and challenges at NFN, such as 'non-compliance', is to broaden the interpretive field. In her engagement with membership and belonging at Kahnawà:ke, Audra Simpson attends not to acerbic stories of division (see Brennan 2010), but accounts radically for them, writing, "settler colonialism...accounts for much of what we and our interlocutors are dealing with" (2014, 191). In my research, the incommensurability, to draw on language used by Tuck and Wang (2012), is not between dissonant forms of belonging or fishing practices at NFN. It stems from the fragmentary *Indian Act* and the expropriation of Indigenous fisheries and criminalization of Indigenous harvesters under the *Fisheries Act*. In my work, I *account for* the (re)productions of 'Indian difference', including ideas about a subsistence-only First Nations fisheries economy, political one-dimensionality, and a rights that are tied to a 'traditional' or 'authentic' material culture. It is these structures and discourses that ossify difference, that are incommensurable with a sense of belonging and with Indigenous futurities. I found that at NFN, people may know and behave differently based on their social location and interests, but that difference is often contingent, historically and politically, not fixed or absolute. This approaches the bridging work performed in this dissertation, that attention to conditions and actions – The Serpent People's 'slither marks' – that unify, even across ostensible difference.

Thus, in addition to this radical accounting, a relational perspective has helped to make sense of the (shifting) 'space in between rows'. The literature suggests that change, transformation, adaptation, and regeneration are inherent to IKS. At NFN, people work with

relative ease with Western science and other aspects of the Western knowledge system, i.e. political economy, law, and conventional fisheries management. While community members “still hate the MNR ‘cause they know from their fathers what happened and stuff”, they “still want to work with them [and] kind of want the same thing, basically” (former fisherman). Perspectives on the evolving relationship between NFN and the MNR suggest that the establishment and maintenance of ethical relations between rows is *also* contingent: not on similarities between knowledge systems (Fish-WIKS), but on respect, the implementation of past agreements, and reciprocity – aspirational at this point, but not unprecedented (Borrows 1997). Accordingly, and as I have argued in the preceding chapters, research ought to further elucidate the ethical behaviours and right relations with fish and with other persons and nations, and how to meaningfully support these practices within complex Indigenous geographies.

## Further research

What Kimmerer (2013) calls the role of squash in establishing the right conditions for corn and beans to thrive in her Three Sisters model for ethical knowledge sharing, certain things are needed to support Nipissing’s fisheries and to bridge the space between rows; these include healthy waterways, meaningful support for community knowledge and governance structures, and access to lands including islands, traditional food sources, medicines, and spiritual places. Beside those concerning ‘ATK’, a number of policy challenges are evident in this research. Not necessarily new, they are complex and will require continued attention and energy: the need for treaty implementation and the harmonization of laws (legal pluralism); reconciliation that involves the natural world; ecological remediation that provides justice for the people; mechanisms that equip and authorize First Nation to develop and implement primary roles in resource management and environmental governance; recognition (not promulgation) of the violence of white settler-colonial frameworks, meaningful support for self-determining Indigenous peoples, and ways to enhance the political pressure exerted on Crown governments.

Reiterating the words of former Chief at NFN, I believe that policy and academic interest in ATK and IKS can similarly be used as a “mechanism to keep on talking”. A relational perspective shifts attention away from the management of resources as a technical exercise to focus on the management of relationships, which, Ryan Bowie (2013) writes, allows for the inherently political and complex nature of resource management to emerge. In agreement with

Kyle Whyte, I believe that “more effort needs to be taken to understand what [these long term process of mutually respectful learning] should look like” (2013, 10). This dissertation has been quite conceptual, with relatively little attention focused on affirmative policy options and details (such as those in New Zealand, or those suggested by Von der Porten et al. 2017), but I think that in future research both conceptual and applied areas of inquiry are complementary and warrant further analysis.

Exemplifying the study of an innovative governance mechanism, in her book, *Trust in the Land*, Beth Rose Middleton writes about new directions in tribal conservation. But to *trust in the land* also means to value the land itself and to trust the sacred relationships with land (Middleton 2011), including those of belonging, knowledge, governance, law, and transformation discussed in this research. Thus, in addition to policy work, further grounded analytical work is also needed.

