

SHADOW OF THE HEADFRAME

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## **ABSTRACT**

*Shadow of the Headframe* is a feature length essay film that paints a complex portrait of the Attawapiskat First Nation – a place that is a homeland for some, and a new frontier for others. In the shadow of a De Beers diamond mine, the remote indigenous community lurches from crisis to crisis, while facing eroding treaty rights and an inability to directly benefit from resource revenues.

Filmed over five years, *Shadow of the Headframe* follows Attawapiskat's journey from obscurity and into the international spotlight during the protest movement, Idle No More. Weaving together great distances, intimate everyday scenes, and archive images, the documentary chronicles the First Nation's fight for awareness and justice in the face of repeated attempts to thwart their demands.

This supporting document provides insight into the film's theoretical foundations, production process, and creative treatment, as well as background information on the historical and socioeconomic context.

## ACKNOWLEDGEMENTS

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## 1. INTRODUCTION

*Shadow of the Headframe* travels over 1100 km north of Toronto, to the remote First Nation community of Attawapiskat. This isolated, fly-in only reserve in Northern Ontario is located along the shores of James Bay, on the traditional land of the Mushkegowuk Cree. Like other reserves in Canada, Attawapiskat struggles with unsafe water supplies, dangerous housing conditions, and underfunded health and education programs. Unlike other reserves, however, Attawapiskat's traditional land hosts the De Beers' Victor Diamond mine, which is extracting some of the highest clarity diamonds in the world. To borrow from resource industry terminology, Attawapiskat is found "in the shadow of the headframe," as they are the closest community to the mine.

In August 2008, two weeks after the South African company opened Ontario's first diamond mine, I visited Attawapiskat with my father, David Lean, and two environmental groups, EcoJustice and Wildlands League. The Attawapiskat Chief and Band Council had invited them to discuss potential environmental impacts from the De Beers mine, especially those involving mercury levels in the local fish.

I did not fully comprehend to what degree Attawapiskat exists in shadow until I returned in the summers of 2010 and 2011. I spent 80 days in the community, participating in community life and documenting an increasingly dire situation. I followed Rosie Koostachin, a local volunteer and mother of five, on intimate tours of the community and in delivering donations to families like the Firemans and the Kiokees, who lived in uninsulated sheds, overgrown with toxic mold, with buckets for toilets. I discovered that nearly 314 people were on a waiting list for a new home, their needs seemingly a low priority for the federal Department of Aboriginal Affairs. Rosie worked to raise awareness through social media, believing that if only Canadians knew more, the situation would improve.

Theresa Spence, the Chief of Attawapiskat, was also resolved to show the world that her people exist. With winter approaching in October 2011, she declared a state of emergency. Along with the help of federal politician Charlie Angus for the riding of Timmins-James Bay, the world began to take notice of the struggling reserve. The

International Red Cross intervened to provide aid in December 2011, triggering a domestic political scandal and a month-long media circus. The government eventually responded with 22 mobile homes to relieve those facing immediate risk, but it was a Band-Aid solution for a growing population.

While I began making a film about a community's fight to "show the world they exist,"<sup>1</sup> I ended up also making a film about a community that has, for some, become shorthand for aboriginal poverty, failure, and dysfunction, and for others, a symbol of resistance and strength. In the mainstream media, the underlying cause for the Attawapiskat housing crisis was frequently tied to poor leadership, financial mismanagement, and the idea that remote communities are simply not viable. Meanwhile, significant structural and historical explanations, such as the inability to share in resource revenue and chronic government underfunding, were overshadowed. Attawapiskat is a viable community, but its people have been denied access to resources, education, and land – key ingredients to the health of any community. After the 2011 housing crisis, eroding treaty rights and the lack of resource benefits from De Beers and the government continued to trouble residents.

Over 2012, the Canadian government introduced two omnibus bills that weakened environmental protection measures and treaty rights.<sup>2</sup> It was the spark that ignited mass First Nations protests under the banner of Idle No More. Frustrated by the lack of progress and consultation, Chief Spence embarked on a controversial hunger strike in November 2012 near Parliament Hill in Ottawa and it helped to galvanize the international protest movement. Rail and road blockades, round dances in public spaces, and protest marches were among hundreds of actions that happened across the county, making Idle No More one of the largest indigenous protest movements in modern Canadian history.

Facing new developments over the course of filming pushed me further in questioning what I wanted the film to do and how I wanted it to be received. The focus of this supporting paper is to explain the theory, process, and creative decisions behind

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<sup>1</sup> In the first half of the film, before the 2011 Housing Crisis, Chief Spence declared, "we need to show the world that we exist."

