LAND, LANDSCAPE, CULTURESCAPE:
ABORIGINAL RELATIONSHIPS TO LAND AND THE CO-MANAGEMENT OF NATURAL RESOURCES*

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*This essay is dedicated to the memory of medicine man Jeff Chief from the Wabigoon First Nation who with his vast knowledge of the landscapes of his people inspired me in my efforts to understand Anishinaabe relationships to land and who by his patience and encouragement provided support for me on my journey.

**I wish to express my gratitude to the following aboriginal people without whose knowledge and support this essay would not have been possible: Elder May Pitchenese from the Wabigoon First Nation, her son Joe Pitchenese and her daughter Esther Pitchenese, Lorne Mitchell from the Village of Wabigoon, Elder Bertha Petiquan from the Wabauskang First Nation and her daughters Jane Williams and Betty Riffal, and Clara and Steve Mandamin from the Iskutewisakaygun No. 39 Independent First Nation. I also wish to express my appreciation to Peter Usher for his helpful comments on various drafts of this essay and for his patience in its preparation.
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EXECUTIVE SUMMARY

The co-management of Natural resources, and in particular living resources, is increasingly being promoted as providing the means by which aboriginal groups could contribute to the overall management of natural resources in northern Canada. The concept of co-management has gained increased credibility in recent years due to the increasing awareness of the value of indigenous ecological knowledge and the reality of what might be called indigenous self-management of natural resources or the self-regulation of indigenous land based livelihood pursuits.

Based on several years of field work with Anishinaabe "harvesters", this essay explores the problems and prospects for the sharing of resource management responsibilities between the state and aboriginal groups on lands customarily occupied by the latter. This exploration reveals that there are significant challenges confronting the sharing of resource management responsibilities that will have to be resolved if "co-management" is to become effective. This essay reveals these challenges as they are reflected in the cross-cultural incommensurability that divides Anishinaabe and non-aboriginal relationships to land in Northwestern Ontario.

This essay employs the following methodology to arrive at its conclusions: Customary Anishinaabe relationships to land are examined from the perspective of local aboriginal descriptions and categories of land and "resources", as well as the reflection of this Anishinaabe presence in the land itself. The implications of Anishinaabe relationships to land are then explored from the perspective of the non-aboriginal discourse of "land use" and "resource management". The analysis is carried further in the context of an examination of normative Anishinaabe values that govern their livelihood activities on the land. Building on this analysis, the idea of co-management is then explored from the perspective of state assumptions concerning aboriginal relationships to land in natural resource law and management policy. It is also explored from the perspective of a specific "pilot project" that was designated as a "co-management" initiative. Finally, the idea of co-management in relation to aboriginal custom is
examined from the perspective of internal aboriginal responses to it and the possible impacts this could have on Anishinaabe people who derive their livelihood from the land.

The analysis of this essay examines the challenges confronting the practice of co-management from several perspectives. It reveals the severely limited extent to which Anishinaabe relationships to land in Northwestern Ontario are known to or appreciated by the Government of Ontario and the non-aboriginal residents of the region. This problem persists in terms of a limited awareness both about the character of Anishinaabe relationships to land and how they are reflected in Anishinaabe landscapes. An assessment of the character of Anishinaabe relationships to land also reveals the incommensurability which divides them from the discourse of co-management as it has developed in recent years. This is highly problematic in terms of the assumptions of the province of Ontario concerning the practice of resource management which would be applied to co-management processes. These assumptions are culturally foreign to Anishinaabe people who work on the land in accordance with their customs.

This essay concludes that the dynamics of customary Anishinaabe relationships to land necessitate that the principle of co-existence should be rigorously applied in the establishment of any cooperative relationships on land use issues in the region. Two discourses concerning relationships to land must be reconciled in a manner where customary aboriginal relationships to land are recognized, affirmed and protected. Otherwise it is unlikely that the value of customary Anishinaabe relationships to land can play any significant role in generating meaningful cooperation on the land.
INTRODUCTION

No discussion concerning the potential of co-management initiatives involving aboriginal communities can take place without reference to some of the most powerful myths held by non-aboriginal Canadians about wilderness and the relationships of human beings to it. These have in turn informed the understanding of Euro-Canadian societies about the presence of aboriginal peoples in this "wilderness".

There is a picture that underlies our way of thinking about endangered spaces - about the environment. In this picture, the land is viewed as a "wild" space; it is a pristine space undisturbed by human occupancy. It is land that has been left alone and unsettled. It is "empty land," a *terra nullius*.... In North America, it has come to be designated as an elevated space exempt from ordinary human usage.  

This understanding of wilderness belies an ideological appreciation of the aboriginal presence on the Canadian landscape that constitutes a deeply rooted ethnocentrism. Where the presence of aboriginal people in this wilderness has been considered, it has been assumed that they have had little or no impact on it. Non-aboriginal Canadians, including resource management "experts" and "technicians" continue to attribute a "hunter-gatherer" status to aboriginal peoples in Canada with the concomitant assumption that:

Hunting-gathering involves subsisting primarily on wild plants and animals. Unlike agriculture, hunting-gathering does not involve efforts to regulate the growth and reproduction of the life forms on which people depend.  

Such assumptions, in so far as they have been applied to aboriginal peoples in Canada by the dominant culture, tell us more about the rationales employed to justify the historical dispossession of aboriginal peoples from their lands than their actual relationships to them. The consequences

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of this ethnocentrism for aboriginal peoples in the Canadian law and policy that regulates land use and management have been dramatic. From a legislative perspective, land use and resource management law has been historically characterized by the invisibility of aboriginal concerns. From the perspective of the judicial treatment of aboriginal relationships to land, there is anxiety that judicial decisions will relegate them to a "...fossilized or primitive state."

The difficulty of the invisibility of aboriginal relationships to land in state law and policy in the context of the challenge of co-management is threefold. Firstly, there is the problem of the lack of awareness of the extent of the aboriginal presence on the Canadian landscape and how the land reflects that presence. Secondly, there is the problem of understanding the nature and character of the aboriginal presence on the Canadian landscape, especially as it is conceived and understood by aboriginal peoples, and how it is reflected in the land. Finally, there is the problem of reconciling the distinctiveness of aboriginal presences on the land, which is amplified by their regional variations, with an alien system of state land use law and resource management practice. This may be possible only in contexts where the exercise of a sufficient degree of aboriginal autonomy in relation to land is honestly and fully addressed. By examining each of these questions in turn, I will attempt to emphasize that they raise serious implications for a wide range of issues that underlie the issue of co-management. These range from the allocation of "tenure" or "extractive" rights for "natural resources" in the "wilderness" to the practices of conservation and the systems in which these practices are embodied.

This essay explores the implications of customary aboriginal presences on the land in relation to the emerging theory and practice of co-management. I have employed the following methodology to accomplish this: Customary Anishinaabe relationships to land are examined from the perspective of aboriginal descriptions and categories of land and "resources" as well as the reflection of this local Anishinaabe presence in the land itself. The implications of these relationships to land are then explored from the perspective of the non-aboriginal discourse of "land use" and "resource management". The analysis is carried further in the context of an examination of normative

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Anishinaabe values that govern their livelihood activities on the land. Building on this analysis, the idea of co-management is then explored from the perspective of state assumptions concerning aboriginal relationships to land in natural resource law and management policy. It is also explored from the perspective of my experience in a specific "pilot project" that was designated as a "co-management" initiative. Finally, the idea of co-management in relation to aboriginal custom is examined from the perspective of internal aboriginal responses to it and the possible impacts this could have on Anishinaabe people who derive their livelihood from the land. I have chosen to frame this analysis in anecdotal contexts which I found to be emblematic of the range of issues that this essay is concerned with. I ask for the patience of those who read this essay on this matter, but I believe that the approach I have followed helps to bring the issues to life.

The purpose of this essay, therefore, is not simply to assess the structure or effectiveness of any particular co-management initiative. Rather, I want to set out the perspective that I have acquired through my fieldwork on what seem to me to be salient aspects of aboriginal relationships to land which might help to broaden the wider discussion on co-management. I am approaching this analysis from a context that carries with it an inherent ambiguity. On the one hand I am an ethnic and cultural "Euro-Canadian". No amount of sympathy for aboriginal positions on the issues of land use and management will do away with the cultural baggage that I have brought with me to my work with northern Ojibwa - Anishinaabe - "hunter-gatherers". On the other hand, I have been working for more than seven years with Anishinaabe people in Northwestern Ontario who derive all or a significant portion of their livelihood - ondaadizying - from the land - aki.

My work with Aboriginal "harvesters" has involved two aspects. Firstly, I have provided assistance to Anishinaabe people who work - anokeen - on the land in their pursuit of greater recognition in non-aboriginal law and policy of their authority in relation to their customary lands. Secondly, where this has been requested, I have provided assistance in the establishment of economic projects designed to support customary land-based livelihood activities. This experience has yielded significant perspectives on Anishinaabe relationships to land which I have applied in other work on land use and management issues. Much of this perspective has been gained through my long-standing personal relationships with Anishinaabe "harvesters" and this is why I have chosen to write about it in the first person. Their problems in relation to "land use" issues have often had a profound impact on their personal lives on the land, and this is why I have chosen to refer to some of them by name.6

6Where I have done so, they have agreed to it. Where matters of confidentiality were pertinent, I have not referred to
My work with these people also explains my reference to Anishinaabe terms in this essay. The Anishinaabe language remains the language of general use when Anishinaabe people are working on the land. Most of these people would prefer to use their own language in negotiations concerning land use conflicts. Further, in many instances they do not understand the technical jargon of provincial resource management though its ethical and political implications are quite clear to them. Anishinaabe categories and descriptions of relationships to land often simply have no equivalents in English. This applies even to the most basic concepts such as land - **aki** - and how people should organize their relationships to it.\(^7\) The ultimate significance of this is grounded in Anishinaabe cosmology and this may seem quite some distance from the subject of co-management. However, its practical significance as it is reflected in the Anishinaabe organization of life on the land is immense. I remain unsure as to how it will be accounted for in co-management negotiations where the use of English will predominate.

It is important to emphasize that this perspective carries the inherent limitations of being presented by a non-aboriginal. However, through my work with aboriginal harvesters, I have come to appreciate the breadth of the challenge of developing a common language concerning land use issues that is acceptable to the members of aboriginal communities who actually depend on the land for their livelihood. This involvement with the land has its own particular relevance in much of the Treaty #3, Treaty #5 and Treaty #9 territory of Northwestern Ontario where I have worked with Anishinaabe "harvesters" on land issues. The vast bulk of this land remains constituted as provincial Crown lands. Yet it has been subject to long standing non-aboriginal exploitation. The industrial forestry frontier is only now reaching into its more northerly regions, yet logging has occurred south of this frontier for decades. Networks of dams have been built on the Rainy River, Winnipeg and English River systems during the first two-thirds of the century.

The extensive impacts of these developments on the Anishinaabe people has never been fully determined. For example, in the "...early instances of [water] impoundment and regulation, Anishinaabe rights and interests were completely and utterly disregarded. The adverse effects,

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\(^7\)The reverse is also the case. There are, for example, no equivalents for terms such as "harvester", "forager", "subsistence" or "primitive" in the Anishinaabe language. This is usually why I have used quotation marks around these terms throughout the essay.
though dramatic, were overlooked and ignored at the time, and for long after.\(^8\) The region is blanketed with a complex set of provincial land tenure policies and regulations by which third party rights have been created with respect to resource development activities ranging from forestry and mining to tourist lodges and outpost camps, from trapping and commercial fishing to the harvesting of wild rice - *Manomin* - and the sale of minnows. All of these have had profound impacts on Anishinaabe people who work on the land. Yet, as I will demonstrate, their own unique relationships to land have persisted wherever there remain niches in the Crown land base where they can be applied. Further, I will show how this fact presents a special challenge to the notion of establishing cooperative arrangements regarding the use of these lands.

There is a certain urgency in the need to broaden cross-cultural awareness about aboriginal approaches to land. Environmental organizations, for example, are currently working to significantly expand the area of "protected lands" (eg. provincial parks) in northwestern Ontario.\(^9\) At the same time, non-aboriginal governments are declaring their willingness to negotiate co-management agreements for natural resources with aboriginal groups with respect to this same land base. In the Kenora district of northwestern Ontario alone, at least two formal co-management negotiation processes were ongoing in 1993 (for the Wabaseemoong Independent Nations and for the Whitefish Bay First Nation). These negotiations are proceeding in the context of statements involving the Government of Ontario declaring a new sensitivity and respect for aboriginal culture and aboriginal political authority. The most significant of these is the Statement of Political Relationship signed by the Government of Ontario regional aboriginal organizations in 1990. In it, the principle of the inherent aboriginal right of self-government was affirmed.\(^10\)

My work with Anishinaabe "harvesters" on land use issues has led me to conclude that developing

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\(^9\)See, for example: Kevin Kavanaugh, "Special Report: Ontario's Endangered Spaces", in 4(2) *Borealis* 8 (Fall 1993), at p. 12.

\(^10\)Statement of Political Relationship (Signed at Mount McKay, August 6th, 1991). I want to note that Section 5 of the agreement states: "This Statement of Political Relationship expresses the political commitment of the First Nations and Ontario and is not intended to be a treaty or to create, redefine or prejudice rights or affect obligations of the First Nations or Ontario, or the aboriginal and non-aboriginal peoples in Ontario."
and implementing co-management agreements will be an enterprise fraught with ambiguity. Indeed, in some cases, this process might lead to additional conflicts over land use and resource management that will divide the members of aboriginal communities or increase the already considerable pressures of assimilation that they now endure. Further, they may only exacerbate tensions over land use that already exist between aboriginal and non-aboriginal communities. I say this in part because traditional ethnocentric assumptions about aboriginal relationships to land remain disconcertingly prevalent in state land use management policy and practice.

Little has been done at an official level to counter this bias. As a result, in the regions where co-management is being discussed the non-aboriginal public often continues to perceive aboriginal communities as being engaged in land grabs rather than in efforts to preserve their cultures. This is spite of the fact that what is actually needed "...is a new compact that allows cultural energies to be fused together. Some commentators are beginning to see that this fusion requires of the Euro-Canadian majority a humility in recognizing the limitations of its past vision of land use". Anishinaabe people I know who work on the land are in agreement that this requires a recognition to divergent approaches to land "use" that must involve the language of co-existence, shared authority and pluralism within a larger framework of cross-cultural cooperation. One hopeful source of this authority lies in land claims based "co-management" regimes that are currently being implemented in the Canadian north. Such co-management regimes could be structured so as to not only protect customary aboriginal relationships to land but nurture them as well.

My work with Anishinaabe people is carried out on treaty lands, however. Furthermore, there are significant numbers of "non-status" aboriginals living on these lands. The recognition and protection of customary aboriginal relationships to these lands must come, therefore, through a renewal process. It will require an authentic application of the principle of cultural survival in the context of a full recognition of the value of cultural diversity.

\[11\] Hodging and Bordo, Supra 1.
CATEGORIZING LANDSCAPES

-Wildness and "Wilderness"

When non-aboriginal Canadians use categories such as "wilderness" and "natural resources" to refer to the land and the "wealth" that it contains, they are not employing categories that transcend cultural boundaries. Rather, as they are used to describe Canadian landscapes, they embody a whole series of inferences concerning human relationships to this "undeveloped" land that have historically been the cultural domain of Euro-Canadians. By now this should go without saying. In fact, however, it has done little to alter the tendency of the relevant state institutions to assume that the Euro-Canadian technical paradigm of resource management possesses a superior intrinsic rationality and predictive capacity. Such power is assumed to endow this paradigm with a universal applicability that should transcend cultural boundaries. Given enough time, aboriginal people will accept its applicability to and complementarity with their presence on the land.

The limitations of non-aboriginal categorizations of much of the northern landscape were made self-evident to me beginning on the very first trip that I took on the Wabigoon River and on Dinorwic Lake in July, 1986. I was asked by an Anishinaabe man, Joe Pitchenese, if I would like to accompany him to check out the condition of some "wild rice" - Manomin - fields cared for by Anishinaabe people from the Wabigoon area in northwestern Ontario. (I had only recently begun to work with Anishinaabe "wild rice harvesters" from the Wabigoon Lake Ojibway Nation reserve and the village of Wabigoon.) We travelled first on the Wabigoon river upstream from the Wabigoon Lake Ojibway Nation reserve. At the time, he was leading a group of Anishinaabe people who were beginning an effort to establish a mechanized wild rice processing operation for their community.

While travelling up the Wabigoon River, I soon learned that Joe Pitchenese preferred that I refer to wild rice using its Anishinaabe name "Manomin". This was not said to me in so many words. However, in the context of the discussion during the trip, his preference for the Anishinaabe taxonomic description of the plant was evident. It was only later that I was to understand more fully the implications of this preference.

