

CHAPTER 1: INTRODUCTION

On a fall day in 1979 the Ardoch community became aware of the *Wild Rice Harvesting Act*. For several days local residents had heard a sound, which was initially thought to be a helicopter. Finally, one resident, wanting to see what was happening, went to take a look. He discovered that a commercial harvester was on the lake harvesting the wild rice. This non-native resident, thinking something illegal was in progress, attempted to make a citizens arrest but was shown the harvesting permit held by Mr. Richardson of Lanark Wild Rice (*Ottawa Citizen*, July 23, 1980:65). This quiet, inconspicuous act set in motion a four-year conflict, which would drastically influence the local community, build bridges of co-operation between diverse groups, and set in motion a challenge to provincial authority which is yet to be resolved.

This thesis explores the 1979-82 Ardoch, Ontario Mud Lake wild rice confrontation, and the sudden and public assertion of an otherwise quiet identity in response to an external threat. The issuance of a harvesting licence for the wild rice on Mud Lake to a commercial company drew sudden attention to the relationship between *a people* and *a resource* in *a place*. These *people* were a loose-knit group of families descended from Algonquin peoples, Mississauga peoples, and others living in the area at the time of contact. This *resource* was part of the community heritage of living on, and with, the land. It was harvested annually, through customary practice, primarily by local non-status Algonquin, and status Mississauga relatives from Alderville, but also by local non-Aboriginal residents in a shared, and mutually supportive fashion. This *place* was a site of meaning for an otherwise dispossessed people. Yet this local reality exists outside of the wider issues of Provincial control. The evolution of events in the broader context suddenly takes form on Mud Lake

through Provincial initiatives to further wild rice production. It is this sudden collision between local and Provincial realities that leads to the 1979-82 Mud Lake wild rice confrontation.

Communities, like cultures, are not static. The sense of ‘community in adversity’ that took shape throughout this conflict was an alliance of different identification groups within the Ardoch area. These included permanent non-native residents, cottagers, local non-status Algonquin families, and their Status Mississauga relatives from Alderville. These diverse groups perceived of the Ardoch area differently, had different histories of association with the region, and held different emotional and cultural attachments to place as a site of meaning, creating a homeland layered with diverse meanings – a *layered homeland*. The importance of this association has much to do with scale. The local history of the area is imbedded with the sometimes-conflicting nature of the dynamics between these various groups. Yet there was an association in opposition to ‘the other’ which allowed for their different sets of claims against the Ministry of Natural Resources (MNR) and the outside world to find an easy alliance – for a time – to advance a shared use of a local resource, and to oppose a common adversary.

While the rice harvest was known in the area as an annual event, its importance as a symbol of identity was submerged. While ‘Indian’ identities were recognized in varying degrees by Aboriginal peoples, and non-aboriginal members of the community, this identity was largely irrelevant in the day-to-day business of the larger community of Ardoch, Ontario. However, like any significant event that draws sudden attention to what is important in our lives, the threat to the annual rice harvest challenged deep meanings, a challenge which has led to an adamant stand, and an

outward assertion of an identity which had otherwise been obscured. This crisis was the call to move out of the shadows, and to assert an Aboriginal authority that contrasted starkly with Provincial perspectives.

This story, while local in scope, and insignificant in the larger dealings of resource concerns, is a focal point into the issues that pervade Aboriginal/State relationships over natural resources in Canada. While events took shape the way they did because of the local specificities, they were also influenced by events at the Provincial, National, and global scale, and by the ideas that have most powerfully shaped resource policy since contact.

To some extent, this dispute is a global one, marked by the colonial legacies and 'post'-colonial climates of our time. The story of this dispute, along with an understanding of the specific contexts of resource and Aboriginal policy in Ontario, provides insight into the fundamental issues at stake in Aboriginal/State conflicts in general. It explores the ideas that have most strongly influenced resource policy, specifically in Ontario, and places a critical eye on the discourses affecting the various players in such conflicts.

Discourses are ideas that are consciously or unconsciously imbedded in our communication with each other. They are stories that we tell ourselves about the way things are, or the way they should be. Discourses articulate value-laden conceptions of the world, and are drawn on to influence and construct the very structure of our built and ordered world. These ideas are expressed within society through the statements and arguments we create to support our visions of society. They flow from who we are as individuals, and communities, bound to the places that shape us. They are often used as the means through which we construct, and deconstruct, the legitimacy of opposing views and perspectives.