<sup>2</sup> The Omnibus Bills made it easier to lease land from bands with a smaller threshold for voter turnout, which is an issue given capacity issues and voter turnout on many reserves.

the film for the purposes of examining and evaluating *Shadow of the Headframe*. The historical and socioeconomic issues raised in the film are discussed in Appendix A as they are not directly related to the filmmaking process. As a guide to further understanding the film, additional description of the film's participants is found in Appendix B.

## 2. DIRECTOR'S STATEMENT

I was originally motivated to tell this story because, before the opening of the De Beers Victor Mine, the Attawapiskat River formed part of the largest pristine wetland in the world (Ford, 2010, pp. 25).<sup>3</sup> The deep layers of peat in the James Bay Lowland store 26 billion tons of carbon, which has contributed to roughly one tenth of the globe's cooling benefit (Ontario's Far North Science Advisory report, 2010). Described by the NGO MiningWatch as making as much engineering sense as "mining a sponge in a bath tub," De Beers' project had many scientists and local residents concerned that corporate power and experimental mining techniques would result in short-term and long-term cultural, environmental, and economic damage (MiningWatch, 2005, p. 1). Dr. David Lean, an ecotoxicologist and my father, was particularly concerned that while the Victor Mine "dewater" the site,<sup>4</sup> mercury that was stored for thousands of years in the peat will be mobilized, and thus potentially contaminate Attawapiskat's fish beyond human consumption guidelines.

In 2008, I witnessed the Victor project receive little media attention and arguably inadequate government review, and so I returned in 2010 to document the impacts of the mine on the community— both the negative and the positive. The film originally intended to focus on questions involving the relationship between De Beers and Attawapiskat: Why were benefits not reaching the community? Can meaningful and sustainable development occur through mining in remote aboriginal communities where poverty is endemic?

However, upon arrival, I realized the deeper story was beyond my environmental lens. It was rooted in the vast disconnection between the reality of Attawapiskat and the myth of Canada. Attawapiskat struggled to benefit from economic development opportunities such as the De Beers Victor Mine because of factors beyond what a mining corporation can address – residential school syndrome, a lack of housing and

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<sup>3</sup> The James Bay Lowlands comprise the third largest wetland on earth, but the larger Western Siberian Lowlands and the Amazon floodplain have already seen development. As such, the Bay was said to be one of the largest, most intact ecosystems.

<sup>4</sup> The environmental impacts are discussed in the Environmental Assessment and by Wildlands League (see Appendix A)

social services such as family counseling, health care, youth programming, and education. As such, I found the issues surrounding the mine were peripheral to many deep-seated issues related to the community's treaty relationship with the Federal and Provincial<sup>5</sup> governments. Can governments have a legitimate claim to the royalty and tax revenue from the mine when they have failed to fulfill their existing treaty commitments to the communities in James Bay? One of the goals of the film is to draw attention to inter-relationships: how housing issues are also educational, mining, and political issues. Through contrasting the poverty in Attawapiskat with the tremendous revenues earned by De Beers and the Provincial Government, I hoped that Canadians might question how their own economic privilege may be linked to the continued exploitation and neglect of aboriginal communities.

As I followed the isolated community's rise into the international spotlight and the Chief's role in the indigenous rights movement Idle No More, I witnessed a disturbing blind spot when it comes to First Nations. Canadians are deeply divided along racial lines. Most have been taught little of Canada's historic relationship with First Nations people; curriculums rarely mention treaty obligations or the many human rights violations against indigenous people. Historical ignorance and geographic distance have disconnected consumers from where their resources come from, and isolated First Nations from those in power and from other communities - both aboriginal and urban. However, many First Nations people, like the primary film participant Rosie, have mobilized over social media, a medium which also provides a space for cross-cultural exchange. The Idle No More movement is not solely about aboriginal people standing up for their rights, but it is also about the awakening of many Canadians to an oppressive history and unjust reality that stands in stark contrast to the commonly accepted national identity of Canada.

My own gradual recognition of the extent and complexity of Attawapiskat's (and Canada's) problems was a vital thread in the film. The point of departure for story development became more and more about my intimate experience of the community. I came to recognize that a general account of Attawapiskat's situation would not

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<sup>5</sup> Treaty 9 was the only treaty signed with the Ontario government. Generally, the provinces were not involved in treaty-signing.

contribute much to the discussion, given the many journalistic pieces on the community. Thus, my primary goal was to encourage a more relatable, intimate connection with the people in Attawapiskat and showcase their long and ongoing fight for justice and understanding.