At first, the sheer size of the Manomin fields in the Wabigoon River as well as the beauty of the location was overwhelming. Even after we turned around on the river and travelled downstream
into Dinorwic Lake, I had not focused on any specific details of this ecology. It was only when I was taken to a place called Tobacco Creek on Dinorwic Lake that certain features of the landscape prompted me to ask a series of questions to learn more about the Manomin that was growing in this area. This was because, while the Tobacco Creek location was filled with a dense stand of Manomin, it was also filled with the trunks of trees - mostly spruce - that had long since died. How was it, I asked, that Manomin in Tobacco Creek was growing in water amongst the trunks of dead trees that were still standing? It was planted there came the reply. The next question that I asked was when this planting had been carried out. When the Manomin downstream that was grown in locations on Wabigoon Lake was flooded came the response to this question. And what of the Manomin upstream on the Wabigoon River? Planted as well came the response once again. By whom? Joe Pitchenese did not know and the essence of his extended response to the question was that he did not understand why I would consider this question important or relevant.

All of the "wild" rice "natural" resource that I saw on that trip in July of 1986 was in fact the core of an anthropogenic landscape. On the same trip, I also learned that the landscape was also being transformed by non-aboriginal activity in the watershed. Flooding had occurred in that portion of the Wabigoon River watershed many decades previously as a result of the impoundment of its water. In 1879 a first dam was constructed to "improve" navigation in the watershed. It was replaced with a concrete structure in 1912 by the Dryden Pulp and Paper Company. During these years the level of water at the location rose almost three meters. Erosion has continued to damage much of its shoreline up to the present time as a result. The Wabigoon people were at least fortunate that the water control regime for this portion of the Wabigoon River watershed had at least allowed the successful renewal of the plant in the locations I visited in the 1986 trip. At the same time, I am unaware of any study ever having been undertaken to systematically determine the impacts of this impoundment water on the Wabigoon Anishinaabeg and how they adapted to it. In fact, governments have only recently begun to respond to pressure to undertake such assessments using the analytical tools that have been developed for this purpose.¹² This should be borne in mind when the focus of this paper turns to the perspective that I have begun to develop concerning the customary accumulation of "Traditional Ecological Knowledge" (TEK) amongst Anishinaabe people and its role in determining what is acceptable economic activity for them on their customary lands.

At any rate, it was several months after this trip that I learned the name of the Anishinaabe person who coordinated the replanting of Manomin to the Wabigoon River and Dinorwic Lake locations where it now grows. This knowledge was given to me by a Wabigoon Elder, Jeff Chief. I also learned from him and other Wabigoon Anishinaabeg that the bulk of the Manomin fields in the waters principally relied upon by the Wabigoon Anishinaabeg were, according to them, planted by their ancestors. Through this work, they established the means by which they customarily secured a significant portion of their livelihood from their ancestral lands. In this context, it is important to note that propagating Manomin was only one aspect of the involvement of the Wabigoon Anishinaabeg with the "resource". A comprehensive system was developed by them which regulated not only the propagation of Manomin but its tending and harvesting as well. It also includes a complex set of customary arrangements pertaining to the allocation and harvesting of the grain that is produced by the plant.13

It is significant that the names of individual Wabigoon Anishinaabeg who have propagated and nurtured Manomin have not customarily been seen as particularly important to them. A significant amount of ethnographic investigation is required to determine even the names of those Anishinaabeg who have been involved in more recent efforts to propagate Manomin. There are coherent reasons why this information may not be particularly important for the Wabigoon Anishinaabeg which I have set out later in this essay. I want to way at this point, however, that my experience with Anishinaabe harvesters has indicated that they speak to the extent of cooperation regarding the exercise of tenure arrangements at the local level. In turn, this suggests culturally specific strategies designed to secure long term benefits from the value of local biodiversity. At the same time, they point to the incommensurability dividing aboriginal systems of resource access arrangements and "management" authority from their Euro-Canadian counterparts. They have a special bearing on who should allocate such "natural" resources (who gets what and how much), how their management is to be regulated (institutional arrangements/structures) and the assumptions upon which these arrangements are to be entered into. They raise critical issues that go to the heart of issues including tenure and regulatory authority that challenge current assumptions of state agencies concerning the content of co-management.

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13 Andrew Chapeskie, "Indigenous Law, State Law and the Management of Natural Resources: Wild Rice and the Wabigoon Lake Ojibway Nation", in 5 Law and Anthropology 128 (1990), at pp. 130-140.
"Natural Resources"?

These issues call to mind some especially memorable experiences resulting from my friendships with Anishinaabe Elders who have spent most of their lives working on the land. They have provided me with certain perspectives concerning Anishinaabe relationships to land that have compelled me to rethink the approaches that have been employed in negotiating resource management problems. Some of these negotiations that I have participated in were officially designated as co-management exercises. The gulf which divides the English and Anishinaabe languages in their respective conceptualization of land use is immense. The context that invariably governs co-management discussions - they are always conducted in English - reinforces the alienation of Anishinaabe people who derive their livelihood from the land from these processes. Given what I have learned of the customary Anishinaabe conceptual organization of their relationships to land, I can understand how foreign and offensive such discussions must be to these people.

I have particularly strong recollections of discussions concerning humans and land with a number of Anishinaabe Elders, including Bertha Petiquan, who lives at the Wabauskang First Nation reserve. Now seventy-five, Elder Petiquan still leads an active life on the land. She has also been the inspiration behind the establishment of a "wild" fruit processing facility on her reserve to support land-based livelihood activities - a project which is led by her daughter Jane Williams. Since 1989, I have been fortunate to be able to travel with Elder Petiquan into the forest - noopomiing - usually to harvest various kinds of berries but also to visit her trapline. Bridging the language gap that exists between us has been a challenge that would not have been successful even to the limited degree that it has been without the help of her children. From these types of experiences, I have concluded that the language barrier itself presents a serious challenge both to the idea and practice of co-management.

As the stories and recollections of Elder Petiquan concerning her livelihood activities on the land accumulated, I came to realize that I should reconsider the whole idea of Anishinaabe landscapes and the relationships of Anishinaabe people to the "resources" that they contained. The Elder would recollect trapping activities such as how she would open up beaver lodges at certain times of the year to see where the various "bedrooms" and other rooms were located and to visit with the beaver in them. This work was part of a broader range of activities including such "census - taking" work that were designed to maximize the efficacy of her trapping endeavour. Many of the
harvesting strategies that have arisen out of such customary Anishinaabe activity conflict with provincial trapping regulations and local management practice. These go right down to such details as the number of beaver that MNR officials direct Anishinaabe trappers to harvest from specific lodges under pain of penalty. At any rate, the recollections of Elder Petiquan made me wonder about whether or not I should consider these animals somehow "tame" but not "domesticated". How did she conceptually construct her relationships to them? To what extent did her methods of selective trapping of these animals make them anthropogenic?¹⁴

At any rate, while a variety of the practices involved in the trapping endeavour of Elder Petiquan might be classified under the rubric of management, there was a quality to them that went far beyond what might normally be understood as descriptive of the non-aboriginal resources management paradigm. It was the same with her recollections of blueberry harvests during the period before and after World War II when it was economically viable to harvest and sell blueberries on a fresh basis to non-aboriginal brokers. Details pertaining to such matters as organizing dozens of families for the harvest (a leadership task which was often conferred on her father in law, the medicine man Baptiste Petiquan) and regulating the harvest cycle to integrate maximin harvesting efficacy with the maturation of the blueberries would be seamlessly interwoven with an extensive knowledge of the relationships of animals and birds to the same berries.

In order to comprehend how she has conceptually organized her relationships of land and resources, I decided to ask Elder Petiquan if she knew an Anishinaabe term for "natural resources" or if she

¹⁴These types of questions might be more appropriate than they might appear on a first examination. One Anishinaabe "trapper" (trapping was only one of his activities and it consists of more than setting traps for animals) I work with, for example, told me in the spring of 1993 about his feeding of fish to certain species of the furbearers that he customarily harvests. When I asked why, he responded with the following explanation. By feeding these animals at certain times of the year they can be attracted to specific locations. This makes it easier to catch them. A trapper like himself will want to do this so that a certain amount of carnivorous furbearers can be caught to maintain balanced levels of other furbearers that they prey upon, but which at the same time are important to his livelihood. As well, since the collapse of the market for furs, his livelihood rationale to trap has diminished. The consequence is that populations of predator species such as mink have risen sharply since the customary balance between the furbearer species mosaic and himself as a trapper is no longer maintained. If he did not feed them they would not only disturb this optimal species balance with prey species such as muskrats, but they would also turn to cannibalism. He felt obligated to assume some sort of responsibility to ameliorate this situation to the extent that his time permitted. This type of situation raises its own issues: If Anishinaabe trappers do not actively trap their lines the Ontario Ministry of Natural Resources can assign them to others, including white people, who on average have significantly higher income levels than Anishinaabe people in the region, and who might wish to trap for a "hobby". Should there be no recognition of the work undertaken by the Anishinaabe trappers on their traplines, especially if the result of it is well-maintained or improved species heterogeneity and balanced abundance that will support a greater livelihood stability over time?
could describe it in her Anishinaabe language. She and her daughter, Jane Williams, discussed this for some time in their aboriginal tongue. No, was her answer to me. Did she know what I had meant when I used the term "natural resources" in prior conversations with her and her daughter? Not really, was the answer. Her daughter, however, being fluently bilingual understood this term perfectly well. Did Elder Petiquan have an Anishinaabe term or description for either of "natural" or "resources", I asked. Once again, the response was no. There were no terms for wild or wilderness as non-aboriginals might understand them (There is an Anishinaabe term in the Treaty #3 region used for "bush" or "remote", "out of the way" lands - paagogochaying). A few times I have been given an Anishinaabe term for "wild" but this has been explained to me to "wild" or "crazy" behaviour - keeoshquay - that in animals is characteristic of conditions such as rabies.

In subsequent conversations with Anishinaabe people who work on the land, I learned they were unaware of Anishinaabe descriptions having emerged in their language which directly correspond to the key Euro-Canadian resource management categories used within state management institutions. Anishinaabe descriptions of the institutions themselves and those who work in them are revealing, however. For example, Anishinaabe terms for "conservation officer" include wiaasgehininiwik15 - "meat men" and amikogeemak - "beaver bosses". Invariably these terms refer to the issue of control. Even MNR buildings are referred to on this basis in the Anishinaabe language. I have never heard of conservation officers referred to as aaki ganawenjikayiniwik "keepers/protectors of the land." Amongst themselves, Anishinaabe people continue to use Anishinaabe categories and descriptions in their language that correspond to their relationships to land. They do this even when they discuss land use conflicts with the Ministry of Natural Resources. In some cases, Anishinaabe descriptions of land use activities have evolved to reflect imposed provincial jurisdiction.16 Usually, however, these people tend to avoid regular interaction with the province in the form of land use discussions. My observation has been that even "non-formal" leaders amongst them, such as Joe Pitchenese, tend to approach the MNR on an as required basis when particular conflicts or access questions must be addressed.

15 This term arose at Lac Seul at the turn when the Ministry of Natural Resources attempted to assert control over the harvesting of game even for domestic use purposes by laying charges against a Lac Seul Anishinaabe person arising from an incident where he was smoking moose meat.

16 For example, "traplines" that Anishinaabe people must now hold pursuant to provincial regulations are referred to as oni-igeh aki (trapping land). This tenure should be distinguished from a customary system of tenure that might be most accurately defined as family livelihood territories - kaagizzhitazhihikaywaat. Sometimes Anishinaabe people refer to these territories as - nandaawanjikeh aki - family hunting territories although a wider range of livelihood activities may be exercised in them.
State-funded aboriginal organizations, which have been created to represent indigenous communities at the regional, provincial and national levels, tend to gravitate towards the use of English and the non-aboriginal rubric of "natural resources management" when land use arrangements are being negotiated with government agencies. I have often wondered how unilingual Anishinaabe Elders, who are sometimes asked to attend at these processes, respond to them. I have received at least a partial answer to questions such as these questions as a result of being asked on several occasions to help First Nation communities create negotiating documents in English, which re-frame "land use" issues, in so far as this is possible, to reflect the character of local Anishinaabe relationships to land. This type of approach is seen as offering one possible means of displacing the dominant non-aboriginal discourse of "resource management" and the structural dynamics that are inherent in it.

The suppression of Anishinaabe relationships to land is interwoven with the discourse of the dominant society concerning land use. Anishinaabe people find themselves in a positions of having to accept that this discourse inevitably governs discussions concerning land use issues. Is this question not related to the exercise of authority in relation to land and, in turn, the normative discourse that governs discussions that relate to the expression of this authority? At the same time there is a nearly unanimous consensus about the pressure being placed on their language by the dominant society. Is the use of the Anishinaabe language of living on the land not crucially related to the capacity of these aboriginal people to maintain customary relationships to land where they desire this?

NATURAL RESOURCES MANAGEMENT

- Land "Use"?

Generating an adequate perspective on the issue of the character of aboriginal relationships to land represents an immense challenge in and of itself. My on-going contact with Elders and younger Anishinaabe people who spend much of their time engaged in livelihood activities on the land has only confirmed this. Information that would be considered important in buttressing a defence of customary Anishinaabe relationships to land in a formal Euro-Canadian institutional setting might have little relevance in their cultural settings.
This problem goes beyond the relevance of maintaining information as to who planted Manomin fields within indigenous "common property" land use systems. In these systems, it may not even be relevant that information as to whether particular Manomin fields were even planted by humans gets passed on in perpetuity. In an aboriginal culture - especially one that has been historically carried forward within an oral tradition - the manner in which information on land use is embedded in the culture (e.g. in ritual form) may render it vulnerable to outside suppression. Or it may be that its transmission is tied to the continued aboriginal customary use of the land itself; it is learned by doing. If an activity on the land is prohibited, the information may be placed at risk of being lost. This is because it is customary for it to be transmitted during the practice of livelihood activities often in settings which involve ritual.

My discussions with Anishinaabe people such as Elder Bertha Petiquan highlight the difficulties of doing work in this field. When I listened to her and her children recollect the sophistication of the organization of past communal blueberry harvests, I enquired about the possibility that Anishinaabe people might have, at one time, used fire as a tool for increasing both the abundance of the crop and species heterogeneity in suitable locations. Henry Lewis, who has conducted extensive field research on the aboriginal use of fire, recorded a revealing quote from an informant who gave information on how the use of fire affects the growth of berries:

In the spring when there is still some snow in the bush that's the only time most people could burn the open places. It is then that people think that it is best to start the burning. There are a lot of places they don't burn; they don't burn all over. But there are many places people know to burn. In time many animals go there; some like beaver, about four to five years after. Especially the bear because the new bushes of berries growing in the burned places. Bears live not only on leaves and other plants; they also live on berries. They eat all kinds of berries at any season (Slavey, 69, Meander River area).

More recently, Lewis has concluded that the use of fire as an ecosystem management tool in these types of contexts constitutes a form of "technology" - or "technological knowledge" - that contradicts traditional assumptions about aboriginal peoples existing at "low entropy" states.  

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Lewis quotes R. Riddington to the effect that we should not "...inadvertently overlook the artifice behind technology in favour of the artifacts that is produces...[T]echnology should be seen as a system of knowledge rather than an inventory of objects".19

Elder Petiquan remembered no instances of fire being used to regulate the growth of blueberries during her lifetime. She never asked any of her Elders about the prior existence of such a practice when she herself was young. In my conversations with other Anishinaabe Elders on this question, the responses were generally the same as those of Elder Petiquan. They do not recollect these types of uses of fire. At the same time, however, I now know two Elders who remember conversations about the uses fire from a time before they were born. Thus, I was not surprised to come across the following in the autobiography of Madeline Katt Theriault, a member of the Bear Island Band in the Lake Temagami region of northern Ontario:

**WHITE MAN MAKES A FARM** to grow hay to feed his animals. He also grows vegetables for food. Indians also feed their animals, only in a different way. Around the middle of April, the Indian trapper looks around to find a bare spot, mostly up on the rocks where the snow goes first, where there is still a lot of snow at the bottom of the hill. They set a match to this bare spot and only burn where it is dry and bare, so there's no danger of a big forest fire because the fire stops when it reaches snow.

Two years later you would find a big patch of blueberries in amongst the bushes. And you would see all the hungry animals of all kinds feeding on those blueberries; fox, wolves, black bear, partridge, squirrels, chipmunks, and all kinds of other birds. No doubt they were happy to find those berries. It was the trapper that got it for them by setting the fire.