Through this research, I have been introduced to some ideas and ways of being that derive from Indigenous cosmologies and legal orders, areas that I would like to develop greater depth of experience, understanding, and appreciation. It is difficult work to recognize let alone transcend the ubiquity of even the most critical and progressive Western theory. For instance, my research at NFN demonstrates that fishing is part of a broader, reciprocal relation of active belonging to the lake, a diverse community in which respect and responsibility are warranted. But autonomous fish nations and the non-hierarchical relationships between fish, including different species, and other animals, plants and trees, the *dodem* (clan) system, *mnidoo*, and so on, are not captured in conceptions of the ‘more-than-human’. To develop a deeper sense of Anishinabek ways of thinking about these beings and their relations (and not just *human*-fish relations, as I have done here), would mean to listen and to really “hear” that which is grounded in Indigenous ways of knowing (Kuokannen 2007, 152; Louis 2007); for instance, by researching stories in the oral tradition and archival data, learning to understand and speak Anishinaabemowin, learning on the land, in ceremony, and through other Indigenous methods, and understanding the treaties according to Anishinaabek diplomatic protocols and self-determining practices (see the work of Alan Corbiere and John Borrows). This strategy would also apply to learning more broadly about the environmental values, ethics, knowledge, governance, legal order, and theories of power, change and transformation of the Anishinabek. This will require work, and it is worth doing.

Finally, to revisit my preface, this research has allowed me to develop my relationship to the place where I am from, where I have familial, community, and research connections. It has allowed me to do so in relation to the practice and often-fraught politics of knowledge production. During the time of writing, news of Canadian writer Joseph Boyden's tenuous (at best) Indigenous identity claims rocked my sense of self in relation to the research – highlighting the unevenness of 'expert' voices and the cultural capital afforded to white people with Indigenous identity claims, and the harm of cultural appropriation and intellectual property theft. I considered these as I worked out how to ethically employ Indigenous research methodologies and concepts, and to advance Indigenous theory. The Indigenous-settler dichotomy is a minefield; it protects communities and also entrenches exclusionary logics that are rooted in the racist and sexist *Indian Act* and other assimilationist policy (Gehl 2015). Before seeing that photograph of my great-great-grandmother Pigeau, I had only vague family stories of Indian ancestry, a fictive link to the Mattawa-North Bay Algonquin First Nation (BAFN 2013; Barrera 2016), records of very distant Algonquin ancestry on my dad's side of the family that do not "make" me Indigenous (TallBear in CBC 2006; Simpson 2009), and had rejected problematic notions of mixed-as-Metis (Vowel and Leroux 2016; Gaudry and Andersen 2016). In New Zealand, a Maori scholar told me that if I had a photograph of my Indigenous ancestors, no one could tell me otherwise. However, since I had not yet seen that photograph, I concluded that the only ethical place I could situate myself in relation to Indigenous peoples, histories, politics, and research paradigms to avoid pulling 'a Boyden' was a settler and treaty-partner identity. I decided that to "stay with the trouble" (Todd 2016e; Haraway 2016) was a good place to be. That is, to challenge my own people (Morgensen 2011), enact a "double turn" (Ahmed 2004), and learn something of the *sui generis* nature of Indigenous knowledges (Battiste and Henderson 2000).

I still believe in the value of staying with the trouble; in fact, this ethic – what I have also called working ethically across difference – has become a major guiding principle in my work and approach to life. It is to allow and give space to tension, complexity, and contradiction. As my sense of belonging and identity has shifted in response to seeing that photograph – while appreciating my initial ambivalent reaction as it fell short of official documentation – I have also learned to give space to uncertainty, ambiguity, ambivalence, and knowledge gaps. Such partialities render dynamic and fluid processes, including change, transformation, movement,

and trajectory, even possible. Such dynamism feels alive, powerful, and aligned with Creation. So, this work has allowed me to break further with rigid, fixed, and binary conceptions of self and the myriad others with whom I share the land – and for this I am grateful and excited to learn more.

# Appendices

## Appendix 1: Semi-Structured Interview Guide

October 2014

### Introduction

Nipissing First Nation has partnered with a national research project called **Fish-WIKS**. It seeks to understand how **Western and Indigenous Knowledge Systems** can improve the sustainability of Canadian fisheries. As a part of this project, my research seeks to explore how fisheries governance in Ontario can be enhanced to reflect a treaty partnership of sharing healthy ecosystems.

### Research Question

What is the relationship between knowledge systems and decision-making processes for the Lake Nipissing fisheries, and how does this relationship relate to Inland fisheries governance more broadly?

### Research Objectives

- a) Understand Lake Nipissing fisheries governance within historical, cultural, socio-economic, political and regional (Inland) contexts;
- b) Explore the interface between knowledge systems and fisheries decision-making between and across jurisdictions;
- c) Identify barriers and opportunities for the expression of Indigenous knowledge systems within Inland fisheries governance; and
- d) Identify governance mechanisms or models that reflect a treaty relationship

### Research Participants

- Knowledge holders and (traditional and non-traditional) Elders
- Resource users (traditional, subsistence, commercial fishers)
- Community members (non- and ex-fishers)
- Technicians and decision-makers

### Research Protocol

Interviews will be conducted with the informed consent of participants. All interview data is confidential. All participants will remain anonymous unless otherwise requested. Participation is completely voluntary. Participants will be informed that they are under no obligation to reveal sensitive information, and can withdraw from the process at any time. Participants will be offered the opportunity to review their input prior to the dissemination of research findings.