### **3. THEORETICAL FOUNDATIONS**

Several film and cultural theorists influenced the making of *Shadow of the Headframe*. The work of Trinh T. Minh-Ha and Assia Djebar informed how I approach my position in the film. The essays of Susan Sontag alerted me to important considerations when I filmed images of poverty and suffering. Lastly, the theories of Gilles Deleuze and David Martin-Jones that engage issues of time, narrative, and national identity inspired both content and formal aspects of the film.

#### **3.1. THE POLITICS AND ETHICS OF REPRESENTATION**

The question of how marginalized groups can speak and voice their concerns within the framework of a documentary film, as well as the documenting activity of a non-native outsider, have been issues of ongoing study for me, which began during my Joint Honours B.A. in Cultural Studies and International Development. In an undergraduate essay entitled *Decolonizing the Documentary*, I discussed postcolonial criticisms of traditional documentary film practices, and the responses and solutions of filmmakers. By concealing the presence of the filmmaker and the means of its production, a documentary asserts objective and “unmediated access” to reality and truth (Trinh, “Documentary”, 1990, p. 40). With the politics and ethics of representation in mind, I aimed to step outside classic documentary practice by adopting self-reflexive cinematic strategies. Self-reflexivity is the means by which “texts foreground their own production, their authorship, their intertextual influences, [and] their textual processes” (Stam, 1994, p. 200). My intention was to allow multiple subject positions and not project any one universalizing voice or “authority” on Attawapiskat’s current situation.

More classical forms of documentary that assert unmediated access to reality risk being read as essentialist or ethnocentric; therefore, the practice of authorial self-reflexivity and contextualizing and admitting the filmmaker’s subject position is important in making films of this kind. However, the “practice of subjectivity” for the filmmaker goes beyond simply talking about or referring to oneself, which alone may risk becoming self-indulgent and ineffective (Trinh, *Not You/Like You*, 1990, p. 4). Indeed, ensuring that my presence did not come across as forced or gratuitous was an issue I

kept foremost in mind. In my film, my anecdotal experience related most often to moments where I am involved in recording video at the request of others; for instance, during the call-in program on mercury, the youth community cleanup, and Chief Spence's statement at the end of the film.

During my MFA study at York University, I also learned that being overly deconstructive and self-reflexive risks alienating audiences and confusing important sociopolitical contexts. In films like *Naked Spaces*, Trinh employed jump cuts, fragmented compositions, incomplete pans, and multiple framings; however, Peter X Feng (2005) noted that rather than inviting the spectator to deconstruct her cinematic project, the film provided "insufficient cues" that not only fail to distinguish among the peoples and regions it represents, but "actively conflates them" (p. 47).

Another influence is Assia Djebar, an Algerian-born writer and filmmaker, whose work is conscious of the politics and ethics involved in the representation of subaltern groups.<sup>6</sup> She does not claim to "speak for" or "speak on the behalf of" Algerian women (Djebar, 1999, p.2). In her first film, *La Noubia des Mont Chenoua*, and the title short story in the collection *Women of Algiers in their Apartments*, Djebar employed an intermediary character whose primary role is to listen and elicit the speech of Algerian women. Touria Khannous (2001) argued that Djebar's work re-inscribes female histories within national accounts as they depend upon the act of listening. These technical strategies reflected what Arab Jewish scholar Ella Shohat (1994) described as Third World feminist "cinematic counter telling" in that "the project of digging into "herstories" involves a search for new cinematic and narrative forms that challenge both canonical documentaries and mainstream fiction films" (p. 3).

Since 1971, Alanis Obomsawin has made over 40 documentary films on issues facing aboriginal people in Canada. She has expressed being "very passionate about listening" and in helping people "to have a voice."<sup>7</sup> Her work has drawn attention to important stories of indigenous resistance and has informed my understanding of the

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<sup>6</sup> Gayatri Spivak (1998) wrote a seminal essay entitled "Can the Subaltern Speak," which describes how in the context of colonial production, the subaltern is not given history and cannot speak, but that in this context, the "subaltern woman is even more deeply in shadow." (p. 47)

<sup>7</sup> See the NFB website for a Q&A with Alanis Obomsawin from 2009 at <https://www.nfb.ca/playlists/obomsawin-alanis/alanis-obomsawin-retrospective/>

troubled relationship between First Nations and Canadian government. In addition, her two most recent films, *People of the Kattawapiskak River* and *Hi-Ho Mistahey!* respectively dealt with the Attawapiskat housing crisis and Attawapiskat's fight for a new school. While Obomsawin is not Cree, nor from Ontario, her film speaks from the perspective of an aboriginal woman, which makes our films very different. However, we share a belief in the importance of a film based on listening. For me, listening also allows for the possibility of dialogue between people of various backgrounds. In *Shadow of the Headframe*, I saw my filmmaker role as someone listening, bearing witness and documenting the efforts of primarily female residents to have their voices heard. From my subjective, outsider position, I tried to guide the viewer through the daily lives of participants, the larger historical context, and the unfolding political scenario.