This is what I mean when I say Indians feed their animals too. The berries were for our own benefit too. As we would preserve them for our winter use. After a few years, young trees would grow on that burnt place. Then the rabbits would get to feed from those young bushes. In later years, the little trees would get bigger. Then the moose and deer get to feed from it. So, you see the setting of these small fires can go a long way in feeding many animals.20

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It should be kept in mind that the control of fires to protect timber for non-aboriginal commercial interests began in Northern Ontario even before 1918, the year that Elder Bertha Petiquan was born. Provincial "protection" of forest land from fire for the benefit of non-aboriginal firms created economic and social impacts for Anishinaabe people that had to be borne by them. The impact of the prohibition of their use of fire could have been especially deleterious in increasing their workload by reducing their capacity to maintain site specific levels of enhanced resource abundance and species heterogeneity. I believe that it would also be worthwhile to examine how the system of tenure that was established for the forests of Ontario suppressed customary Anishinaabe access arrangements to their lands and prevented them from being able to benefit from harvesting timber for livelihood purposes from them. Provincial forest tenure is characterized by limited access rights (as are a wide variety provincial resource access arrangements). As I indicate later in this essay, Anishinaabe access arrangements to land are much more concerned with equity and the regulation of harvesting behaviour. If Anishinaabe people who work on the land think it improper to "own" access rights which are regulated in a manner which discourages participation - and all of those I work with do - how are they to reconcile provincial law and policy with their livelihood needs?

It might be argued that the Anishinaabe language describing their presences on the land is inadequate in the context of their place within a larger post-industrial society. Consider, however, the rubric of "land use" that is so commonplace in state resource management. When I asked Anishinaabe harvesters for the equivalent of this term in their language, it became apparent that the term represented a paradox to them. Joe Pitchenese, for example, knew of no such equivalent Anishinaabe term. His understanding of the Anishinaabe term aapitchitoon -"to use something" - was that it was never used in relation to land. He would no more use this term to describe his work on the land than he would with respect to his relationships with his spouse or son.

Land is subject/other; one is always in relation to land in this sense. Is this related to the fact that it remains normative for Anishinaabe people like him to ritualize their activities on the land from hunting to logging? Berkes, Folke and Gadgil maintain that there are a "...variety of ways in which feedbacks from the environment are used to arrive at a series of traditional resource management principles that make ecological sense....[One of them is to] manage your landscape to enhance human well being, encoding environmental ideals in religious tradition." 21 The
Anishinaabe language itself reflects coded values and principles of sustainability which should be preserved.

Berkes, Folke and Gadgil have stated aboriginal ecosystem management practices, such as the use of fire as an ecosystem management tool, "...are not only adapted to, but actively modify the environment by managing the feedbacks [from the landscape] for the sustainable use of the resource base". The practice of these adaptive strategies have been found not only to maintain "...relatively high levels of diversity in the managed landscape [but in numerous cases] to augment its heterogeneity." They contrast this with the finding that:

Resource management based on Western scientific knowledge generates simplified ecosystems....As well, [Western] resource management practices are designed to lock out the feedbacks from the environment; resource management agencies work hard to avoid natural perturbations, as in fire management in forestry. Blocking out perturbations and feedbacks may be "efficient" in a limited sense in the short term, but may make the ecosystem "brittle" by inviting even larger and less predictable feedbacks from the environment. These feedbacks, termed surprises..., may be even harder to cope with and can have devastating effects on the ecosystem and on societies that depend on these resources.

In fact, the evidence from aboriginal societies indicates that state management strategies concerning fire suppression has, either by design or by default, not only injured aboriginal economies but also suppressed what constitute effective and valuable alternative aboriginal biodiversity conservation strategies. There is little doubt that state resource management has significantly, and with potentially damaging consequences, diminished the extent of anthropogenic Anishinaabe landscapes. Even the aesthetic consequences of state management on Anishinaabe landscapes might be significant. I believe that it would even be interesting to study the extent to which Anishinaabe uses of fire played a role in either establishing or maintaining the "natural" old growth pine forests across the province including those remnant stands that much of the non-aboriginal public now wants to see preserved. I remember asking Chief Joe Powassin from the Windigo

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23 Ibid, at p. 20.

24 Ibid, at p. 21.
Island community on Lake of the Woods why a particular location on the southwest corner of the lake was called Buffalo Point. He said that an Elder had told him that at one time there were buffalo in that area. At some point, I would like to determine Anishinaabe relationships to this landscape. Was it once maintained as an anthropogenic to support the livelihood activities of the Anishinaabe people who live in this region? At any rate, I do know one young Anishinaabe person who indicated a determination to me to renew the practice of spring burning to nurture berry crops. Could such practices be revitalized on an ecologically sustainable basis? Will co-management agreements be able to allow for this?

The latter question is not simply rhetorical. To my knowledge, provincial resource management agencies in northwestern Ontario have never established any systematic initiatives to develop a more sophisticated perspective on either the extent or the nature of Anishinaabe presences on the landscapes of the region. There is little knowledge of how these relationships to land might support viable aboriginal economic activities. Without bridging this glaring cross-cultural divide, how will co-management arrangements be constructed that give meaning to the practice of co-existence to the extent that affirmations of the importance of aboriginal cultural survival might be more than just rhetoric?

This is not an insignificant concern given the presumption that co-management arrangements cannot disturb the jurisdiction of the state; local aboriginals constitute only one in a set of user groups whose "stakeholder" interests must all be accounted for within this jurisdictional framework. As I have already noted, the issues are not seen in terms of their relation to cultural survival. Presumptions such as these may allow for a greater sensitivity to customary aboriginal relationships to land where the jurisdictional setting involves aboriginals constituting all or most of the "local" user groups. The lack of any sophisticated awareness on the part of government or the wider non-aboriginal public concerning aboriginal relationships to land, however, presents serious implications for co-management negotiations that are now being established in regions such as northwestern Ontario where there are significant non-aboriginal political interests.

In this region, for example, organizations representing a range of interests and "user" groups from transnational forestry corporations to hunters and fishers, from "wilderness" preservationists and

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25 Martha Johnson (Editor). Lore: Capturing Traditional Environmental Knowledge (Hay River, NWT: Dene Cultural Institute and the International Development Research Centre, 1992), at p. 17.
environmentalists\textsuperscript{26} to local non-aboriginal residents\textsuperscript{27} are all clamouring for co-management agreements with aboriginal people to be implemented in a way where their interests are protected. Little or nothing is known about how these interests have and still continue to suppress Anishinaabe relationships to land. This is perhaps why, for example, the Anishinaabe people I work with who rely on Manomin to support their livelihood prefer to address the issues of authority in relation to the plant in terms of the spirit and intent of their treaty relationship with the Crown. Mutuality, equality and respect between peoples are held out by them as what should constitute normative expressions of their relationship with non-aboriginal Canada by which their cultural survival will be ensured.

\textit{-" Resources Management"}

The idea of resource management cannot be separated from the context of culture. In trying to grapple with meaning of resource management with Anishinaabe people who adhere, as much as possible, to customary approaches of working on the land, I have often been frustrated. I have wondered whether or not it should even be used to categorize the nature of customary Anishinaabe systems of resource use and conservation. The Anishinaabe "harvesters" I work with tend not to use this term even as an English expression when it has seemed to me that it might have a functional utility for referring to arrays of customs regulating a wide variety of activities on the

\textsuperscript{26}See for example: Kavanaugh, \textit{Supra} 9, at p. 14.

\textsuperscript{27}Jacqueline Louie, "Whitefish Self-Gov't Talks: 'This is not a democracy,' says Motlong. Close to 200 people pack Sioux Narrows hall for meeting" (Kenora, Ontario: Daily Miner and News, September 24, 1993), at p. A1: "One man said the concept of the traditional land use area was frightening everyone. A number of people asked for the negotiations could be stopped. ...[Another] resident...said Whitefish Bay First Nation should have no more control over the traditional land use area than the residents of Sioux Narrows, and that if Whitefish Bay is concerned about natural resources management it should lobby the government through existing ministries. The negotiation process should be open to all interested groups, both native and non-native, in order to be fair and provide all with an opportunity for input [another municipal official added]." The report seems to indicate that the theme of these negotiations is being developed solely around the issue of access to resources within the framework of the provincial management system (The aboriginals involved might obtain greater access to resources and the ability to participate in their management by participating in the provincial system.). While the issues of access and control cannot be avoided, the report raises the quare of whether or not any specific emphasis has been placed on expressly articulating the character of customary aboriginal land use practice in the "traditional" land use area in question and its suppression by the provincial resources management system. Are there benefits to be gained in terms of cross-cultural understanding and appreciation by expressly situating the issue of regulatory authority in the context developing a pluralism of land use approaches for traditional land use areas that is designed to protect the character of Anishinaabe relationships to these territories where they wish to preserve it?
land. Indeed, my experience of the tendency of these Anishinaabe people to avoid the rubric of "resource management" has been that this has cosmological significance in their culture. It is an indication of how the character of Anishinaabe relationships to land might be fruitfully distinguished from that of their Euro-Canadian counterparts in co-management discussions. This can be illustrated by a comparative analysis of the issue of tenure.

My experience has been that Anishinaabe people who work on the land do not describe their landscapes to me as non-aboriginal people do where we must infer the dynamics of our relationships to them. Rather, my experience with these Anishinaabe people has been that they describe social arrangements which govern specific non-aboriginal relationships to land.

The allocation of rights to resources in the form of tenure by the state represents one of the primary means by which it achieves its management objectives. In the most recent information document concerning land use planning in the West Patricia region of Northwestern Ontario (inclusive of the Red Lake, Sioux Lookout and part of the Geraldton administrative districts), the Ministry of Natural resources lists the following forms of tenure: private or patented land, federal Crown land tenured mainly as Indian reserve land, and provincial Crown lands tenured as provincial parks and park reserves, land held under land use permits, Crown leases and licences of occupation. The total area of the provincial Crown land base of this region is 221,439.4 square kilometres out of a total land area of 223,525 square kilometres (Indian reserves constitute a maximum areal extent of 1766.1 square kilometres). The area of "untenured land" is 211,783.6 square kilometres in size (94.8% of the total land base). What is most disconcerting about the planning document is that even the possibility of the existence of Aboriginal systems of land tenure is not mentioned. Indeed, the classification of tenure, and the reference to "untenured land" implicitly precludes the possibility of aboriginal forms of tenure in the area. Significantly, traplines are not categorized as a form of tenure. What does this way about the security of access to trapping land that is allocated by licence to Anishinaabe people in the region?

I have written elsewhere on the issue of jurisdiction with respect to Manomin that:

What is unmistakably evident... is that centuries of contributions of Anishinaabe people toward the use and active management of renewable resources throughout their

28Ontario Ministry of Natural Resources. West Patricia Land Use Plan: Background Information (Ontario: Ministry of Natural Resources, Nov. 1981), at p. 19
lands have remained largely invisible to the outside world. The management strategies employed to maintain many of these Manomin fields went unnoticed by provincial resource managers. No licences were issued and no permits were granted by the Province of Ontario approving the work with the Manomin that was undertaken by Wabigoon Aboriginals [to transplant the plant to] the location I first visited ... in 1986. The [selection of Manomin seed to plant] ... these new fields and many others throughout their region was not organized or directed by an official of the Ministry of Natural Resources or [the Ministry of] Agriculture. Of course the customary rules which governed specific management practices [for the plant went] unnoticed. No lines on provincial maps were ever drawn delineating the allocation of benefits resulting from this work. No fences or gates were put up when one phase of the work was completed. It was undertaken by people relying on their own cultural heritage and "human resources". It built on generations of work and accumulated knowledge about the land that had preceded it. [To this day] it has still not been recognized by the non-aboriginal society. It is not uncommon even now to hear outright denials that any work like this could even have been carried out by Anishinaabe people. This pattern of denial profoundly reflects on the inability of the dominant society in Canada to come to terms with its displacement of Aboriginal cultures right across the country. In particular this denial also reflects on the refusal to recognize and accept Aboriginal land management practices that, because they do not involve demarcation of private property interests, are not visible or even understandable to the dominant society.29

The fact is that Anishinaabe landscapes are accessed and "managed" pursuant to a wide variety of tenure arrangements. These range of forms of group tenure with respect to Manomin fields, for example, to forms of tenure such as those for lands that have been customarily constituted as family livelihood or "hunting" territories, to tenure arrangements that are exercised at the level of the individual. To my knowledge, none of these forms of tenure have ever been afforded official recognition in provincial law or policy. Even if such was ever to be the case, the consequences would be ambiguous unless the integrated complexity and interactive nature of Anishinaabe forms of tenure was also recognized. What I mean by this is that the historical emphasis placed by Anishinaabe people on cooperative behaviour on the land has led to indigenous forms of tenure that are profoundly differentiated from those sanctioned by the laws and resource management practice of Ontario. Anishinaabe land use customs and tenure arrangements, which are in part characterized by local control and authority, involve distinctive normative principles and social

arrangements of land use. The result is local customs that pertain to exclusivity and inclusivity (access and "boundaries") which are radically and profoundly different from the forms of tenure that have resulted from provincial law and resource management practice.

The profound differences which characterize aboriginal and non-aboriginal relationships to land that are relevant to the problem of co-management and related issues including tenure have been expressed with reference to distinctions between Traditional Ecological Knowledge (TEK) and "scientific knowledge". This has been described in the literature as follows: "It appears that indigenous knowledge differs from scientific knowledge in being moral, ethically-based, spiritual, intuitive and holistic; it has a large social context. Social relations are not separated from relations between humans and non-human entities. The individual self-identity is not distinct from the surrounding world. There is often no separation of mind and matter. Traditional knowledge is an integrated system of knowledge, practice and beliefs."

I should point out here that there is a certain ambiguity inherent in distinguishing "scientific knowledge" from "traditional" indigenous ecological knowledge. Such distinctions should not be made without an awareness of the ideological dynamics that may be more accurately said to differentiate them into distinct "systems of knowledge". Nonetheless, both the sophistication of aboriginal relationships to land they have been able to retain access to and the depth of their knowledge of these landscapes are now widely accepted.

Anishinaabe characterizations of the nature of resource extraction activities seem to me to be particularly concerned with the issue of distancing, as it relates to exercise of authority and responsibility on the land. Wabigoon people have often characterized the imposition of non-aboriginal jurisdiction over the land by reference to the term onaakonikewin. This has been defined to me by people including Joe Pitchenese, the leader of the Wabigoon wild rice enterprise, to mean the "white man's way of law and power" where Anishinaabe people are subjected to outside control that dictate their relationships to land. The Anishinaabe way of living - bimaadizewin - on the other hand is contrasted to non-aboriginal law as gichiinenjigaaday, the

30 Berkes, Folke and Gadgil, Supra 22, at p. 21.

way of respect. Customs pertaining to land use which can be referred to as *ogiinaanaagajitonaawa* can only be exercised by way of an authority which is constituted at the local level. The power of these normative values and their associated customs is crucial to the issue of co-management as I illustrate later in this essay in the following section of this essay.

- Knowledge and Power

My experience with Anishinaabe people who continue to work on the land is that, from their cultural perspective, the discourse of resource management employed by the dominant non-aboriginal society which invariably forms the context of co-management discussions between aboriginal groups and state agencies is plagued with ambiguity. The state largely controls the conceptual framework in which co-management negotiations take place "...because of its constitutional authority and the power of its legal sanctions". A significant corpus of research documenting the cultural distinctiveness and community-based character of aboriginal land use systems has had no more than a trace impact on discussions that have been established to resolve resource management conflicts in northwestern Ontario. The consequences of this state of affairs in terms of establishing effective co-management arrangements on aboriginal landscapes are enormous.

I kept this in mind when, as autumn was beginning in 1991, I was called upon to interview two Elders concerning the efforts of the Wabigoon Anishinaabe people to reclaim access to a Manomin producing lake that was historically important to their economic, cultural and spiritual lives. That lake is Oval Lake. Its waters drain into the Wabigoon River approximately thirty-five kilometres east of the Wabigoon Indian Reserve #27. My participation in interviewing the Elders was part of an ongoing process initiated by Aboriginals from this area to deal with two problems that had been festering for some time pertaining to the management of Manomin in Oval Lake. The primary issue was the previous allocation of "wild rice" harvesting rights for the lake to a non-aboriginal by the Ontario Ministry of Natural Resources. The other issue concerned the experimental application of herbicides to control "problem weeds" growing in the lake that was carried out in the mid - 1980's

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under the sponsorship of the provincial Minister of Natural Resources.\textsuperscript{33}

This effort to deal with the problems surrounding Oval Lake was being led by Joe Pitcheneese. He was the person who, in 1986, had originally guided me through the Manomin fields on the Wabigoon River that his Anishinaabe people had planted decades before. The crux of the problem was as follows. The Wabigoon aboriginals assert that Oval Lake falls within their customary Manomin harvesting area. They hold the conviction that their exclusive access to Manomin and their authority to regulate their own activities in relation to this "resource" is part of the treaty relationship that was entered into between their ancestors and the Government of Canada in 1873.\textsuperscript{34}

Notwithstanding this, the Government of Ontario imposed provincial management over wild rice when it passed the Wild Rice Harvesting Act\textsuperscript{35} in 1960.