(Questions on next page)

## Warm Up

1. Where are you/your family from?
2. What is your relationship to Lake Nipissing?
3. Can you describe your experience/role/responsibility regarding fisheries? What interested you?

**Prompt:** *family, gender, status, education; living on land, role of elders, harassment*

## General IKS (or TK/IK/TEK/IEK)

4. [describe project] What is/how would you define traditional knowledge/Indigenous knowledge systems (how knowledge is generated, valued, used, and shared)
  - a. Is there a more appropriate term? **Prompt:** *culture, traditions, way of doing things; teachers*

## Fisheries and the expression of IKS in practices, management and governance

5. Can you talk about different fish species and how they are harvested and used? **Prompt:** *difference between traditional, subsistence, and commercial fishing; marketing; changes over time*
  - a. How do you know?
6. In your experience, what is the state of the lake ecology and fish populations in terms of health and sustainability? **Prompt:** *past collapse, different areas, contaminants*
  - a. Why? How do you know?
7. Do cultural beliefs/traditional values guide fishing? **Prompt:** *worldview, spirituality, language, ceremonies, stories, and teachings; examples: donations, sharing, take what you need, no waste*
8. What protocol, ethics, or conduct guides fishing? Is it formal (management) or non-formal (old ways), cultural (natural law) or non-cultural (traditions)?
  - a. Are rules or controls involved, like restrictions, penalties, and regulations?
  - b. What is their source/where do they come from?
  - c. Who is responsible for their enactment? How are they enacted?
9. Can you talk about NFN fisheries management and decision-making (individual, family, clan, community, region, and province)? **Prompt:** *history, regulations, moratorium, monitoring and enforcement; pressure and incentives; compliance, penalties and justice*
  - a. Who is involved? **Prompt:** *fishermen, cultural people, technicians, leadership; non-First Nations*
  - b. What is the outcome of the management regime? How do you know?
  - c. What type of knowledge is considered? What is not? **Prompt:** *how does use and knowledge translate to decision-making? Whose knowledge?*
  - d. What rules, beliefs and values are considered?
  - e. Whose interests and concerns are considered?

## Relationships and Governance

10. How important is the fishery to you; and to your family and community?
  - a. Has it changed? Significant events?
11. How is the relationship between different groups? **Prompt:** *commercial, subsistence, traditional fishermen; cultural people, non-fishermen, conservation-minded people, technicians, and leadership*



12. Please describe the relationship between the community and neighbouring jurisdictions concerning the fishery? **Prompt:** *Indian Agent, COs, MNR; municipalities, tourism, buyers; other First Nations, Anishinabek Nation*
13. Is space made for First Nations involvement in management and decision-making? Do mechanisms exist to include IK in broader management and decision-making? How could governments appropriately consider IKS?

### **Big Question: IKS and Fisheries**

14. [back to fish-WIKS] How can IKSs enhance fisheries decision-making for Lake Nipissing/the Inland region [at multiple scales]? **Prompt:** *relationship between knowledge and decision-making*
  - a. Can they help First Nations? Can it help Canada?

### **Wrap Up**

15. What challenges are facing the fishery/relationships mentioned above? **Prompt:** *ecological, spiritual, socio-cultural, economic, and political*
  - a. What needs to change?
16. What opportunities exist to address these challenges? **Prompt:** *history of agency and resistance, treaty, culture, community*

### **Other**

17. Please make any other comments about the use, knowledge, management, and governance of fisheries
18. Would you like to suggest anyone who might also wish to participate in an interview?