The varied opinions on the mine voiced by De Beers, scientists, NGOs and politicians were readily available, but the perspective of the Cree from Attawapiskat was seldom heard prior to 2011. Therefore, the focus of the film was initially aimed at recording the perspectives of people in the community. It was only after the 2011 housing crisis that I broadened the interviews to include my father, MP Charlie Angus, MPP Gilles Bisson, the lawyer Pamela Palmater, the De Beers VP of External Affairs, Tom Ormsby, and the representative from the NGO Wildlands League, Anna Baggio. It was necessary to add these voices to provide political and economic context for the crisis and the government response. The southern interviews aimed to move beyond and comment on the messages found in the mainstream media, but were limited to the highest degree possible to allow participants from Attawapiskat the most screen time.

### **3.2. DOCUMENTING IMAGES OF POVERTY AND SUFFERING**

While the storyline evolved over the years, my approach remained influenced by Susan Sontag's last published book, *Regarding the Pain of Others* (2003), which I read during one of my first MFA courses. Sontag argued that when photographing dire circumstances of human suffering, the goal of the photographer should not be to elicit the sympathy of the viewer, but to encourage the viewer to contemplate how their own privilege is complicit in that suffering. It is because "so far as we feel sympathy, we feel we are not accomplices to what caused the suffering. Our sympathy proclaims our

innocence, as well as our impotence” (p. 102). If we set aside sympathy, we extend to others a space for “reflection on how our privileges are located on the same map as their suffering, and may [...] be linked to their suffering, as the wealth of some may imply the destitution of others” (p. 103). My goal in *Shadow of the Headframe* was to encourage southern residents to think about how their own wealth may relate to communities like Attawapiskat and this influenced both aesthetic and narrative choices.

In addition to drawing linkages between Attawapiskat’s poverty and southern wealth, I also paid attention to issues surrounding the representation of the community. Sontag writes that “in the focus on the powerlessness,” subjects are “reduced to their powerlessness” (p. 81). To avoid projecting ‘victimhood’ on some of the participants, I focused on moments where participants displayed agency, which largely involved their fight for awareness on social media. Instead of sound bites of suffering, I aimed to show three-dimensional individuals who responded to their struggle with humour, resignation, irony, and anger, in turns.

As I made the film, I thought a lot about how frequently images and stories relating to First Nations poverty appeared in southern media, but how little impact they seemed to make. Sontag proposed that “for photographs to accuse, and possibly alter conduct, they must shock,” but that shock can become familiar, people do not want to be horrified, and they simply change the channel (p. 81). In November 2011, after CBC journalists viewed MP Angus’ YouTube video and pitched the story, the managing editor was only “mildly interested” as a similar story had previously run.<sup>8</sup> It was not until they saw the number of hits on the webpage that the CBC understood the appetite for the story. Many Canadians were undoubtedly shocked in the fall of 2011 as they typically saw the Red Cross assisting during major disasters overseas, and not during housing problems at home. This was despite the fact that the Attawapiskat story is one many had heard before, or were previously determined not to hear. The manner in which stories like Attawapiskat’s come into the public eye, and are then forgotten about again until the next crisis, is so common that it is arguably a cliché. For this reason, *Shadow of*

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<sup>8</sup> The Globe and Mail wrote an article on why Attawapiskat received such media attention, despite the fact that many other communities declared a state of emergency at the same time. See Simon Houpt (2011), “Marketing the aboriginal housing crisis,” *Globe and Mail* <http://www.theglobeandmail.com/news/politics/marketing-the-aboriginal-housing-crisis/article4201582>

*the Headframe* engaged with archive images of First Nations housing issues filmed decades earlier.

In reviewing online comments on Attawapiskat stories, it seemed that for some people, compassion was already stretched to the limit. It was my challenge to try to engage audiences that may have already tuned out, and this meant not focusing heavily on imperatives or moral obligations. This project has not been about guilt, it has been about bearing witness and assuming shared responsibility. The complex and important distinction between guilt and collective responsibility is not merely moral and semantic, it involves a deep psychological reality that influences behavior and belief. In discussing white Australia's indigenous issues, Raimond Gaita (2005) argued that sometimes people think responsibility must be restricted to what one individual has done or omitted to do; however, collective responsibility refers to being held responsible for the actions of others and also to not tolerate, ignore, or harbor these actions. Guilt implies powerlessness, and sometimes leads to an angry backlash. Responsibility, on the other hand, implies agency and action, and in order to be responsible, one must have the capacity to respond. *Shadow of the Headframe* was my response.