In the realm of natural resource policy, discourses around Indianness, resource use, and rights and authority have significant implications for the regulation of resources and the designation of rights of access and authority. Since European contact, ‘western’ discourses have been used to constrain Aboriginal authority over, and access to, resources. They have been drawn on to construct a society that places control over resources in the hands of the state, an authority removed from the localities they influence. Therefore, how these ideas benefit some, and disadvantage others, is implicitly geographic, as are the means through which these ideas are formed, expressed, and validated.

My goal is to illustrate how state perspectives are expressed in the case study materials as if they are rational, natural, and beyond question¹. I also seek to illustrate how these discourses are either validated and supported, or questioned, challenged and counter-constructed, by the other parties involved in the dispute. This will illustrate the plurality of the discourses around the construction of the focus categories. To show how discourses are constructed, and to contrast them with other constructs, is to show them not as natural, or given, but mutable. In this way, the empowered constructs of the state become visible as culturally loaded positions. This will, I hope, open them up to reconstruction in ways that are consistent with new attitudes to justice arising out of advances in social understandings of the processes of discrimination, and the ongoing processes of colonial practice.

Chapter 2 of this thesis concerns itself with significant Federal and Provincial legislation, treaties, and court cases that have defined Aboriginal identification policy and Aboriginal resource policy. Resource policy engages directly with discourses around *rights*. The legislation, treaties, and court cases that have defined it, have

done so in a way that has placed limits on Aboriginal peoples' authority over lands and resources within their territories. Furthermore, they have dictated the application of rules and regulations that have limited Aboriginal peoples' use and access of those lands and resources. This history illustrates the process whereby Aboriginal authority was restricted and state authority was asserted.

Identification policy has also sought to place limits on Aboriginal peoples. It defines the critical *who* of 'who qualifies' for special consideration in the decision making processes of the state. The development of Aboriginal identification policy has shown an increasing move towards limiting those who qualify for registration. These restrictions have further limited use and access of natural resources by *some* Aboriginal people. In addition, Indian policy has been inextricably linked to resource policy through the powers over 'Indian lands' granted to the Superintendent General of Indian Affairs through the various *Indian Acts*.

At the time of the Mud Lake confrontation, Ontario's Aboriginal resource policy rested squarely on a number of fundamental principles originating from the *Constitution Act 1867*. Firstly, Ontario had, as a fundamental role, to govern natural resources as resources belonging to all of the peoples of Ontario. This was to be carried out through scientific management techniques for the purpose of maximum economic benefit to the Province, and to all of the citizens of Ontario. The exemption of any one group from this management structure was seen as detrimental to overall control and management. Ontario's 'Indian' policy considered 'Indians' as a federal responsibility. 'Non-status Indian' and Métis peoples were recognized as having no special rights, or if rights did exist were considered a Federal responsibility based on

¹ For a detailed discussion of methodology please see appendix 1.

section 109 of the *Constitution Act 1867*. These ideas had a fundamental impact on the potential for dialogue and effective negotiation of the dispute.

Following from this material, chapter 3 looks specifically at wild rice as a resource, and provides a more focused contextual history for the Mud Lake dispute. It explores the plant in historical context, Aboriginal peoples and wild rice culture, the development of wild rice policy, and the *Wild Rice Harvesting Act 1960/1971(WRHA)*. This chapter also explores the legal basis of Aboriginal water, and water resource rights, at the time of the conflict, and provides examples through the Treaty 3 headland-to-headland and wild rice debates of State-Aboriginal relations over wild rice prior to the Mud Lake conflict. This chapter further illustrates the process whereby Aboriginal authority was circumscribed and state authority asserted. It also illustrates the refusal of Aboriginal communities to accept state authority over wild rice, and illustrates their continued resistance to that authority.

Chapter 4 of this thesis reviews the local histories of the region in order to provide a context for the evolution of the case study dispute. It begins with a review of current research into the history of Algonquin occupation of the Ottawa Valley. This is followed by a review of research on settler movement into the larger area (especially Clarendon Township), through a variety of settlement policies. I explore the influence of those policies on the location, functional possession, and visibility on the landscape (as recorded in land registry records which failed to illustrate Aboriginal occupation) of the original inhabitants.