### Prompts for elders

- What does lake, fish, and fishing mean to you?
- How important is the lake and fishery
- How do you feel about it?
- How did your grandparents fish?
- Stories, teachings, legends
- Jane on elders: the ones who carry the knowledge and have acquired wisdom

## Appendix 2: Code Map

Analysis and Interpretation: What Am I Looking For in the Data, December 2015

**Descriptive;** Semantic;  
**Active**

**Reflective;** Latent;  
**Passive**

**Supplementary;** Intertextual;  
**Beyond data/text**

What is said, done, or written

What is not said, done, or written; questions to ask the data, like why and how

Description or account;  
Setting or scene;  
Opinion or view;  
Understanding;  
Belief, feeling or claim;  
Explanation, rationale, or justification;  
Story or teaching;  
Action/enactment;  
Question;  
Valuation or judgment;  
Issue or challenge;  
Knowledge;  
Explicit statement;  
Observation;

REGARDING:

An event, **act/ion**,  
**process**, **perspective**,  
dynamic, practice, skill,  
knowledge, experience,  
place, setting, person,  
identity, social status,  
relation of power,  
authority, institution,  
thing, causation, role,  
responsibility, right,  
relationship, challenge,  
opportunity,  
temporal/spatial change,  
cosmology or worldview

What is happening here; **What** is data study of; What does it suggest?  
From whose POV is interpretation fundamental/marginal? Who benefits?  
What theoretical category does it indicate?  
Significant points;  
(**un**)Intended purpose and audience;  
When do meanings & actions change?  
Delineate **how** views & actions, and what's said & done;  
Diff meanings & ways **ppl** talk and act;  
**Underlying meaning and intent**;  
**Read into silence, hesitation & insistence**;  
What's left out or ignored; what's important, emphasized - by whom?  
Taken for granted? Implied? Assumed?  
Implicit concern;  
Tacit rule; **what is unquestionable?**  
**Socially produced regime of truth/claim**;  
How people operate;  
*What ideas, intentions, processes, contexts, ideologies, discourses, structures, meanings, views, claims, conditions, consequences are revealed through and underlie words & action? How do they emerge? How are they muted? What are their properties?*  
Idea (what's said/done) vs. strategy (how it's said/done); how participant wants to be heard;  
Accent; whole story/narrative; essence of what person is trying to say & why; get at experience or **phenom** under study; big picture.

What process is at issue; How can it be defined; How does it develop; How do **ppl** act while involved; What do **ppl** profess to think & feel while involved; What observed behavior might indicate; When, why, how process changes; Consequences; Who exerts control over process, and under what conditions?  
"Common sense";  
Claim to authority;  
Context in which something's said or done;  
Building tasks [?]  
Effective rhetoric? Use of persuasion;  
Gaps, pauses, detours, interruptions;  
Word choice; **common words**; In vivo codes;  
Use of trope, metaphor, metonym;  
Use of symbols and names, and why;  
**Concepts that structure way of knowing or seeing**; Connotation (2<sup>nd</sup> order meaning);  
Deferral or reference;  
Unity of style & content;  
Fear; mistrust (me, project);  
Act of legitimization; rationalizing logic;  
Tension, **contradiction**, prejudice;  
Political ideology; Power relation (politics);  
Expression of worldview, belief, value, identity, knowledge, decision-making authority; resurgence or resistance;  
Parameters of info; who has access to facts, records & info source; what does info mean to diff people; reliant on what/whose info?  
**Gaps in data; topical/issue sub-questions.**

**Larger structures & unacknowledged conditions of action**;  
Critical analysis of values & hierarchical relations embedded in spatial arrangements; **Material (incl. textual) conditions of the social and political production of meanings**;  
Performances, constructions, enactments, embodiments;  
Larger ideologies within which social context is located;  
Policy discourse [?]; Affect [?]  
How discourse impacts/embedded in material relations, codes of behaviour, institutions, and constructed **enviro**;  
**Describe context; major events; spatial/temporal change**;  
Debates, tension, **competing meanings, and role in politics**;  
Congruencies, shared interests;  
Relation to theory;  
**Put texts into context** (the ambiguous, invisible, unknown processes that shape them):  
**Dominant or non-dominant voice in public conversation?**  
Analyze claims on either side & contexts in which they occur;  
**How** was text produced? **By whom?**  
Ostensible purpose? Other unstated or assumed purposes?  
How does the text represent what its authors assumed to exist? Which meanings are embedded in it? How do they reflect social, historical, organizational context?  
How does structure shape what's said? Which categories emerge from structure? Do categories change over time?  
Which contextual meanings does text imply?  
How does content construct images of reality?  
Realities text claims to represent and how;  
Unintended info and meanings;  
How is language used?  
Which rules govern construction of the text? Are they seen in the narrative? How do these rules reflect tacit assumptions & explicit meanings? How relate to other data on same topic?  
When and how do telling points emerge in the text?  
What comparisons can be made between texts; **Between** diff texts on same topic; Similar texts at different times; **Between** diff authors who address the same questions?  
Compare style, content, direction & presentation of text to larger discourse of which it's a part; what does it do? i.e., explore, explain, justify, or foretell action.

Legend:

Crang

Dittmer

Duncan and Duncan

MacKian

Creswell

Braun and Clarke

General/me

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