Political conflict had already arisen out of provincial plans to manage wild rice.\textsuperscript{36} In an effort to resolve it, several Anishinaabe communities within Treaty #3 territories, including the Wabigoon Lake Ojibway Nation (the Wabigoon status reserve community), participated in negotiations which resulted in an agreement that "block harvest areas" for Manomin would be set aside within the Kenora and Dryden districts. (Because of their position regarding their treaty rights on land issues, 

\textsuperscript{33}See: Peter Fergusen Lee. The Aquaculture of Wild Rice: Progress Year $4$. (Sponsored by the Ontario Ministry of Northern Affairs, Hon. Leo Bernier, Minister) (Thunder Bay, Ontario: Lakehead University (undated (1985?)), at pp. 57-60.

\textsuperscript{34}Treaty No.3 Between Her Majesty the Queen and the Saulteaux Tribe of the Ojibbeway Indians at the Northwest Angle on the Lake of the Woods with Adhesions (Ottawa: Queen's Printer and Controller of Stationery, 1966 (Reprinted 1978)). The written treaty document does not explicitly refer to Manomin. Anishinaabe people, however, insist that respecting the "spirit and intent" of the treaty - especially as it pertains to what the aboriginal people at the time understood as having been agreed to in the treaty negotiations - is crucial to its proper interpretation. This would include an exclusive access to and regulatory authority over Manomin within the treaty area. It is my understanding that this is not the position of the Government of Ontario on the question of aboriginal authority in relation to Manomin either under the express terms of Treaty #3 or pursuant to any reasonable interpretation of its "spirit and intent". Based on its position, the government of Ontario has imposed its own management system for Manomin onto the Anishinaabe people. Within the districts of Kenora and Dryden, this has involved the creation of block (ie. communal) harvest areas set aside for harvesting by the members of the local Anishinaabe communities. The aboriginal communities must apply for and obtain a harvest licence for these block harvest areas each year from the Ministry of Natural Resources. Oval Lake, while falling within Treaty #3 territories, lies outside of the boundaries covered by the block communal harvest area system.

\textsuperscript{35}Wild Rice Harvesting Act, R.S.O. 1980, Ch. 532.

\textsuperscript{36}This conflict may have also been due in part to the fact that non-native entrepreneurs had begun to take an interest in acquiring access to Manomin fields which they could harvest for their own economic gain.
the First Nation communities from this area have generally shied away from any efforts to licence individual Manomin bearing lakes outside of the block areas that were negotiated with the MNR in 1959.) The Wabigoon aboriginals have consistently maintained that their block area was to extend eastward to the headwaters of the English River. Changes to the boundaries of MNR administrative districts meant that this was eventually not to be the case with the result that Oval Lake fell within a large portion of territory that was ultimately excluded from the Wabigoon block harvest area.

Although Manomin harvests in Oval Lake by Wabigoon aboriginals continued in an undisturbed manner for a number of years after the passage of the Wild Rice Harvesting Act, harvesting rights for the lake were finally allocated by the MNR to a non-aboriginal wild rice entrepreneur in 1976. This action was particularly resented by the Wabigoon aboriginals. It continues to be held up by them as a prime example of how political "externalities" constrain equitable resource management in cross-cultural situations involving aboriginal people. Therefore, when a new provincial government took office in 1990, they petitioned its Minister of Natural Resources by letter requesting a review of the issue of their block licence which involved their access to Oval Lake. They received a response six months later from the Minister wherein he stated the following: "The waters east of KE-10, the Wabigoon block area, were essentially inaccessible and contained only trace populations of wild rice. When those waters were subsequently licensed in the 1970's, they required extensive improvements to bring them into production." This response was frustrating to the Wabigoon aboriginals who were concerned with the Oval Lake question. When they measured it against their recollections of the historical efforts of their ancestors to nurture Manomin in their customary lands they were particularly disappointed. They

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37 Usher, Supra 32, at p. 7.

38 The non-native businessman who obtained the harvesting rights for Oval Lake was subsequently reported as having acted as the election campaign manager (1977) for the Ontario Minister of Northern Affairs. The minister was the provincial Minister of Natural Resources at the time that the wild rice harvesting rights for Oval Lake were allocated to him (See: "Ben & Leo: A Curious Relationship", in III (7) (No. 19) Harrowsmith 48 (May, 1979).

39 Correspondence from Joe Pitchenese, General Manager, Kagiwiosa Manomin Inc. to Bud Wildman, Minister of Natural Resources, Government of Ontario (December 10, 1990).

40 Correspondence from C. J. (Bud Wildman), Minister of Natural Resources, Government of Ontario, to Joe Pitchenese, General Manager, Kagiwiosa Manomin (June 24, 1991), at p. 2.
contend that their parents and grandparents had propagated Manomin throughout these lands without state subsidies over a period of time when much of the land was accessible only by canoe (This work continued up until and beyond the passage of the Wild Rice Harvesting Act). Any improvements by individual licence holders to lakes bearing Manomin that the Minister referred about which Wabigoon aboriginals were aware, whether they involved experimental herbicide use, seeding initiatives or even market support programs were heavily subsidized by the state.41

What was most frustrating to the Anishinaabe people from the Wabigoon area, however, was the assertion that these lands contained only "...trace populations of wild rice". Given their understanding of the reality of Manomin in this region, they decided to present their case to the Ombudsman of Ontario in an attempt to open the issue to further discussion. Thus it was that they asked me to assist them to begin the preparation documentation that would allow this to happen. The work was undertaken by a group of people acting largely on a volunteer basis. This is because there was little likelihood of securing financial support from state agencies to undertake the work. The process involved largely relied upon a "non-formal" customary approach to decision making rather than "formal" institutions that have been created pursuant to federal and provincial legislation and policy.42.

In the first interviews, which took place in 1991, a particular history of Anishinaabe activity at Oval Lake began to emerge. Of the two Elders with whom I talked,43 (Joe Pitchenese and his sister

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41 Where these programs were offered to aboriginal groups, they were usually of marginal utility within land "use" settings characterized by the persistence of common property resource management arrangements.

42 In my work with Anishinaabe "harvesters", I have found the distinction between formal and non-formal law and institutions in the literature in this field of research, the latter often being applied to customary law and organization in aboriginal cultures that are characterized by oral traditions as opposed to the formal institutions and written law of the modern state to be both constraining and awkward. While it is useful to distinguish between aboriginal and non-aboriginal "resource management systems", the comparative terminology currently in use still represents a handicapping lack of knowledge of aboriginal descriptions and categories employed by aboriginal people in their own languages not only to characterize land and "resources" but also the systems that they employ to regulate their activity on the land. I have sometimes wondered about what results would be forthcoming on land use and resource management, especially on those lands where aboriginal people constitute the majority of the population (in northwestern Ontario this represents most of the land base), if state resource management officials and the politicians who direct them had to discuss and resolve these issues in an aboriginal language context. At any rate, I believe that it is crucial that these issues be discussed in cross-cultural contexts where at least some of the non-aboriginals involved have at least enough aboriginal language skills to participate at a level considered acceptable to the aboriginal participants in such discussions. This would represent a considerable enlargement of the capacity of non-aboriginal state resource managers to comprehend both the complexity and distinctiveness of aboriginal relationships to land.

43 I have not named the Elders who participated in these interviews firstly because I have not sought their permission
Esther provided most of the translation assistance), one was in his late eighties and the other was in his late sixties. Their oral history told them, for example, that Oval Lake was known to them as Manomin Isaigaygun - "wild rice" lake. In a subsequent interview, the Elders who participated all concurred that the lake had been planted by their own ancestors. Their history told them which lake was the source of the Manomin seed that was planted in Oval Lake. It told them that before any of them were old enough to participate in a Manomin harvest, people used to go to Oval Lake to harvest the crop by travelling on the Raleigh River through the Basket Lake system. They themselves accessed the lake firstly by travelling along the Canadian Pacific railway tracks that cut across their lands close to Oval Lake and later by using logging roads which had been built into the area.

The living memory of these Elders yielded information about the cyclical nature of the harvests in Oval Lake and the quantities of Manomin taken from the lake during the years when it was harvested ("Traditional" Ecological Knowledge). The Elders also provided information concerning the number of families, including their names, who participated in the harvest at different times and how this access was regulated (tenure). They talked of the functioning of the rice camp and the practice of specific Manomin "management" activities such as weeding that had been used to maintain its productivity in the lake within a larger pattern of cyclical harvests. They

to do so and secondly because eventually, eight Wabigoon Elders in addition to younger people (including Joe Pitchenese) gave information concerning the Oval Lake issue.

Different historical production contexts can be established for the lake from the recollections of Wabigoon people who are still living. During the early decades of this century, for example, it was not uncommon that a dozen families would harvest together in Oval Lake when it was in the Manomin bearing phase of its productivity cycle. This harvesting occurred at a time that was prior to the establishment of a provincially regulated trapline system which was imposed on Anishinaabe people soon after the Second World War. During this time, the lake fell within the "hunting territory" of the Jim Pitchenese family. No one harvested Manomin from the lake when it was in the fallow stage of its cyclical production pattern because there was no Manomin to harvest in it. The productivity cycle of the lake, according to the Wabigoon Anishinaabe people, is related to its particular biology and geography though it is usually described by them in the context of their distinct "...values, ethics and cosmology" (Usher, Supra 32, at p. 7.) as they relate to the plant. This productivity cycle is important to Wabigoon people because when other Manomin bearing lakes are not in the productive phase of their cycle, Manomin yields in Oval lake are often at their peak. During these periods, it was common for families to pack out ten or more sacks of Manomin each containing approximately fifty kilograms of the food to the railway line that ran through the area and trade much of it at the Hudson's Bay Company post at Dinorwic. It was also customary for these families to harvest and preserve (by smoking/drying) many dozens of ducks for winter food. (In the interviews this was described as more than 100 ducks for each family.) While these activities can be described as "communal", it is important to note that harvesting and processing activities of Anishinaabe people have customarily centered around the family unit. Cooperation has been utilized to ensure harvest equity and to coordinate the harvesting practice and conservation behaviour of a number of families engaged in common livelihood activities at a single location.
also talked about how these "management" practices had been carried out. Significantly, no one from the Ministry of Natural Resources, including the Minister, ever asked for any information of this type as a response to the letter originally sent to him by Joe Pitchenese in 1990. This begs the question: Why not? Was it simply inconceivable to the Minister and his staff that these aboriginals might have relationships to their customary lands that went beyond those implied in their designated status as "hunter-gatherers" (ie. foragers)?

My experience in participating in these kinds of interviews and "focus groups" with Anishinaabe people has raised even broader questions concerning assumptions pertaining to issues such as ownership upon which resource management discussions are usually predicated by the state. I want to describe this by reference to the distinction I made between aboriginal oral history and personal recollections (living memory) that I drew in the preceding paragraphs. The Wabigoon aboriginals who provided information concerning Oval Lake, for example, were not concerned with knowing which of their ancestors had planted Oval Lake or the period in which it was planted. This information was simply not a part of any long term historical memory on their part which might relate to the place. Indeed, it had no particular relevance in terms of their collective relationships with the lake. One of the Elders indicated that he had heard that Severe Paranteau was said to have planted Manomin in Oval Lake which would in all likelihood place its planting in the latter part of the last century. This type of information, however, was simply not relevant to their system of tenure and management for the lake. Given their social arrangements with respect to "property" (ie. tenure in relation to land), this is understandable. The respective roles of the individual and the group in relation to what we might, with some caution, characterize as "common property" land use systems, might mean that there is little need to keep track of who planted Manomin and where.

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45 For Anishinaabe people, for example, this raises significant questions of proving "ownership" - within an even broader context of individual/collective property rights issues - to meet the requirements of state law that are employed to resolve aboriginal land claims. While this has spawned a significant industry within a number of disciplines including ethno-history that is generically referred to as claims research, state legal institutions in Canada have made painfully slow progress in actually recognizing the existence and validity of aboriginal relationships to land. It remains a vexing problem of legal pluralism that Canada has yet to substantially resolve.

46 Indeed, at a more general level, I have sometimes been struck by how it is within non-aboriginal society that the names of a host of well known aboriginal people have been preserved. I would be hard pressed to recall an Anishinaabe person who would remember the names of his or her great grand-parents. This is not to say that history is any less important for an Anishinaabe person than for a non-aboriginal. But the historical knowledge of an Anishinaabe person who works on the land may possess its own distinctive character and social - even ecological - significance.
While I would concur, therefore, that both aboriginal and non-aboriginal societies govern their relationships to land in accordance with systems of "...rules, norms and customs concerning rights and responsibilities that are intended to govern the behaviour of all who partake of ...[harvesting] and its benefits", 47 I want to place this statement into the particular context of my work on the issue of aboriginal land use. My experience with Anishinaabe harvesters has led me to conclude that it is crucial to appreciate the primacy that the normative values of cooperation and reciprocity, as they are specifically and distinctively configured in Anishinaabe cultural life on the land, continues to exert in them. I was forced to examine this issue in relation to land use problems as a result of the distinction that Joe Pitchenese of Wabigoon drew for me between onaakonikewin (non-aboriginal law) and bimaadizewin (the Anishinaabe way of life). 48 I came to understand that the Anishinaabe "harvesters" I work with use the term onaakonikewin to specifically refer to non-aboriginal law. There is no equivalent of this law in their culture they told me. This, however, led to a basic question that the lawyer in me could not escape: how can any society function in the absence of a basic system of law as I would understand it? 49 Given how my understanding of Anishinaabe relationships to land has developed, in hindsight the question seems to have a naive quality to it.

The question arose in the context of my participation in community-based research at Wabigoon concerning the Oval Lake issue. In order to gain a perspective on the relative significance of the Manomin harvest in Oval Lake to the wider land based livelihood pursuits of the Wabigoon Anishinaabe people, I concluded that there was merit in assessing the issue in a comparative analytical setting. My growing familiarity with the Manomin fields situated adjacent to or just upstream from the Wabigoon Reserve #27 on the Kagiwiosa and Wabigoon Rivers (the former

47 Usher, Supra 32, at p. 6.

48 See text at pp. 38 - 41.

49 This is a perspective concerning law that embodies profound implications in aboriginal/non-aboriginal, tribal/non-tribal relations. It touches upon every area where "western" law has imposed itself onto aboriginal life. Furthermore, it is an issue that has significance for individuals and communities other than those belonging to what we usually refer to as indigenous societies. According to Leonard Fein, "...the [Hebrew] word for "law" in its classical sense is "halachah," which translates as "way of life," and accurately captures the ancient understanding that everything that is required of is has been commanded us by God." This understanding is itself, according to Fein, a reflection of the fact that: "From a sociological or an organizational perspective, it is surely the case that the critical structural phenomenon that characterizes Jewish life is that ours is an entirely non-hierarchical community" (Leonard Fein, "Mending the World: A Jewish Approach to Social Justice", in CXII(1) Commonweal 21 (January 14, 1994), at p. 21.
flows into the latter at the Wabigoon Reserve) provided a suitable comparative benchmark setting to undertake this work. This comparative assessment formed part of the effort to examine the Oval Lake issue.

On various trips that I had taken on the Wabigoon River waters upstream from the Wabigoon Reserve since 1986, I learned that they have supported a variety of livelihood activities in addition to Manomin harvesting. Indeed, the area has significance for Wabigoon people as a location valued for its resource abundance and diversity. It is especially valued for its resource abundance and diversity because Wabigoon Anishinaabe people have established or nurtured much of it.50 The more important of these in economic terms51 included hunting (several species of migratory waterfowl and moose), trapping (beaver, muskrat and otter), and fishing (pickerel, northern pike, whitefish, sucker and muskellunge).52 Each of these species occupies its own ecological niche in these waters at various times of the year. During these times, different Wabigoon Anishinaabe people are often utilizing these "resources" in an intensive manner.

When the nature of this interaction is considered, it becomes clear that it is substantially more than the sum of its individual parts. The picture which emerges consists of an array of integrated resource harvesting and conservation/landscape enhancement practices53. The system could be described as an extractive polyculture that is characterized by a complex set of overlapping tenures which are encoded in norms and "...rules of conservation and harvesting behaviour"54 as well as landscape "management". In these arrangements the local group constitutes the locus of authority. Within this locally regulated system, land "use" arrangements are structured so as to facilitate the

50 It is important to remember that much of this area was flooded just after the turn of the century and that before this time, the waters that now produce Manomin (planted by Wabigoon aboriginals) as well as other resources were, I have been told by people from Wabigoon, pastures and hay meadows.

51 Other "resources", including bald eagles, which occupy ecological niches in these waters are just as important to Wabigoon Anishinaabe people although perhaps not particularly in economic terms.