### **3.3. CANADIAN IDENTITY AND COLONIALISM**

For decades, Canada has embraced multiculturalism as an official policy, thereby affirming a fundamental belief that all citizens are equal.<sup>9</sup> This notion of equality has insisted upon basic human rights, such as food, water, shelter, and education, for all citizens, regardless of language, creed, religion, or race.<sup>10</sup> Access to many basic human rights in Attawapiskat has been tenuous, and as such, the situation there has directly confronted notions of Canadian national identity. How can discrimination and structural inequalities exist within a wealthy country that prides itself on multiculturalism and on its Charter of Rights and Freedoms?

As the Federal Government spent millions in Attawapiskat, and the money appeared to make little impact, many people were frustrated and resorted to pointing

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<sup>9</sup> This is commonly understood as a pillar of Canadian identity, and can be found within the Mandate of the Government of Canada website for Citizenship and Immigration. See <http://www.cic.gc.ca/english/multiculturalism/citizenship.asp>

<sup>10</sup> See Section 7, Canadian Charter of Rights and Freedoms.

fingers, which deflected attention away from the complicated and longstanding causes of continued inequality. These causes have been tied to how remote First Nations communities were initially designed and the ongoing colonial attitude that both levels of government take towards communities, as reflected in policies of underfunding and limited self-governance. The issues at play have also related to enduring historical conflicts and a government that has continued to pursue Indian policy from 1867, and what some academics have described as a “settler ideology” based on promoting assimilation (Lovelace, 2011).

The racism and inherent violence linked to dispossession and marginalization have ongoing consequences to this day. The end of the nomadic way of life, the imposition of reserve living, and the implementation of the residential school system led to the loss of traditional culture and human rights violations, which have traumatized large proportions of the indigenous population. This trauma is linked to various psychological problems in reserves today, which have high rates of teen suicide, pregnancy and dropout levels beyond the average rates of the rest of Canada.

The Royal Commission on Aboriginal peoples, which set out in the 1990s to examine the relationship among aboriginal people, the Government of Canada and the “Culture of Canada” states that:

Canada is a test case for a grand notion – the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences. The story of Canada is the story of many such peoples, trying and failing and trying again, to live together in peace and harmony. But there cannot be peace or harmony unless there is justice (1996, pp. 3).

Over 500 years, the relationship “swung from partnership to domination, from mutual respect and co-operation to paternalism and attempted assimilation” (1996, pp. 23). The Commission’s main conclusion was that “the main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments, has been wrong” (1996, pp. 11). Many governments tried – either on purpose or by ignorance – to assimilate Aboriginal people into southern Canadian society. Many Canadians still

believe in this strategy, as evidenced in the comments section and the op-eds on how to fix the “Indian problem” (i.e., “move to the city,” “no special rights”, etc.).<sup>11</sup>

The publicity around Attawapiskat and Idle No More brought many of these issues to light, and the stakes are high for figuring out how to have fair and lasting terms of coexistence. Until that day, the myth of Canada will continue to be contested.

### **3.4. THEORIES OF TIME AND NATIONAL IDENTITY**

My theoretical engagement with postcolonial theory, film narratology, Deleuzian film analysis, and theories of nationalism that began during my undergraduate study has continued to inform my film and research practice, including the making of *Shadow of the Headframe*. In my 60-page undergraduate thesis, *Shooting Algeria: Time and National Narrative in Gillo Pontecorvo’s The Battle of Algiers and Assia Djebar’s La Nouba*, I contrasted narratological analyses of two films dealing with the Algerian war. The paper argued that the concept of a homogeneous Algerian nation was established, and subsequently challenged, through the manipulation of cinematic time. Since my undergraduate study, I have been particularly attentive to the role of time and memory in films dealing with themes of national identity.

Narratives, whether transmitted orally, in print or on screen, shaped perceptions of identity, nation, history, and the world around us. Contrary to popular mythology, the nation is not a primordial entity based in its geography, peoples and history; rather, it is an “imagined political community” that is mediated, imagined, and narratively constructed (Anderson, 2006, p. 6). In “DissemiNation: Time, narrative and the margins of the modern nation,” Homi Bhabha (1990) advanced the theory that the nation is a modern product of culture and that national narratives are always in the process of being narrated and re-narrated (performed) in the present in order to maintain a sense of unified national identity (p. 294). While the colonial project primarily involved the acquisition of land, the questions of ownership, legitimacy, and authority over the land

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<sup>11</sup> The blog written by “apihtawikosisan” informed much of understanding of treaty and aboriginal issues. Her blog post on January 10<sup>th</sup>, 2012, “What was the Royal Commission on Aboriginal Peoples?”, provided much insight into the important document as it applies to the current situation. < <http://apihtawikosisan.com/2012/01/10/no-justice-no-peace/>>

“were reflected, contested, and even for a time decided in narrative” (Said, p. xiii). Colonial authority was thus established and sustained through its “power to narrate” and to prevent other narratives from forming (xii). In fact, controlling and suppressing native communications and culture was an integral aspect of colonial rule.