I then focus on the Ardoch region itself, and the circumstances leading up to the Mud Lake conflict. Predominantly through interviews, but with reference to materials located in AAFNA's files and Canadian census information, a snapshot of the Ardoch region leading up to the 1980 time period is developed. Finally, I begin to

explore the relationship between Harold Perry and his family with the wild rice at Mud Lake through local narratives, and oral testimonies prepared at the time of the conflict. The intent here is to attempt to understand the local dynamics that contributed to the particular evolution of events during the Mud Lake conflict. This section provides a context for understanding the history of Aboriginal power in the local region. It establishes their continuing presence but invisibility in the landscape, and provides a glimpse of the layered power dynamics of the Ardoch region through the continuity of Aboriginal authority and traditional management of the Mud Lake wild rice crop in spite of official Provincial control over wild rice resources. Once again, this material illustrates the process whereby Aboriginal authority over their territory was circumscribed, and state authority asserted. However, the continuity of the traditional rice harvesting practice reflects a degree of continuity, if unofficially, of traditional power structures within the region.

Chapter 5 then begins to tell the story of the Mud Lake conflict. From primary data sources I attempt to explore the involvement of the Ministry of Natural Resources (MNR) with the wild rice at Mud Lake. Again, through a variety of materials, letters, newspaper articles, the Chrysler & Lathem LTD report on the possible effects of a dam proposed to be built on the Mississippi River, and through documents in the MNR files I piece together the evolution of events that brought the MNR, and the Ardoch community into conflict over the wild rice at Mud Lake. I then provide a description of the events as they unfold throughout the four-year study period. This chronology of the conflict is a critical part of the thesis narrative. It tells the story of community mobilization through their efforts to defend the wild rice crop, and their way of life. It also illustrates the positions taken by the MNR and other parties relative to the issues at stake. This chapter also provides a framework upon

which to situate discussions about the main themes and discourses as they are expressed by the various parties in the dispute.

Chapter 6 then provides a detailed look at these discourses. I have chosen to view three major themes that are significant to this case study. These include (1) authority and Aboriginal rights, (2) Indianness, and (3) resource use, management, and development. Through these themes I explore the various discourses drawing on previous chapters, as well as current academic writing on resources, and Aboriginal issues to interpret their meanings. The purpose of this chapter is to show that colonial ideologies are actively at work in contemporary resource policy, and deeply influence the geography of power over natural resources. I also illustrate that the belief structures of the state are not natural, logical, or universally held. Rather, by contrast with local perspectives, they are shown to be culturally loaded and power-laden constructs, inextricably bound to an economic model, and insensitive to the diverse linkages between local peoples and local resources.

Disputes over wild rice and Ontario wild rice policy engage inextricably with the themes of identification and resource policy. Within Ontario, wild rice has been treated as a Provincial resource. Furthermore, while ‘status Indian’ people have been nominally recognized as deserving some special consideration for *access*, ‘non-status Indian’ and Métis peoples have been excluded from this special provision and have been seen as having no right other than that of each of Ontario’s citizens to apply for licence under the *Wild Rice Harvesting Act 1960*. Thus, a small group of non-status Algonquin families and their allies, living, and harvesting at Mud Lake were not seen to have any special right. Rather, within the confines of the *Constitution Act 1867*, and the *Wild Rice Harvesting Act 1960*, they were in contravention of the law for harvesting without a permit.

These concerns will be explored through the narrative of the Mud Lake wild rice confrontation. Aboriginal and state concerns will be explored through their engagement in this conflict. Involvement by the media and non-native peoples in the dispute will provide a counterpoint to the issues being explored.

The engagement with an Aboriginal/State dispute that took place twenty years ago may seem insignificant. However, the same issues that came to the foreground at Mud Lake continue to be articulated in the present. At root in these conflicts are issues of authority: authority over self-definition, as well as authority over lands and resources. We are in a period of change. Canada/Aboriginal relations are being fundamentally altered through court cases (see *Delgamuukw 1998*; and *Marshall 1999*) and through land claims agreements (see the *Nunavut agreement 1992*). These changes have National significance. Yet they come largely from the growing assertion by Aboriginal peoples of their presence and authority in the local spaces of their lives. These changes are about a new relationship that respects Aboriginal peoples' history, context, and life ways in all of the spaces of their lives.