52 Oval Lake by contrast has been significant for its Manomin, waterfowl and muskrat harvests.

53 Much of the landscape enhancement effort took place decades ago when flooding of the location first occurred, but there has also been more recent work at the location to control floating bogs (some of them are prone to drifting) which Wabigoon Anishinaabe people maintain are an ongoing impact of the original flooding.

54 Usher, Supra 32, at p. 6.
accumulation of distinctive configurations of evolving ecological knowledge\(^{55}\) that serves a dual purpose. In addition to being concerned with the factors of abundance and efficient resource utilization, the system also serves to maintain species heterogeneity and landscape biodiversity. A significant diversity of livelihood activities on the land (there are also those which are of a more specifically cultural nature but of no less importance) mirrors its ecological diversity. They are all considered of value at the level of the local group and their utilization must be balanced such that the enhancement of the abundance of one species does not have a deleterious impact on the overall value inherent in its diversity.

The above description provides one approach to finding coherence in the complexity of Anishinaabe relationships to land. There are, however, distinct normative dynamics of cooperation which characterize these relationships to land. They provide a valuable prism through which through which the issues co-management and co-existence in relation to land use can be contrasted.

During the first interview that was conducted to gather information on the extractive polycultures at the Wabigoon River and Oval Lake locations, the customary fishery at the Wabigoon River location was examined. I was interested in this fishery because the Manomin fields at the location also served either as spawning beds and/or brood stock sites for certain species of fish. I wanted to learn how customary Anishinaabe Manomin harvesting and crop enhancement practices were balanced with the value of the location in terms of its role in nurturing abundant fish populations. This did not happen in a manner that I expected.

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\(^{55}\) I am somewhat concerned that it is now standard to characterize this knowledge as "traditional" - ie. Traditional Ecological Knowledge (TEK) - rather than "community" or "local" ecological knowledge. Partly, this is because there is a clear tendency on the part of non-aboriginal courts to categorize the nature of aboriginal land rights in a "...primitive or fossilized state" (Bankes, Supra 5.) by employing to the concept of tradition. This tendency is itself a reflection of an ethnocentric bias towards and general ignorance about historical and contemporary aboriginal relationships to land which remains prevalent throughout non-aboriginal society (See: Chapeskie Supra 29, at pp. 122-127. My experience with the Wabigoon Anishinaabe people who work on the land is that their accumulation of ecological knowledge is a highly adaptive process which is continually evolving. In its expression as "technological knowledge" (See Lewis, Supra 18, at p. 955), it has the capacity to respond to the introduction of new tools for use in extractive activities. This includes its capacity to respond to the problems - including the abuses - that result from such adaptations (Lewis, Supra 18, at p. 954) while remaining a coherent, useful and even valuable body of knowledge. In this sense, this knowledge is no more "traditional" than the ecological knowledge of "western" science. The biggest challenge for the Wabigoon people with respect to maintaining the viability of this local knowledge is to effectively respond to the impacts of imposed non-aboriginal resource management (with its attendant information system that is designed to meet the technical challenges resource use and management culture in which it is embedded) on the exercise of local authority. I know, for example, of instances where Anishinaabe people have argued that their "aboriginal rights" in state law exempt them from customary restraints regulating their harvesting behaviour on the land. There are Anishinaabe communities where this problem is acute in comparison to the situation existing amongst the Wabigoon people.
Joe Pitchenese, a senior Elder, Charlie Williams, and I began our discussion with an examination of the fall whitefish harvest at the fast water which is at the head of a series of extensive Manomin fields at the Wabigoon River location. These fish migrated during autumn from Dinorwic and Wabigoon lakes along the river which passed through the Manomin fields in order to reach their spawning grounds. It was at this time of the year that they were fished at the fast water. I enquired about the number of Wabigoon people who would have participated in this particular fishery. Often about a half dozen people came the response. Then the Elder launched into a description of the fishing techniques employed at the location. Nets would be set out at the fast water. After several hours, and at night, the nets would be pulled. The group would work together to harvest the fish. The whitefish were harvested not only for their flesh but also for their roe. A certain portion of roe, however, was carefully extracted from harvested females and placed into tubs containing water. Male whitefish "milt" was then mixed with these eggs. The mixture was then carefully placed back into the water after a period of time. A polite and attentive deference was paid to the work of the senior experienced fishermen participating in this "harvesting" activity. Later at night the fisherman would return home with their catch.

This description of these aquacultural practices left me silent as I searched for a response to pursue the discussion further. I had not prepared for the interview assuming that my discussion with these "hunter-gatherer" "harvesters" would yield such a description of their fall whitefish fishery. What was the relationship of these people to the fish and the fish to them? Why had I never come across any reference to such aquacultural practices in any of the literature I had read on aboriginal resource "use"? After checking to make sure that I understood Joe Pitchenese and Elder Williams

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56 It was several months after this interview that a friend, Mel Wabegijig, sent me a document concerning the aboriginal fishery of the Saugeen Ojibway people on Georgian Bay in Ontario which stated: "If the Bruce fishery is returned to the Saugeen Ojibway, what guarantees do we have the Natives won't rape the resource? Short Answer: History. It has never been the natives who have harmed the resource. On the contrary, from the earliest times, Natives have made sure they took only what they needed and left what they did not. Profit has never been an important motive in Native use of the resources. The fact is, the Bruce fishery was astonishingly abundant before the arrival of the non-Native commercial fishery....When Natives caught fish during the spawning season, they would milk the roe and return the eggs to the river bed - a practice that found its way into the twentieth century. Traditional Native fishing methods, such as spearing, setting traps and building weirs, were able to target certain species and sizes of fish. These methods are now against the law. (Native Fishing on the Bruce: Some Facts Pertaining to a Fishing Agreement Between the Saugeen Ojibway and the Government of Ontario (The Chippewas of Saugeen, Ontario (undated (October, 1991?)), at p. 4.) (highlighting added). The invisibility of most of these relationships of Anishinaabe people to their resource base to the non-aboriginal society generally becomes all the more tragic when their efficacy is measured against many of the results of the technical responses of the state to increase resource abundance. In the fisheries area alone, for example, there are fears that state resource management programs are threatening landrace stocks (See, for example: Alex Rose, "B.C. Salmon: High-tech hatches a failure (Toronto: Globe & Mail (August 1, 1992), at p. D2). Indeed, the current strategy of using "high-tech" hatcheries may well constitute nothing less than a form of aquacultural eugenics
correctly, I thought I should ask whether or not pickerel spawned in this area in the springtime. The response was affirmative. Did this spring fishery involve these same types of aquacultural practices? Again the response was affirmative. I then asked whether this was the same with their spring red sucker fishery. The basic response from Joe Pitchenese was: "Nah, there's lots of those guys out there." Red sucker stocks were prolific enough that specific aquacultural practices such as those employed in the fall whitefish and spring pickerel fisheries were not necessary to maintain their abundance.

The discussion then moved on to other matters. These included how the Manomin fields at the Wabigoon River location also serve as northern pike and muskellunge spawning, brood and feeding habitat. The location also serves, for example, as habitat which nurtures the brood stock of other fish species. As I have already noted, these Manomin fields and the crops they produce also directly support a variety of other species, including migratory waterfowl, which are important to different members of the community at different times of the year. The "management" of Manomin reflects this. In the interview, Joe Pitchenese indicated that he was never intensively engaged in fishing activities at the location. His core livelihood pursuits are "ricing" - Manominikewin, logging, trapping (his trapline includes some of the Wabigoon River location that is the focus of this analysis) and, to a lesser degree, hunting. I have found that this specialization in livelihood pursuits is far more common than I had assumed when I first started working with Anishinaabe people on lands issues. Yet Joe Pitchenese reflected a keen awareness of the importance of the Wabigoon River location for a significant range of customary livelihood pursuits including fishing. This diversity of livelihood pursuits practiced at the location has significantly mitigated against even the possibility of Anishinaabe people like him considering the use of herbicides or insecticides to "maximize" yields of Manomin there.

The diversity of Anishinaabe livelihood activities at the Wabigoon river location points to a variety of associated stewardship practices which are mobilized to maintain and even enhance diversity and

with the result, for example, that: "Artificially raised salmon, deposited by the millions into B.C. waters, may be causing the extinction of the wild coho they were meant to save." From a biodiversity perspective, the Anishinaabe strategy at Wabigoon of returning the fertilized roe of many whitefish, for example, to the water so that it provides feed for other fish as well as replenishing local landrace stocks results in superior "resource management" when compared to the use of a few centralized "high-tech" hatcheries. Furthermore, from an energy conservation perspective, the related strategy of allowing the fish to come to the harvesters - a strategy which requires a high level of cooperation at the local level - has considerable merit. It provides a powerful example of an alternative strategy for living in a "high entropy" state that is sustainable because it captures the benefits of the flows of energy that are integral to the maintenance of the local ecosystem.
health of a local "...wider community of beings." This is a community to which the Wabigoon Anishinaabe people consider themselves to belong.) Accumulating and cycling ecological knowledge in a "common property" setting such as at the Wabigoon river location discussed above is an important part of this process. I could point to a range of practices such as the aquacultural techniques referred to above which constitute "rational" applications of indigenous ecological knowledge at the Wabigoon River location. This alone, however, would not do justice to how customary social arrangements of the Wabigoon Anishinaabe people governing their livelihood activities on the land mediate the accumulation, cycling and application of this ecological knowledge. I would agree, for instance, that it is valuable to explore the "...role of indigenous knowledge in the formulation of restraints..." that regulate indigenous livelihood pursuits on the land. At the same time, I believe that this issue should also be explored from another perspective. Simply put, it is also important to examine how distinctive aboriginal social arrangements governing "land use" themselves influence the collection of distinctive bodies of ecological knowledge which "...promote sustainable use of biological resources and conservation of biodiversity."

This integrated approach can reveal a broader perspective on the value and potential of indigenous ecological knowledge in relation to its utilization within the cultural settings out of which it emerges in the first place.

It was on this assumption that I attempted to gather preliminary information on the patterns of tenure that I thought would govern the Anishinaabe extractive polyculture at the Wabigoon River and Oval Lake locations. I began this work in the same interview that Joe Pitchenese and Elder Williams first explained their indigenous Wabigoon River aquaculture to me. During the interview, I asked them how access rights to participate in the fall whitefish fishery at the Wabigoon River location were determined. Their response was that any of their people were free to participate in the fishery. This had always been the regular customary practice in so far as their knowledge of the fishery and their participation in it was concerned. It is important to note that this fishery functioned as a commercial as well as domestic use livelihood activity prior to the

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57 Berkes et al, Supra 22, at p. 6. As with many other indigenous groups, the Anishinaabe people from Wabigoon extend this community to include the Wabigoon River itself and rocks that are in it. On my first visit to this watershed with Joe Pitchenese, for example, I learned of a special rock that was not to be disturbed. In part, this was shown to me so that I would respect what is important to be respected in his culture.

58 Ibid.

59 Ibid.
imposition of state fisheries regulations by the provincial Ministry of natural Resources (such as the use of quotas that were used over time to virtually eliminate the harvesting of valuable "sport" fish species).

Joe Pitchenese and Elder Williams seemed to be describing an open access regime where conflict over a scarce resource should be inevitable. So I asked how such conflicts were resolved. Surely there would have been competition to have access to a lucrative fishery and those individuals participating in it would try to maximize their individual gains from it. "[R]ules of conservation and harvesting behaviour" would be required to regulate the fishery so that stress on the resource base could be minimized. Joe Pitchenese became somewhat exasperated with me for pursuing this reasoning so vigorously. He insisted that I should let go of the notion that Anishinaabe livelihood activities on the land are "regulated" in accordance with the same norms and values that govern non-aboriginal resource management regulation.

What I finally realized from the interview is that while the extractive polyculture at Wabigoon River location had its own internal organizational framework which involved the practice of many customs of a technical nature, these functioned within a distinct Anishinaabe normative context. Joe Pitchenese explained that it did not involve "law" - onaakonikewin - that is the expression of what he now describes as "chain of command" power. Rather, the impetus for conservation practices should be traced to powerful cultural values and norms concerning cooperation and social equity. In this context, those who wanted to do so participated in the fall and spring fisheries at the Wabigoon River location. In this pursuit, the fishermen worked together - wiidoogodaadim - as a cohesive unit. When the fish were brought back to the community, a first distribution would be made to meet domestic use "needs" of the fishermen and the other members of the local "communal" group. Only after these domestic requirements were met would the remainder of the harvest be divided up amongst the fishermen and sold for income. Additionally, the norm for commercial livelihood activity, whether carried out collectively or individually, has been that "you take only what you need" for livelihood purposes.

60 Usher, Supra 32, at p. 6.

61 I should note here that it is important to distinguish between and social status. Anishinaabe people gain social status by demonstrating and exercising effective leadership, for example, but the customary relationship of such status to material wealth is embedded within a unique Anishinaabe cultural context.

62 These normative values apply even when Anishinaabe livelihood activities on the land such as commercial fishing are practiced by individuals working alone.
Thus, whitefish harvested from the Wabigoon River location would not be "given away" as part of a one time discrete distribution amongst the members of the "community". Nor would they be sold in isolated business transactions involving independent Anishinaabe "businessmen". Rather, these exchange relationships have customarily been joined to a larger stream of ongoing reciprocal exchange involving all of the members of the local Anishinaabe group. Its expression has been described to me as ndaaawi - iigoo.63 In effect, this stream of reciprocal exchange reinforces cooperative access arrangements to land and chart the local cycling of ecological knowledge and conservation practice that supports the maintenance of the abundance and diversity of the Anishinaabe "resource base".

The customary expression of the normative Anishinaabe values of equity, cooperation and reciprocity is that they emphasize inclusivity in terms of access to the land and its wealth among the members of the "local" group. The fact that they still "govern" the behaviour of most Anishinaabe people from Wabigoon who work on the land represents a continuity with past practice.64 A number of Anishinaabe Elders, for example, have indicated to me that even prior to the provincial imposition of traplines shortly after the Second World War, the organization of "family hunting territories" - nandaawenjikeh aaki - amongst Anishinaabe people in Northwestern Ontario was not characterized by exclusivity of access. While they provided stability in terms of access, this territoriality also accommodated a significant variety of shared or cooperative access arrangements to hunting and trapping lands. These arrangements were always grounded in social protocols that paid great deference to equity as well as knowledge and the ability to effectively.65 As such, they sustained the distribution of ecological knowledge, harvesting technique and conservation practice

63This term - ndaaawi - iigoo - is now also used by many Anishinaabe people to refer to formal loans such as the borrowing of money from the bank. But in its "traditional" sense, it has roots in Anishinaabe cosmology where the relationship of Anishinaabe people to land from which they derive their livelihood is frequently analogized to a "trust" relationship between themselves and the Creator. The Creator "owns" the land which is "loaned" to Anishinaabe people who were placed there to take care of it - ogiinaanaagajitonaawa.

64This is true for many other indigenous peoples as well. See, for example: Fikret Berkes, "Cooperation From the Perspective of Human Ecology", in Fikret Berkes. Common Property Resources: Ecology and Community-Based Sustainable Development (London: Belhaven Press, 1989), at pp. 70 - 88.

65I was once told in a more northerly community within the territory where I work that access to family hunting territories has been customarily gained by paying homage to the families which have exercised primary responsibility over them.
related to hunting and trapping in these territories. Many Anishinaabe "trappers" with whom I work still resent the suppression of these customary arrangements and the attendant rigidity and regulation of the provincial trapline system.

The normative values of equity, cooperation and reciprocity continue to exert a great influence over "harvesting" behaviour on the land amongst Anishinaabe people from Wabigoon. The manner in which they simultaneously nurture inclusive access to arrangements to "resources" and ensure their conservation has often been described to me by Anishinaabe "harvesters" as involving the disciplined practice of "respect" - gikinawaadendaamin - towards others on the land. The power of these norms is reinforced by the Anishinaabe language. After asking dozens of "harvesters" I have been unable, for example, to find a term for "competition" in the Anishinaabe language. Nor have I been able to find situations where behaviour on the land is described in terms which would imply competition. My experience is that competition for resources on the land is still vigorously suppressed in aboriginal communities. Some of the most effective weapons employed include gossip about the greediness of individuals and even shunning in the context of livelihood activities on the land. Therefore, while the customary inclusiveness that characterizes Anishinaabe relationships to land is often expressed with the statement "I can hunt wherever I want", this assertion is not at all seen as being inconsistent with a strong commitment to conservation - otishkoonan.

However, without a general adherence to the norms of reciprocity, equity and cooperation, the statement "I can hunt wherever I want" would become problematic in terms of conservation on Anishinaabe landscapes, however. Sustaining conservation becomes especially problematic unless these norms and the practice of their associated customs is set within the local exercise of a

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66 It should also be borne in mind that many of these landscapes accommodated access arrangements involving large group livelihood activities such as those relating to Manomin, for example.