Before the advent of social media, residents of Attawapiskat did not have the tools to transmit their community’s story to the outside world and provide an alternative to the settler version of Canadian history. The inability of Attawapiskat to access mainstream communications (and vice versa) allowed for the situation of inequality to continue for decades. Previously, the geographic remoteness of Attawapiskat made it difficult and cost prohibitive for traditional reporting, but the Internet, especially Web 2.0, became a vital medium for fleshing out unaddressed or misunderstood issues. The advancement of social media has heightened the community’s ability to mobilize and spread awareness – Attawapiskat residents attained the ability to narrate their own experience, and respond to negative portrayals in the media on their own websites and blogs. Blogs, comment pages on news sites, and aggregators like Rabble and Huffington Post pushed the Attawapiskat housing crisis into the headlines and also brought the racist divide to light.<sup>12</sup> My previous study into the colonial process of controlling communication media heightened my awareness of the process that was occurring.

In addition to having access to the necessary communication tools, having shared perceptions of time and temporality are essential to imagining and constructing national identity. In film studies, notions of time are not often considered alongside issues of politics and identity, but Gilles Deleuze’s philosophy has revealed their complex relationship. In *Cinema 1: The Movement-Image* and *Cinema 2: The Time-Image*, Deleuze (1989) introduced a method of film analysis that moved beyond theories of cinema that rely on issues of representation and signification. He posited that meaning also exists in the relationships between the image, its conception of time, the agency of the protagonist, and the film’s historical period. Deleuze theorized that

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<sup>12</sup> During the Attawapiskat Housing Crisis and Idle No More, some of the online commentary was so disturbing that often became a story in itself. See MacLean’s “Parsing the online comments on #IdleNoMore” (December 20, 2012) by David Newland.

there are two types of film: a cinema that provides a direct image of time (the time-image) and a cinema that projects an indirect image through the protagonist's movement through space (the movement-image).

The movement-image was associated with classic Hollywood cinema, where sequences unfolded causally according to the agency of the protagonist. Deleuze's conception of the "time-image," on the other hand, is a type of cinema that experimented with discontinuous, non-linear time where the narrative shifts focus away from the logical and causal reactions of the protagonist. The viewer experienced a "direct" image of time because the narrative is no longer organized around character goals and actions.

For Deleuze, post-World War II Europe was so transformational that it created a situation in which characters no longer knew how to describe and act upon their situations. This created the context for the time-image, which is defined by characters who are no longer driven by goal-centered activity. As Deleuze (1989) described them, they now "saw rather than acted" (xi). Deleuze noted that when "suspended in the interval between perception and action, the seer of the time-image travels within time" (p. 22). For the most part, this is how my presence operated in *Shadow of the Headframe*. For instance, after the introductory sequence, I am shown walking through town, quietly observing.

In her book on intercultural cinema, Laura Marks (2000) argued that Deleuze's theory does not simply apply to the disjunctive spaces of postmodernism, but also the disruptive spaces of postcolonialism, where non-Western cultures erupted into Western metropolises, and repressed cultural memories returned to destabilize national histories (p. 27). Intercultural filmmakers, including those doing experimental and documentary film, applied themselves to the rediscovery of memory and history. She presented the idea that postcolonial stories must be told both by the colonized and by "people from the colonizing country, who have access to rich image archives" (such as Tom Haye's *People and the Land* and Dee Dee Halleck's *The Gringo in Mananaland* (p. 57)). In *Shadow of the Headframe*, I also aimed to discover archives that applied to Attawapiskat's situation.

Deleuze did not apply his theory directly to notions of national identity, but theorist David Martin-Jones (2006) drew upon his distinction between movement and time-images and revealed how different cinematic conceptions of time construct different perspectives on national identity and the past. Drawing on films created during 9/11, German reunification, and the Asian economic crisis, Martin-Jones observed that a crisis in national identity often leads to increasing number of time-image films.

For this reason, cinematic time and history continued to influence both the content and form of *Shadow of the Headframe*. My approach in using the archive footage aimed to join fragments of the present moment with those of history, blurring the temporality between past and present. Neither ethnically nor culturally homogenous, Canada has tried to assert one common historical narrative and national identity, and in so doing, erased or misrepresented Indigenous histories. Different notions of time and history appeared to be a driving source of conflict when it has come to resources. Some people that I interviewed in the community saw the mine as yet another imposition of white authority from the outside, and argued that the Victor Mine was part of the same narrative of oppression as Treaties and residential schools (See Appendix A: Timeline for specific dates). In comparison, southern stakeholders looked at the same land differently, and defined the Victor project within timeframes including exploration, construction, operation, mine closure, and reclamation – which amounted to roughly 18 years.

*Shadow of the Headframe* experimented both with cyclical, repetitive time, which emerged through a focus on average community and domestic scenes such as retrieving water and going grocery shopping. However, this cyclical picture of time was located within the linear, chronological history of Attawapiskat's struggles with the federal government and De Beers. Experimenting with time through a narrative mode that privileged the day-to-day rhythm, as well as linear history, allowed the film to reject the thrust of an entirely objective, journalistic account of Attawapiskat as a community.

The complexity of the mine, its location, and stakeholders made for a challenging documentary topic. Intellectually, I felt prepared with a foundation in postcolonial theory and an understanding that I would not be speaking on behalf of the people of Attawapiskat, but rather, making a film in solidarity with them. While my background

deepened my understanding to some extent, I realized that it amounted to little compared to what I learned from living in the community. Over the course of the project, I also learned that academics and politicians, who have been studying or visiting the area for decades, felt they had only scratched the surface in terms of understanding the extent of Attawapiskat's complexity given its history and the impact of systemic marginalization (personal interview with McCarthey, March 26, 2010, and Bisson, February 2012).

## 4. FILMMAKING APPROACH

### 4.1. GENRE

*Shadow of the Headframe* was constructed as a point of view essay film, which aimed to avoid the practices of traditional ethnography. Bill Nichols (1991) argued that conventional ethnographic documentary involve a “curious ambivalence” (p. 74). These films have entailed both a desire to experience and examine the foreign, but have also strived to contain any “dangerous strangeness” (Nichols, 1991, p. 74). The conventional ethnography, Nichols argued, does not provide the spectator with anything more than familiar, comfortable subject positions due to a reliance on conventional ‘hierarchical’ approaches like the ‘interview,’ ‘the informant’ and the ‘case study’ (p. 74).

My approach in avoiding ethnographic forms of representation involved foregrounding my embodied presence in the cinematography and my interaction with participants. Beyond employing self-reflexive strategies, the content of the film stepped outside purely ethnographic modes as it was not just a document of a place in the periphery; it also presented a critique of the metropole.

A trope of traditional ethnographic documentary is to open with “the conventional ‘acts of travel’ and ‘scenes of arrival’ and to conclude with a conventional ‘returning here’ or “separation from the exotic culture and safe return to ‘normalcy’” (Sloniowski, 2003, p. 105). In contrast, *Shadow of the Headframe* opened with two Cree Elders, Gabriel and Theresa Fireman, who explained that people down south never hear the true story because where they live is so remote. They effectively introduced the *Celebrating Canadian Diamonds* party where De Beers unveiled their first gems mined outside of Africa.

The relationship between the metropole and periphery was articulated in this opening sequence. Historically, metropole-periphery relations were defined by separation, with only the metropole informing the periphery, but never the other way around. The nation’s divide along economic and racial lines came to light at the corporate celebration as the only visible native person was a circus acrobat who is Inuit, and not Cree. At this cue, the film followed an 1100 km route from Toronto to Attawapiskat by rail and then by plane. Imagery of the journey was interrupted with the CEO from Birks, who announced that the mine opened under budget and ahead of

schedule in an area with no industrial development. The Birks CEO mispronounced Attawapiskat and thanked them "for allowing the mine to proceed on their lands." The goal here was to bring these white men along on the journey north. In contrast to this beginning where no indigenous people attend an urban gathering, the film ends with indigenous people and their allies as highly visible participants in urban protests.

Given the film's subject matter, my early film research included viewings of Nettie Wild's *Blockade* and Magnus Isacsson's *Power*. As I did not want the film to be observational, nor ethnographic, I looked to films that tackled similar subject matter or remote locations in a more experimental way – such as Velcrow Rippers' *Bones of the Forest* and Peter Mettler's *Pictures of Light*. *Bones of the Forest* told the story of deforestation through the eyes of native and non-native elders, placing it in the context of colonization. I felt, however, that the level of abstraction in these films would be too much for the audience, considering the level of existing misunderstanding around indigenous issues. Travis Wilkinson's experimental essay, *An Injury to One*, on the history of the mining town of Butte, Montana, provided a source of inspiration for how narration and text can work in tandem while revealing the complex details of resource extraction and history.