67 Only the registered "owners" of trapline licences and those designated as helpers on the licence are allowed to engage in trapping activities on these lines.

68 I have even had some Anishinaabe people tell me that they will not even look at the net "sets" of other Anishinaabe fisherman if they happen to be travelling by them. It is a matter of both respect and pride that the knowledge by which these nets have been set is seen as the domain of the person who set them. "Harvesting" knowledge should be acquired either by individual initiative or in collective settings where one is contributing to the effort. The co-mingling of equity and individual initiative on the land means that the lines dividing what is private (I have found that much of Anishinaabe life could even be described as intensely solitary or individualistic) and what is public profoundly separates their society from mine.
sufficient degree of autonomy, even if it must be practiced covertly. Elders have told me of instances where some younger Anishinaabe people have used the statement "I can hunt wherever I want" as an assertion of legal rights in state law that exempt them from adherence to customary norms governing their behaviour on the land. Without the customary exercise of local autonomy in terms of livelihood pursuits on the land I am unsure that these values, or even the language in which they find expression, can endure.

The extractive polyculture at the Wabigoon River location, however, still retains an internal coherence that represents a continuity of the historical customary relationships of these Anishinaabe people with these waters. The customary practice related to the integrated aboriginal commercial/domestic use fishery at the location was displaced by provincial management with the ultimate result that commercial fishing rights were allocated to outside interests. While the commercial importance of Manomin has grown and the consumption of fish, waterfowl, and moose in diets of Wabigoon people has declined with the increased consumption of store bought foods, the customary access arrangements to the location have remained intact. Nevertheless, in more recent years the importance of the extractive polyculture at the location to Wabigoon aboriginals has actually grown. This development has been spurred on by the construction of a "traditionally" run Manomin processing facility at the Wabigoon reserve in 1988 as well as a significant degree of cultural resurgence over the last several years.

The situation at the Wabigoon River location is not mirrored at Oval Lake. The local Anishinaabe practice of the most important harvesting activities in Oval Lake was undercut by the imposition of provincial jurisdiction. Pursuant to the application of the provincial trapping management system, the lake now falls within the trapline of a non-aboriginal. The right to harvest Manomin in the lake was allocated by the province to a non-aboriginal as I have already noted. The hunting of migratory waterfowl in the lake was suppressed following the passage of the Migratory Birds Convention Act. (The location of the lake made it difficult to undertake this activity clandestinely) These

69 Over the last several years, I have collected a file of articles and newscollings concerning aboriginal relationships to land where the issues of "sharing" and "cooperation" arise as normative aboriginal values. The general concern is that these values are being eroded and that they should be protected. See, for example: David F. Pelly, "Pond Inlet: An Inuit community between two worlds", in 111(1) Canadian Geographic 47, at p. 51.

70 This corresponds with the decline of the aquacultural practices that had been a historical feature of this Anishinaabe fishery.

three livelihood activities constituted the primary components of the extractive polyculture at Oval Lake. (Fish - from nearby lakes - ungulates, and small game were harvested to support them.)

I want to emphasize at this point the importance of bearing the following in mind: the development and application of ecological knowledge as well as related resource conservation/management practice is dependent upon or embedded within the exercise of extractive activities in their customary aboriginal cultural settings. In this sense, the impact of the displacement of these customary contexts by the provincial natural resources management regime is distressing not only in terms the valuable ecological knowledge that is lost but in terms of the social and cultural dislocation that it leaves in its wake. How would co-management arrangements for Oval Lake, for example, be constructed out of this legacy? This can be stated another way: How should co-management arrangements be established for lands and waters where one set of relationships to land - the aboriginal - have been built around the normative values of equity, cooperation and reciprocity that is expressed in terms of local authority and common property access arrangements while the other set of relationships to land - those regulated by the state - have been built around the normative values of competition, exclusive rights to property/resources, and centralized management authority? These are challenging questions as much for aboriginal communities as they are for their non-aboriginal counterparts in Northwestern Ontario.72

Difficult choices have to...
be made on the issue of co-management that will have repercussions for years to come.

CO-MANAGEMENT OR CO-EXISTENCE?

- A State Perspective on Aboriginal Relationships to Land

In the foregoing analysis, I have set out the immense challenges that customary Anishinaabe relationships to land present to the idea of cooperative resources management. The invisibility of Anishinaabe landscapes as culturescapes and a general ignorance of the normative features and specific customs of Anishinaabe relationships to land underscore these challenges. This is reflected in the basic problem of establishing a mutuality in the discourse of "resource management" discussions. At present, I could not agree that the discourse of co-management negotiations acknowledges the Anishinaabe conceptual framework of customary relationships to land. It certainly does not integrate their descriptions of them.

The incommensurability that divides aboriginal and Euro-Canadian presences on the land, especially in more isolated regions, also raises concerns regarding the kinds of information that should be pertinent to "land use" discussions. There is the question of "documenting" information on land use that aboriginal groups would want or at least agree to use to support such discussions. Information on both the extent and character of aboriginal relationships to land could be a powerful tool in establishing a mutuality in these discussions by reformulating the assumptions upon which they should be based. My knowledge of and experience with co-management discussions in Northwestern Ontario has led me to conclude that it is an urgent matter that the assumptions concerning Anishinaabe relationships to land upon which the state premises "land use" or "co-management" discussions with aboriginal people be revised.

I believe that if the customary Anishinaabe discourse describing their relationships to land was given its due in co-management discussions, the focus would inevitably shift to the idea of co-existence. The idea of co-existence provides for the possibility of developing cooperative

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Government of Ontario (it has financial resources at its disposal to deal with this matter in a way that aboriginal organizations simply do not) to promote cross-cultural awareness concerning aboriginal relationships to land in the region. My experience with Anishinaabe “harvesters” is that their primary perspective on land is not a management perspective let alone a management perspective that would be familiar to non-aboriginal governments.
access arrangements to land that would respect cultural pluralism in a manner that could find acceptance in aboriginal communities. In other words, the problem of the incommensurability which divides aboriginal and non-aboriginal relationships to land in Northwestern Ontario will not be adequately addressed by negotiating a "...combination of two "pure" management alternatives: local level and state level systems."\(^\text{73}\) I doubt that a joint institutional co-management arrangement - a "management board"\(^\text{74}\) for example - where aboriginals and state resource managers would have to engage in a collective resource management process would be able to bridge this incommensurability. Rather, its resolution involves reaching agreement concerning the respective allocation of indigenous and state authority in relation to land in a manner where indigenous cultural survival is assured. Without meaningful deliberations on the issue autonomy, achieving genuine cooperation on the land that meets the needs of Anishinaabe people who work on it will remain elusive.

We are left, then, to consider more fully the implications of Anishinaabe relationships to land in terms of the prospects for "co-management". Based on the preceding analysis, I would like to examine this issue from two perspectives. The first perspective that I would like to explore involves assessing the prevailing assumptions upon which state involvement in co-management negotiations would be predicated in relation to the context of Anishinaabe relationships to their lands or, if I might put it another way, to their culturescapes. The second perspective that I want to explore consists of an examination of co-management negotiation and decision making processes in relation to the context of important customary arrangements that continue to exert a great influence with respect to Anishinaabe relationships to land. I would like to explore the first issue in relation to the premises upon which the state management of Manomin - the "wild rice resource" - is practiced as they are expressed in current provincial law, policy and administrative objectives that govern its management. I will set out an analysis of the second issue by reference to specific


\(^{74}\)A number of Anishinaabe people who work on the land have expressed either indifference or frustration to me when our discussion turns to proposals being brought forward to create such "boards". They are either alienated from or sometimes even downright hostile to any prospects of decision making powers being wielded within an institutional setting that does not reflect their customary arrangements governing the exercise of authority. Some have even told me that any such "board" would be irrelevant in terms of their relationships to land - the term that their people use to describe such a board is the same term that is used to describe a piece of processed wood. It carries little or no conceptual meaning for them. Nor do they seem inclined to want to invest energy into comprehending such an institutional arrangement or participating in it.
co-management "pilot project" in which I participated as a "technician" representing the "harvesters" who were involved in it.

No assessment of the potential for co-managing the Manomin resource in Northwestern Ontario would be worthwhile without a noting the historical aspiration of the Province of Ontario to manage "wild" rice for the benefit of all of the citizens of Ontario. This aspiration itself reflects the central assumptions of the province about the nature of aboriginal relationships to the resource. Provincial aspirations to manage wild rice have been stated by the Ontario Ministry of Natural Resources under the assumption that:

Wild rice occurs "naturally"[emphasis added] in shallow water bodies.\textsuperscript{75}

Following from this premise, the Anishinaabe relationship to Manomin has been described by the province as follows:

Wild rice has long been part of the history of northwestern Ontario. "Harvesting" [emphasis added] of wild rice was a vital and integral part of the Ojibway economy, even prior to its inception as a major trade item with the Hudson's Bay company.\textsuperscript{76}

The foregoing description clearly infers an aboriginal relationship to Manomin that has been limited to the harvesting of a "natural" resource; that is, a resource which occurs naturally throughout the region.

This assumption about the "natural" territorial occurrence of Manomin opens up the possibility to establish a regulatory regime designed to "develop" the "untapped" potential of the resource through human effort to increase its abundance. To this end, the Ministry of Natural Resources has surveyed the development potential for wild rice resource in Northwestern Ontario. In an annual report concerning the management of wild rice, the MNR concluded that:

Northwestern Ontario contains the largest concentration of "natural"[emphasis added] wild


\textsuperscript{76}\textit{Ibid.}, at p. 1.
rice stands in the world and a recognized potential to produce vast quantities of wild rice on its thousands of natural water bodies and peatlands. It once produced an average of 11 percent (high 27%) of total North American production (1969-1977), but currently averages less than 4 percent (1978-1986).  

In the report where this conclusion was reached, the province did acknowledge that the rapid expansion of wild rice production in other regions was the result of the development of "improved" non-shattering varieties of wild rice being grown in constructed paddies. This expanded production had also been achieved as a result of "advances" in pest control (synthetic pesticides) techniques and production practices. However, the relative decline of wild rice production in Northwestern Ontario was not directly attributed to these factors. Rather the province concluded that:

The decline of Ontario’s share of total production can be attributed to successive poor crop years ... and the lack [of] positive government policies towards stand development. Inadequate support funding for market development and applied research programmes, and a need for a licensing system which permits all residents to participate in the expansion of a viable wild rice industry, has allowed Ontario to be outpaced by its peers.

The report did not acknowledge any Anishinaabe relationships to Manomin beyond the "harvesting" of "natural" stands of the resource. Poor crop yields are partly attributed to "...unfavourable ... water levels". However, the direct relationship of fluctuating water levels to the flooding of Anishinaabe rice fields throughout Northwestern Ontario as a result of hydro-electric development was not acknowledged. Indigenous perspectives on production levels for Manomin do not appear to have been sought or, if this was the case, they were not assessed in the report.

The management perspective of the Ontario Ministry of Natural Resources for wild rice in the

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77 Ibid. at p. 24.
78 Ibid. at p. 16-19.
79 Ibid. at pp. 25-26.
80 Ibid. at p. 22.
report reveals the extent to which it is inextricably bound up with Euro-Canadian values and laws governing the construction and functioning of property arrangements for the use and management of natural resources. The assumptions concerning the relationships of Anishinaabe people to Manomin that are transparent in the report constitute, in the last analysis, an implicit ethnocentrism concerning their relationships to land. At worst, they deny any presence of aboriginal people on much of the provincial landscape being considered and at best they marginalize the presence that is acknowledged by implying archaic notions of aboriginal "subsistence" on the land. How could Anishinaabe people participate in any meaningful co-management discussions pertaining to the wild rice resource in a setting where these assumptions would be presumed by the Ministry of Natural to form an acceptable basis for negotiations? Like the early judicial "non-definition" of aboriginal title elaborated by the Privy Council in the St. Catherine's case, co-management itself will "...remain necessarily an imprecise idea, a mere generality that sounds like it says something yet, at base, is a development and servant of the political needs of government."  

In its last published report on wild rice, the OMNR recommended that the Ministry "...continue to: 1. Promote the "improved" utilization, management, and development of the "Province's wild rice resource" through its regional wild rice programs. 2. Establish a clearly defined wild rice policy which addresses the issues of licensing with respect to site specific harvesting rights, tenure, seeding, and buying and processing of wild rice. [What would the implications of "site specific" management be for the common property character of the resource practiced by local Anishinaabe community groups?] ... 5. Support and encourage relevant wild rice research programmes for the benefit of "all" Ontarians" (Ontario Ministry of Natural Resources. Wild Rice Report 1987 (Ontario, Canada: Queen's Printer for Ontario, 1988), at p. 32.).  

Marshall Sahlins has written, and it may be more than a little appropriate in this setting, that the "...traditional view of the hunters' fix is ... preanthropological and extra-anthropological, at once historical and referable to the larger context in which anthropology operates. It goes back to the time Adam Smith was writing, and probably to a time before anyone was writing. Probably it was one of the first distinctly neolithic prejudices, an ideological appreciation of the hunter's capacity to exploit the earth's resources most congenial to the historic task of depriving him of the same. (Sahlins, Supra 3, at p. 3.)  


Barry Cottam, "The Twentieth Century Legacy of the St. Catherine's Case: Thoughts on Aboriginal Title in Common Law", in Hodgins et al, Supra 1, at p. 122. Since I have become engaged in fieldwork with Anishinaabe "harvesters" I have followed developments on the issue of co-management in Northwestern Ontario with considerable interest. Yet I remain unsure as to provincial intentions in relation to the establishment of co-management arrangements in the region beyond the creation of a new format for discussing aboriginal concerns about land use issues that includes notification procedures concerning provincial plans for Crown land developments, and the creation of additional opportunities for Anishinaabe people to participate in the provincial resources management system. I myself am unaware of any statement on co-management ever having been issued by the Government of Ontario which might define the concept. In August, 1993, I wrote the Kenora District office of the Ontario Ministry of Natural Resources requesting an official definition of co-management and other official statements pertaining to the issue. My request was forwarded on to the Corporate Policy section of the ministry (no address was enclosed) by the Native Liaison Manager at the Kenora office. No response from the MNR Corporate Policy Section on my request was forthcoming.
The persistence of obsolete notions about aboriginal relationships to land in state resource management policy is offensive to Anishinaabe people I work with who derive all or a significant portion of their livelihood from the land. Provincial resource managers in Ontario continue to refer to aboriginal harvesting as if this constitutes the sum total of aboriginal presences on the land. Yet in my discussions with Anishinaabe people who work on the land, I have been unable to find that there is any category for harvester or harvesting in their language. An Anishinaabe person might refer to another who plants Manomin as Manomintondaagitigaata. A farmer as is understood in the conventional Euro-Canadian sense is usually referred to as Gitigayinini.

Similarly, Anishinaabe people, as far as I am aware do not make use of the general categories of gathering or harvesting. The harvesting and processing of Manomin, whether it involves the use of canoes and sticks with "hand" processing techniques or airboats and a mechanized processing plant developed using appropriate technology such as the facility at the Wabigoon Lake Ojibway Nation is all referred to as manominikewin. Similarly, one who engages in manominikewin is never, as far as I am aware, referred to as a "harvester" in the Anishinaabe language. I have not been able to find an Anishinaabe person who knows such a term that might in any way resemble the way that non-aboriginals apply it to them. Its continued use is probably part of the terminological backwash that has resulted from what have been common ethnocentric notions about the nature of aboriginal societies. I now usually try to avoid its use given its limited connotation with respect to aboriginal relationships to land.

The above analysis begs the following questions: What is the relevance of the particular anthropogenic character of these Anishinaabe landscapes to the issue of co-management? What are their implications in terms of ownership and jurisdiction or, even further, in terms of aboriginal and treaty rights? To what extent is the Government of Ontario even aware of how and to what degree aboriginal landscapes on the Crown land base of the province have been or remain anthropogenic? If aboriginal people have not been able to maintain these landscapes, what are the reasons for this? Has it meant the forced displacement of patterns of land use that have been vital to the economic health of Anishinaabe people? Is it related to their economic marginalization in their own lands? Anishinaabe people have utilized markedly different systems for the allocation and "management" of "natural resources" than those employed by the Canadian state. But does this mean that these lands and their resources should be treated as "natural" to which no proprietary interests should be attached other than archaic "subsistence" use rights? These are questions that have scarcely begun
to be addressed in Canada. Do non-aboriginal governments, including their resource management agencies have at least a moral if not legal obligation to support the development of information that would serve to provide adequate responses to them? Finally, in terms of the theme of my analysis in this essay, what are the implications of these concerns on the premises upon which co-management discussions should proceed?

These are questions that are being raised in settings far beyond Canada. In the context of Amazonian Brazil, for example, William Balee has written that

...one should avoid considering indigenous Amazonians as merely "responding" to natural exigencies, since they have transformed much of Amazonia over the millennia. [Balee has synthesized]...widely scattered data which indicate that at least 11.8% of the terra firme forest in the Brazilian Amazon alone is of archaic, cultural origin. As such, one can logically argue that modern indigenous peoples who depend on, manage, and use the resources of anthropogenic forests display an adaptive orientation towards past Amazonian cultures, not merely toward Amazonian nature. In other words, one cannot reasonably explain Amazonian culture simply in reference to seemingly "natural" environments. On the contrary, culture seems to be an independent variable in explicating much of the forested Amazonian mosaic.85

What is true in other regions is also true in Canada. As I have already noted, it points to the fact that the presence of aboriginal peoples on their lands and the incommensurability of relationships to land that divide aboriginal life on the land in northern Canada from non-aboriginal relationships to it present special challenges to the practice of resource management generally. Anishinaabe people who work on the land are acutely aware of this challenge especially as it relates to their cultural survival. They invariably refer to the nature of their treaty relationship with non-aboriginal Canada by reference to the principle of co-existence. Because of the cultural differences that separate them from non-aboriginal Canadians, they maintain that they are to live in a state co-existence with Canada. While they might share the same larger territorial base in accordance with the spirit and intent of their treaty with Canada, they must follow separate paths to live their lives on them. For them, the reality of cross-cultural incommensurability confirms the inherent constraints limiting the possibilities for co-management. My experience in a specific co-management project helped me to gain a valuable perspective about the nature of these constraints.

- Co-Management in Practice: a case study

In 1989, with the support of their local First Nations Councils, Anishinaabe fishermen living at Shoal Lake in Northwestern Ontario entered into a process with the Ontario Ministry of Natural Resources aimed at resolving a longstanding and sometimes bitter conflict. It concerned the commercial fishery that the lake had once supported. At one time this fishery had been a central livelihood activity for the Anishinaabe people living at Shoal Lake. Commercial fishing in the lake, however, virtually came to an end in 1983 when the harvest of yellow pickerel ("walleye") from it was prohibited by the MNR.\(^{86}\) The Ministry had decided that: "Constant removal of large numbers of mature walleye depleted the stocks to low levels necessitating the closure of the fishery."\(^{87}\)

The Anishinaabe fishermen from Shoal Lake had both resented and disagreed with this decision. Their feelings on this matter were in no small measure due to the fact that years before, commercial fishing licences covering a majority of the waters in the lake had been granted by the MNR to non-aboriginal commercial fishermen. These licences had been granted without the knowledge or consent of the local Anishinaabe communities. This decision had disrupted the Anishinaabe arrangements that had customarily governed their fishery. Furthermore many of them had felt that the fishing behaviour of the non-aboriginal commercial fishermen had been inadequately controlled. The resentment of the Anishinaabe fishermen from Shoal Lake towards the Government of Ontario over its restriction of their customary fishery was compounded by the fact that also earlier in the century, a channel had been opened into Shoal Lake from the Lake of the Woods. They saw this action as having been detrimental to the water quality in the lake which had existed prior the channel project being undertaken. Once again the approval for this development was granted without the consent of the local Anishinaabe people. Their resentment concerning the fishery was compounded even further by the fact that, also in the early years of this century, the City of Winnipeg was granted approval by the Government of Ontario to draw its water from Shoal Lake.

\(^{86}\) Ontario Ministry of Natural Resources. Kenora District Fisheries Management Plan (Draft Plan) 1987 to 2000 (Ontario, Canada: Queen's Printer for Ontario, 1987), at p. 16.

\(^{87}\) Ontario Ministry of Natural Resources. Kenora District Fisheries Plan (Kenora, Ontario: Ministry of Natural Resources (undated) (ISBN 0-7729-2899-1)) (A public information document.), at p. 3.
Lake. Again this decision was made without the approval of the Anishinaabe people at Shoal Lake. An aqueduct was built from Shoal Lake to the city and a light gauge railway was constructed along side it. Anishinaabe fishermen from Shoal Lake still remember fishing parties from Manitoba who came to the lake using this railway to engage in "sport" fishing as well as the large quantities of fish that were caught.

Therefore, when the closure of the yellow pickerel commercial fishery in the lake included a total ban on the use of gill nets for the commercial harvest of any other species of fish, it was inevitable that the resentment would become characterized by bitterness towards the MNR. This bitterness was not alleviated by the fact that the commercial quotas that remained available to them for other fish species, such as whitefish, were relatively small. They could not support a viable fishery livelihood for even a small number of fishermen. This was the context that defined the challenges which would have to be overcome through discussions when the Anishinaabe fishermen from Shoal Lake decided to participate in an effort to establish a cooperative approach for the fishery with the MNR.

Notwithstanding these challenges, a series of meetings involving Shoal Lake fishermen and district and regional level MNR resource management staff was initiated later in 1989. Fortunately the MNR team was led by a committed biologist who was excited about the prospects of cooperating with the Anishinaabe people in the management of the fishery. I felt that his commitment matched that of the Anishinaabe fishermen who were participating in the process. My own concern about its potential for success centered more on the distribution of decision making authority that would govern it. Clearly, this authority was weighted heavily in favour of the province because of "...the power of its legal sanctions."  

The preliminary concerns at the first meeting centered around the health of the fish stocks in Shoal Lake. MNR staff discussed the features of their index netting program on the lake to measure the health of these stocks. It included a presentation on the sites where the MNR conducted the program and the indicators used to select them. At least some of the Anishinaabe fishermen were perplexed at the logic that lay behind the selection of the index netting sites. One of them, who I

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88 In the Anishinaabe language, fishing activity is distinguished by the type of gear used. What non-aboriginal people refer to as "sport fishing" in English, is referred to as rod and line fishing in the Anishinaabe language.

89 Usher, Supra 32, at p. 7.
sat beside at this initial meeting in Kenora, leaned over to me and whispered his concern about the index netting locations. He indicated that index netting at these sites would not yield results that properly answered the questions for which the netting program was designed to address.

The fishermen also had problems generally with the spawning beds that the MNR had marked on its Shoal Lake fisheries maps. No agreement was reached at the meeting for the Shoal Lake Anishinaabe fishermen to document their knowledge of spawning grounds on the lake and make it available to the MNR. As far as I am aware, this shared documentation of the Shoal Lake spawning beds never took place. There was further disagreement on the implications of an "uneven" distribution of yellow pickerel age classes in the lake. The MNR maintained the position that this evidence meant that the pickerel stocks in the lake were not improving and should not, therefore, be fished for sport or commercial purposes.\(^9\)

However, following this first meeting, a workable consensus was achieved regarding strategies to gather additional information as a response to some of the problems that arose in the discussions concerning the MNR index netting program. These strategies would be implemented in the context of an experimental fishing program. A key strategy was to test the assertion of the fishermen that gill nets could be employed to selectively harvest certain species of fish. This strategy was developed to respond to the issue of how best whitefish could be efficiently harvested in Shoal Lake. The Anishinaabe fishermen held the position that Shoal Lake could support a significant commercial whitefish fishery. They wanted to at least renew their customary whitefish fishery in the lake as quickly as possible.

Such strategies were to be implemented on a "cooperative" basis. The cooperation would extend to joint participation in the ongoing MNR index netting program. There was agreement between the fishermen and the MNR that it was important to enter into a formalized co-management program for the Shoal Lake fishery. This formal agreement would be established between their communities and the MNR. From late 1989 to the middle of 1990, a considerable amount of energy was expended in meetings to establish the basis of a formal co-management agreement.

\(^9\)The uneven age class distribution of pickerel has persisted in the lake at least since the time of the closure of the fishery (See, for example: S. Lockhart. *An Interim Assessment of the Shoal Lake Fishery 1986: Report 1987-01* (Kenora, Ontario: Ontario Ministry of Natural Resources, 1987)). There is uncertainty among MNR staff as to why it persists and the Anishinaabe fishermen from Shoal Lake maintain that it does not provide sufficient reason for prohibiting all commercial fishing of the species in the lake.
think that it is a matter of some significance that the local Anishinaabe communities at Shoal Lake never did enter into a formal fisheries co-management agreement with the Ministry of Natural Resources. Nevertheless, it is also significant that the basic cooperative fisheries management program which was negotiated was implemented on an informal basis over a four year period running from 1990 to 1993 inclusive. When district officials from the MNR met with the elected politicians from the communities to discuss the fisheries issue, they referred to it as a co-management project. In retrospect, however, I believe that the factors which ultimately led to a stalemate in the program were already evident in the very first meeting between the Shoal Lake fishermen and the MNR.

At that meeting, a preliminary effort was made to reach agreement on the whitefish fishery issue. Some of the discussion concerned the use of fishing gear (eg. gillnets). A crucial element of the "debate", however, pertained to annual harvesting limits for the species that would be sustainable over the long term. The experienced Anishinaabe fisherman who had previously whispered his concerns about the index netting program on Shoal Lake took a lead role in this discussion. He indicated to the group that, based on his knowledge of Shoal Lake, at least 60,000 pounds of whitefish could be sustainably harvested from the lake. This was a harvest that could be initiated which would actually bring benefits to the overall fish population in the lake. The biologist from the MNR who had the responsibility of assuming the lead technical role in the discussions was younger than the Anishinaabe fisherman. He expressly disagreed with the position of the fisherman. He countered that, based on the data the MNR had collected from the lake up until then, a calculation using Ryder's Morphoedaphic Index indicated that, at most, 20,000 pounds of whitefish could be harvested form Shoal Lake each year on a sustainable basis.91

I should note at this point that, in my years of working with Anishinaabe "harvesters", I have never once witnessed a harvester, especially a younger one, expressly disagree with the views of a more experienced one. My experience with Anishinaabe culture up until then allowed me to see that the Anishinaabe fisherman whose statement was disputed was upset to a degree that I had rarely observed amongst his people in these types of meetings. Anishinaabe people can be quite

91Ryder's Index is widely employed by the MNR "...to predict the potential fish yield for a lake from a minimum of information, namely the total dissolved solids concentration and mean depth of the lake." (Ontario Ministry of Natural Resources, West Patricia Land Use Plan: background information, Supra 28, at p. 40. See also: R. A. Ryder, S. R. Kerr, K. M. Loftus and H. A. Reigier, "The Morphoedaphic Index, a fish yield estimator - review and evaluation", in 31(5) Journal of the Fisheries Research Board of Canada 663, at pp. 663-668.
restrained, but over time it is possible to gain a familiarity with their emotional expression. Normative Anishinaabe values concerning knowledge and authority were not being integrated into the discussion of the whitefish fishery I have described above. In spite of expressions of a desire on the part of MNR staff participating in the meeting to respect Anishinaabe culture, the discussions were often somewhat strained.

Nevertheless, as I have noted, a workable consensus was gradually developed that allowed a cooperative experimental fishery to proceed at Shoal Lake in 1990. However, it proceeded under the following conditions. The MNR would not allow any customary commercial fishing of yellow pickerel but would permit some experimental net sets in order to explore the issue of the abundance of the species in the lake as well as factors relating to its age class distribution. A commercial whitefish harvest would be allowed where the use of gill nets of certain sizes would also be permitted. The licence arrangements covering this harvest would limit it to 20,000 pounds. Following the harvest, a standard MNR evaluation of the Whitefish stocks in Shoal Lake would be undertaken. If these indicated continuing healthy populations and balanced age class distributions, the allowable harvest would be increased by 5,000 pounds for the following annual harvest. In essence, then, the conduct of the fishery would proceed on the basis of its ongoing "scientific" evaluation by the MNR.

This "cooperative" experimental fishery continued informally through to 1993. What happened to the initial MNR prediction that only 20,000 pounds of whitefish could be sustainably harvested from Shoal Lake on an annual basis? By the fourth year the harvest, the allocation of annual quota for the species issued under MNR licensing arrangements had been increased to some 40,000 pounds. No stress on the stocks was apparent. Anishinaabe fishermen from Shoal Lake were working with MNR staff out on the lake on a fairly regular basis. To me, it seemed that progress was being made in the "co-management" program. The MNR admitted that it was obtaining valuable information as a result of the initiative. Could this be setting the stage for a movement toward the renewal of a local Anishinaabe commercial fishery regulated according to their customs? This was the direction that I was hoping to see emerge out of the pilot project.

A meeting on the fishery issue at Shoal Lake with officials from the MNR early in 1993 indicated just how elusive this goal actually was. At this meeting, the frustration of the Anishinaabe fishermen who were present at the meeting with the co-management project quickly became evident. I sought for a way to find a common ground. I asked the MNR biologist if he had found
the project rewarding and constructive. He indicated that he had enjoyed working with the fishermen, that he had learned from them, and that the project had been successful up until that time. I asked the Anishinaabe fishermen present at the meeting about their positive experiences with the project. In working with them, I had been frustrated about the limited extent to which their customs relating to the fishery had been able to influence the process. I felt that at least some progress had been made on issues pertaining to the whitefish fishery and that perhaps this could serve as the basis for more vigorous action. Their unanimous response indicated otherwise, however. They said that, as far as they were concerned they had not learned anything valuable from the project. They still wanted to run their own fishery and after three years of working with the co-management project they were still not being allowed to do so by the MNR.

The discussion then went back to the issues that had been discussed at the very first meeting in 1989. It was as if nothing had been resolved. Even a discussion concerning a disagreement about whether pickerel stocks migrate out of Shoal Lake was repeated. An MNR official suggested an experiment using telemetry as one way of resolving this issue. Knowing something of the cosmological relationship of these Anishinaabe people to the fish that live in their waters, I wanted to deflect the conversation. Before I could attempt this, however, an Anishinaabe participant in the meeting asked what this meant. When he was told he asked the MNR official how he would feel with a radio tracking device inserted into his neck. The potential of relying on Anishinaabe custom in the operation of the fishery seemed a long way off indeed. The process was simply weighted far too heavily in favour of a non-aboriginal "resource management" paradigm. Anishinaabe "relationships to land" issues had become lost in the process.

The process of building a cross-cultural bridge in the Shoal Lake co-management fisheries project was not helped by the fact that the coordinating MNR biologist who had worked on the project since its inception was removed from it because of an internal ministry re-organization. This development and too many other difficulties that preceded it resulted in the project being stalled. I understand that the MNR wanted to continue with the project and implemented some of the administrative measures necessary to prepare for the 1993 fishing season. But many of the Anishinaabe fishermen who had been involved with it were not prepared to go on. I later learned that the First Nation Council of one of the local Anishinaabe communities passed a resolution governing quotas for the participation of its members in the fishery and basically ignored the MNR.

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92At that point, I was becoming somewhat embarrassed at being at the meeting as a non-aboriginal person.
licensing arrangements. The Chief of the community, who is an experienced fisherman himself, participated in this community-mandated fishery. He indicated to me that he did this so that, in the event that charges were laid, he would be able to fully represent his community on this issue as a defendant acting on their behalf. I assume that the MNR has continued with its own annual assessment of the fish stocks in Shoal Lake.

My knowledge of co-management initiatives in Northwestern Ontario leads me to conclude that the Shoal Lake fisheries project has involved the most intensive "on the ground" interaction between Anishinaabe harvesters and the provincial Ministry of Natural Resources in the region up until the present. The MNR biologist who coordinated the involvement of the Ministry in the project indicated to me that this reflected his knowledge of co-management in the region as well. He hoped that the project would continue in some form. Ultimately, however, it confirmed the incommensurability that divides Anishinaabe and non-aboriginal relationships to "land" and "resources". In this regard, it deserves careful consideration in terms of the place that Anishinaabe custom should occupy in the resolution of issues that would lead to mutuality in the co-existence of two cultures on the land. The very same questions that I previously raised with respect to provincial law and policy concerning Manomin are thus equally pertinent here. How is the state going to respond to them?

ABORIGINAL CUSTOM AND THE FUTURE OF CO-MANAGEMENT

In this paper, I have examined the ambiguities and problems inherent in the idea and practice of co-management in the context of what I have come to understand of a particular indigenous culture. What is wild and wilderness in one culture is home in the other. What constitutes a landscape that is natural, and undisturbed by people, in one culture is a landscape which reflects the distinctive presence of an aboriginal society on it in the other. As it stands now, even if the presence of the aboriginal people on these "natural" landscapes is admitted by non-aboriginal people, its reflection in the local landscape remains invisible to them. The corollary of this is that the resource managers in one culture believe themselves to possess highly developed systems of resource management that the other does not possess. Now, it may be less common to hear "...outright denials of indigenous self-regulating behaviour..."93, but my experience has been that aboriginal relationships to land as

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93 Usher, Supra 32, at p. 7.
well as the cultural nature of aboriginal landscapes remain virtually invisible to the non-aboriginal society generally, and to its resource managers in particular. How will "co-management" arrangements that reflect the interests of aboriginal people who work on the land emerge in the face of the prejudice that characterizes this invisibility?

My experience with Anishinaabe people who work on the land has led me to believe, however, that the more fundamental problem inherent in the co-management debate is the very discourse of "resource management" in which the debate itself is embedded. What I have come to understand is that Anishinaabe people, especially those who are active on the land, have always been fundamentally alienated from this discourse. To describe this problem in another way, when these categories are examined carefully, their incapacity to describe customary Anishinaabe relationships to land becomes evident. Indeed, their capacity to accurately describe anything specific or precise even in terms of non-aboriginal relationships to land is doubtful.

The terms "resources" and "management" have no equivalents in the Anishinaabe language that could be used to categorize relationships to land. When this conclusion originally began to dawn on me, I rejected it and felt compelled to continue to search for an Anishinaabe equivalent of resource management. The particularity of Anishinaabe relationships to land that I was learning about, however, could not be fully appreciated through the employment of the non-aboriginal category of "resource management" with its inherent abstraction and indeterminacy. The language of "resource management" is not the language of the Anishinaabe people. Rather, as Uwe Porksen has noted, it is part of the "...fundamental code of the industrialized nations, which is step by step encompassing the globe."[94]

Porksen characterizes terms such as "resource", "development", "information", "process", "structure" and "system" as "amoeboid words".[95]

Amoeboid words are characterized by a high degree of abstraction. Their scope is almost limitless, they reduce enormous fields of experience to a common denominator. This abstract language creates vast uniform domains and directs attention away from particularities - the real-life situation...[They]...lack a historical dimension, nothing

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95Ibid, at p. 384.
about them points to any localized context....They evoke no particular setting, they are universal.\textsuperscript{96}

The tendency of the discourse of "resource management" is to supplant the colloquial language of the local landscape. As part of a "colonizing network of metaphor"\textsuperscript{97}, it tends to preclude the recognition of valuable relationships to land other than those it has colonized. It is not only necessary to ask whether or not the discourse of resource management can be utilized to adequately describe aboriginal relationships to land. We must also ask whether it can ever be adapted as a descriptive tool to promote the recognition of aboriginal relationships to land or whether some other strategy to seek their recognition is required. I say this because my experience with the discourse of resource management is that it "...overlays and displaces the local vernacular, replaces more subtle modes of expression and gradually extends everywhere to become the new linguistic usage."\textsuperscript{98} As Porksen notes: "[Amoeboid words] transport the authority of [western] science into colloquial language and impose silence. Not their factual content but their aura predominates, the social function and the effect they exercise. Their language establishes the social elite. They can be transformed into hard cash."\textsuperscript{99}

The reality is that the first function of resources management is to allocate access rights amongst competing users in a context that has no parallel in Anishinaabe custom. Porksen asks, and this is crucial for the Anishinaabe "harvesters" I work with, the following questions: "Why is it that, in modern times, that which exists is perceived as substance, matter, material - material in the sense that it deserves to be transformed? What is it that makes it purely functional, not temporarily but as a matter of principle? What is it that makes such watery concepts as '...resource - development ... - role - decision' become basic tools of practical life? [Porksen concludes that]abstract and empty as they are, they hardly appear human, or rather they constantly bypass the human sphere. They abolish ethics from the everyday world. A colonizing network of metaphor distorts life, transforms it into a laboratory."\textsuperscript{100} It banishes not only the Anishinaabe language from discussions

\textsuperscript{96}Ibid. at pp. 385-386.

\textsuperscript{97}Ibid. at p. 390.

\textsuperscript{98}Ibid. at p. 389.

\textsuperscript{99}Ibid. at p. 384.

\textsuperscript{100}Ibid. at pp. 389-390, 385, 387.
concerning relationships to land but serves as the vehicle from which even their sense of the mythic - the spiritual - in relation to land is denigrated. In my own work on land use issues with Anishinaabe "harvesters", I have largely abandoned any attempts to apply the non-aboriginal discourse of resource management. Further, my experience with co-management negotiations involving Anishinaabe communities and organizations is that they invariably utilize the non-aboriginal discourse of resource management and displace any use of the colloquial Anishinaabe expression of relationships to land. The final result is that the process alienates and marginalizes the very people these negotiations are ostensibly meant to bring benefits to; Anishinaabe people who work on the land.

If this non-aboriginal network of resources management metaphor is unavailable to Anishinaabe people in their colloquial language, what does its adoption as the language of co-management discussions and agreements portend for their language and culture? Menno Boldt argues that: "Only through their indigenous languages can today's Indians fully access the knowledge, wisdom,

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101 For example, Joe Pitchenese sent me a newspaper article on Anishinaabe relationships to Manomin which had both angered and hurt him. The central points of the article were: "The conflict between modern and traditional beliefs is playing a role in the development of Northwestern Ontario's wild rice industry, says a provincial economist. Northwestern Ontario was once Canada's leading producer of wild rice but government programs in Manitoba and Saskatchewan, where the wild grain was introduced, have propelled them far ahead...[Ray] Rivard said some Northwestern Ontario native groups refuse to harvest the rice on a commercial basis because of religious and cultural beliefs. The natives who harvest it elsewhere don't have these beliefs because the crop was brought in as a commercial project and does not have a history in the area (Scott Colby, "Wild Rice - Native tradition verses commercial potential" (Thunder Bay: The Times News, March 28, 1990), at p. 4. Given what the provincial government should already know about Anishinaabe relationships to Manomin, statements like these indicate that the path to co-existence on the land between the Anishinaabe people and the Government of Ontario will be an arduous one indeed.

102 Porksen has written that: "Twelve languages are distributed among 60 per cent of the world's people. One hundred languages are distributed among 95 per cent of the world's people. Five thousand languages are distributed among 5 per cent of the world's people....The domain of language and its diverse fields of expression were originally as varied as the riches of nature...In the domain of language the same phenomenon evidently applies as in the domain of plants. Monocultures gain ascendancy and overwhelm the globe (Uwe Porksen, "From 5,000 Languages to 15 Words", in 10(3) Compass 16 (July/August, 1992), at pp. 16-17) (The article was excerpted form Uwe Porksen's book Plastikwörter: Die Sprache einer internationalen Diktatur (Stuttgart: Klett-Cotta, 1988), and was translated by Jutta Mason). In this context, it is important to note that Ninety-five per cent of the world's languages are spoken by its 5,000 indigenous peoples who constitute 5 per cent of its population (Julian Burger et al. The Gaia Atlas of First People: A Future for the Indigenous World (Anchor Books (Doubleday): New York, at pp. 18-19, 180). It is indigenous knowledge that is the source for at least 75% of plant-based prescription drugs that are used in the Western world (Burger, Ibid, at p.59.). Will Indigenous peoples, their cultures, their languages and their relationships to land be crucial in the effort to preserve biodiversity (See, for example: CIIR. Biodiversity: What's at Stake? (London: Catholic Institute for International Relations, September, 1993), at pp. 26-36.).
sentiments, and meanings offered by their cultural heritage. The colonizing impact of the Western discourse of resource management, however, poses a serious threat to the very fabric of aboriginal cultural diversity. If this cultural diversity offers a special wisdom appropriate to the task of preserving biological diversity as many people now believe, the importance of the distinctive and the local in aboriginal cultures must be given a new prominence in negotiating strategies of co-existence in relation to land.

These issues have to be internally addressed amongst aboriginal groups as well as in the context of aboriginal/non-aboriginal relations. This is because the colloquial discourse of Anishinaabe relationships to land is being supplanted by the resources management discourse of the state in indigenous organizations in Northwestern Ontario. In October of 1992, Joe Pitchenese sent me a copy of a draft document entitled The Treaty #3 Anishinaabe Manomin Law, 1992. In part, he sent it to me requesting advice on the implications of its possible recognition in provincial law. He also had grave concerns about the contents of the document from his Anishinaabe cultural perspective as a person who works full time on the land exercising a customary leadership role.

The intent of the draft law was to ultimately "...supersede and replace any legislation of any other government purporting to regulate wild rice within...Treaty #3 territory. [The] legislation...[would] begin the process of codifying the laws which Anishinaabaig have followed throughout...[their] history to care for and use this sacred gift...Anishinaabe Manomin." Notwithstanding its reference to codifying Anishinaabe laws pertaining to Manomin, the draft law proposed that: a Treaty #3 Anishinaabe Manomin Management Board would be established; it would be responsible to the directors of the Grand Council Treaty #3 Inc. (ie. the chiefs of the Treaty #3 reserve communities elected pursuant to the provisions of the Indian Act); the Board would

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105 Grand Council Treaty #3 Inc. The Treaty #3 Anishinaabe Manomin Law, 1992 (Kenora, Ontario: Grand Council Treaty #3 Inc., October 6, 1992 (Draft)).

regulate all aspects of the cultivation of Manomin from seeding and the use of pesticides to harvesting and the use of water control structures. To accomplish this the Board would prescribe a "...system of licences, permits, royalties, etc."107 While "traditional Anishinaabe practices" in relation to Manomin were to be "honoured and encouraged", the draft law also declared that: "No person shall carry out any activities relating to wild rice (such as prepare waters, seed, harvest, process or market) without proper authorization from the Treaty #3 Anishinaabe Manomin Management Board."108

The annotations that Joe Pitchenese had marked on The Treaty #3 Anishinaabe Manomin Law, 1992 before he sent it to me revealed the cultural turmoil that is being generated within their society as colloquial customary descriptions of their relationships to land are being supplanted by the Western discourse of resource management. The core elements of his annotations could be paraphrased as follows: The fundamental importance of Manomin to the Anishinaabe people and their relationship to it should be recognized and not regulated by any outside government or "board"109 authority - Anishinaabe or otherwise; Anishinaabe people should take what Manomin they need to support their customary livelihood practices in accordance with their customary cultural norms; the customary practices of Anishinaabe people pertaining to Manomin have never regulated pursuant to any "centralized" system of authority and no hierarchical ("chain of command") for the "management" of Manomin for them is necessary at this point in their history.

It was fortuitous that the chiefs meeting at which the draft Manomin law was presented took place at the Wabigoon Lake Ojibway Nation reserve. Had it been otherwise, it is doubtful that Joe Pitchenese and other Manomin "harvesters" from that community would have learned about the proposed legislation and respond to it. This is because the authority that Joe Pitchenese exercises in relation to Manomin has developed in the context of practicing customary livelihood activities on the land. These activities continue to be "...organized around extended kinship groups, whose relationships and duties ...[are] defined by custom and whose culture...[on the land remains]

107 Ibid, at pp. 3-4.
108 Ibid, at p. 4.
109 The word for "board" in the context of "board of directors" in the Anishinaabe language is the same as the word used to describe a piece of processed wood - naabucksak. I am unaware of any attempts having been made, at least by any of the "harvesters" I work with, to develop specific Anishinaabe terms for these Western models of authority. This seems to correlate with the resistance of Anishinaabe people to develop terminology for concepts such as "competition" in their language that simply do not have the normative value which is attached to them in Western culture.
essentially communal."\footnote{10} It remains unacceptable to these people that decisions concerning their livelihood activities on the land could be made external to their group by an "authority hierarchy."\footnote{11} This is why the Anishinaabe "harvesters" I work with have become increasingly concerned "...that Indian ...[politicians] are taking on the same values and self-interests as the Department of Indian Affairs and Northern Development (DIAND) bureaucrats they are striving to replace."\footnote{12}

This essay is not the place for a critical examination of the potential impacts of emergent elites within aboriginal societies in Canada. However, it is important to note an important point on this matter as it relates to the negotiation of co-management agreements: "Contemporary band/tribal leaders\footnote{13} petition the Canadian government for funds on a 'communal' basis, that is, by emphasizing the collective entitlements and collective destitution of their people...But the notion that all members of Indian communities have a shared status, a common fate, and an equal need is not valid under ...[a] prevailing two-class system"\footnote{14} that now separates elected officials, bureaucrats and a few "entrepreneurs" from the rest of the membership on most Indian reserves.

At the present time, it is not uncommon to observe divergent interests even in relation to lands issues in many Anishinaabe communities. They usually reflect the two-class system that is emerging in Anishinaabe society today. (This phenomenon is not limited to Anishinaabe

\footnote{10}Boldt, \textit{Supra} 103, at p. 118.
\footnote{11}Ibid, at p. 119.
\footnote{12}Ibid, at p. 117.
\footnote{13}I should note here that a distinction is made by Anishinaabe people between customary leadership and officials who are elected to positions created by state law and policy. I learned this the hard way when I met with some "harvesters" at Wabigoon and asked them how the new chief at the reserve was doing. Using their humour, they responded as if they did not know who I was referring to. The outcome of the discussion was that I was only able to have this question answered when one of the women present said: "Oh, you mean the Indian Indian agent! He's okay." While they consider that this role of "elected Chief" (its specific designation in their language is \textit{Ogeemaakan}) is important in terms of their everyday relationship to the Department of Indian Affairs, and that the duties involved should be carried out with dignity and honesty, it should not be equated with customary leadership. In the more northerly regions of the territory in which I work, many Anishinaabe people are still careful to distinguish between the position of "Chief" - \textit{Ogeemaakan} - (from the source \textit{ogeema} - one who commands) as sanctioned in state law, and a traditional leader - \textit{Onigaanitaamaageh} (one who leads those who seek his/her leadership). These distinctions have their origins in customary Anishinaabe social arrangements.
\footnote{14}Boldt, \textit{Supra} 103, at p. 126.
communities. Yet non-aboriginal governments are only willing to negotiate co-management issues with aboriginal organizations that their laws and policies have sanctioned. This would not necessarily be detrimental to Anishinaabe relationships to land as long as the customary arrangements governing these relationships are recognized and supported and not displaced. There is, however, a significant risk that resource co-management negotiations could lead to a recognition of greater aboriginal authority on the ground while simultaneously eroding customary aboriginal relationships to land. This could lead to increased political divisions within aboriginal communities. Customary Anishinaabe relationships to land could, for example, eventually be displaced by authority hierarchies such as the one proposed in the draft Anishinaabe Manomin law.

CONCLUSION

Historically, non-aboriginal governments in Canada have enabled the development of a "ruling elite" aboriginal class cast in their own image so as to "...encourage the 'civilization' of Indians by fostering values of individualism and entrepreneurship." For a majority Anishinaabe people who continue to work on the land, however, much of the value inherent in the exercise of local customary authority in the practice of livelihood activities is the ecological sense that it makes. Its "communal" character "...calls for social restraints in resource use -- restraints that might be against short term interests" more reflective of values of individual competition. Notwithstanding this, it is a mistake to assume that customary aboriginal relationships to land do not foster economic initiative and creativity amongst local aboriginal people. This is certainly the case with the Anishinaabe "harvesters" I have worked with. For example, the Manomin fields on the Wabigoon River, which were planted by the local Anishinaabe people to ameliorate the damages caused by the flooding of their lands, are a testament to this initiative and creativity. Indeed, it is nothing short of remarkable that so many of the customs of Anishinaabe people which continue to guide their livelihood activities on the land have endured for generations in the face of the imposition of

\[115\] With respect to the coastal salmon fishery in the U.S. northwest, for example, see: Michael R. Anderson, "Law and the Protection of Cultural Communities: the Case of Native American Fishing Rights", in 9(2) Law & Policy 125 (April, 1987), especially at pp. 128, 137-139.

\[116\] Ibid, at p. 123.

\[117\] Berkes et al, Supra 22, at p. 6.
non-aboriginal resource management policy and law.

Can the customary relationships of Anishinaabe people to their land be preserved? Can co-management negotiations provide the means to accomplish this task? My experience has been that the concept of co-existence provides a more suitable framework from which to re-vision the discourse of "resource management." This should take place in the context of aboriginal customary relationships to land. But the issue also goes beyond the discourse in which "co-management" or "land use" negotiations are set. The very conduct of these negotiations could be improved if they were implemented in a manner that paid careful respect to customary aboriginal decision-making processes. There is no reason why non-aboriginal politicians and their officials have to closet themselves with aboriginal politicians and "technicians" in boardrooms to negotiate resource management problems. Anishinaabe institutional arrangements such as the segaswayedim\textsuperscript{118} - their solemn, inclusive, assembly process for deliberating upon such problems and resolving them - could provide a suitable context to settle important long-standing conflicts concerning their land.

My understanding of Anishinaabe normative values is that decisions which will affect people who work on the land should directly involve them. There is no reason why their discourse concerning their relationships to land cannot be an integral part of the context out of which these decisions are made. If aboriginal people who work on the land are the intended beneficiaries of such decisions, their customary relationships to land should be reflected in them. It is a matter of cultural survival.

\textsuperscript{118}Further north in the region where I work, there is a specific term for special assemblies that have been customarily used by Anishinaabe people to deliberate and reach consensus on important issues. As an expression of local decision making authority, these assemblies are known as ehoaashiwaaniwuk.