Josh Fox's *Gasland* provided a reference for how a documentary dealing with environmental impacts, corporate greed, and resource extraction can be intertwined with a personal story and journey. *Shadow of the Headframe* is more of an essay film, however, and my first person narration was less present than that of Fox. I intended to provide a feeling of bearing witness rather than making a direct argument. As such, my personal journey to Attawapiskat and the backstory with my father served more as a subtle, structural backbone, similar to how Eugene Jarecki used his personal story with his African-American caretaker to enter into a critique of America's war on drugs in *The House I Live In*.

#### **4.2. COMMUNITY ENGAGEMENT**

I have had the unique privilege of spending some significant time in the community of Attawapiskat. Beyond working on my film, I did video workshops with young people, joined in several traditional ceremonies, staffed the door at the high

school dance, and helped distribute food donations. This activity was driven, in part, by an awareness of a long history of “non-Aboriginal people coming to Aboriginal communities, asking about people’s lives, requesting their stories, then leaving.”<sup>13</sup> As such, my filmmaking approach was rooted in immersionist journalism – which means that I committed to investing time in making the film (five years) and living in the community (over 80 days). I spent time learning about the community and participating in events and daily activities before breaking out my camera.

I believe that sharing filmmaking skills is an important means of giving back to the community. On my second trip to Attawapiskat in summer 2010, I assisted with video workshops surrounding youth suicide prevention and a garbage cleanup. During this experience, I met and hired a local youth named Trina Sutherland as a production assistant. I also organized a sharing circle between local elders in Attawapiskat and elders in Toronto over Skype as part of the *Earth Wide Circles* project. For the third visit, I assisted my supervisor, Ali Kazimi, in collecting video and editing equipment and I led a video workshop along with my cinematographer, Kirk Holmes, to train local youth on the equipment.

### **4.3. CRAFTING STORY**

*Shadow of the Headframe* is an issue and plot-driven film, rather than a character-driven one. The issues in the film have urgency, but crafting them together in a story was a challenge, as there are many people and issues involved. Rosie and Tesla Koostachin, Chief Spence, and Charlie Angus were the primary participants, followed by Gilles Bisson, De Beers VP Tom Orsmy, Lisa Kiokee, the Firemans, and my dad, David Lean, as supports. Over a dozen residents from Attawapiskat did not make it into the final version, nor did Anna Baggio from the NGO Wildlands League and Pam Palmater, an aboriginal lawyer and spokesperson during Idle No More.

*Shadow of the Headframe* essentially intertwined two stories: A) the action story, with Chief Spence and Charlie Angus following their goal to put Attawapiskat’s problems on the map, and B) the emotional story with Rosie raising her family and working to

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<sup>13</sup> While many in the community explained this to me, this is also discussed in the manual on “Reporting in Indigenous communities”. See <<http://www.riic.ca/the-guide/at-the-desk/>>.

improve life in the community. The first half of the film provided an intimate portrait of Attawapiskat – forgotten and isolated from the rest of Canada. Rosie was the film's guide to the realities on the ground. She brought me to meet families like the Fireman's and the Kiokee's who were living in uninsulated sheds, overgrown with black mold, without basic plumbing. Rosie's eldest daughter, Tesla, was 8-months pregnant. She almost failed elementary school because of the unresolved diesel spill that contaminated the building. The community's sense of injustice was heightened as the mine was built before the new school. While Tesla graduated as valedictorian, many of her classmates dropped out, which made them ineligible for jobs at the mine.

With winter approaching in 2011, Chief Spence declared a state of emergency and invited federal politician Charlie Angus to witness the housing situation. Angus' Youtube video of the visit went viral, prompting the International Red Cross to step in. When the Red Cross intervened and Attawapiskat made headlines, the conditions shamed and divided the nation. The climax detailed the confrontation between Attawapiskat, and the federal government, as the housing situation gained worldwide attention. The Prime Minister insinuated that it is the community's fault; they have mismanaged the funding. In the resulting blame game, Chief Spence was targeted in racist comments, political stump-speeches, and op-eds. In the media storm, few paid attention to the fact that the community's traditional land is teeming with diamonds and that the provincial government stands to make nearly a billion dollars from the mine. None of this revenue returns to Attawapiskat.

Back in Attawapiskat, Health Canada issued a boil water advisory and instructed residents to avoid contact with household tap water. Tesla expressed her concern that her young baby, Riley, had to be bathed in potentially harmful water. While smoking geese in their teepee, she and her mother wondered what the future holds for Attawapiskat. With many issues unresolved and only getting worse a year later, Chief Spence launched a hunger strike. Her 42-day protest galvanized the Idle No More movement, with controversial results - the critics returned, accusing her again of financial mismanagement. Despite evident challenges, the final scene shows youth filming each other, demonstrating that the next generation of young aboriginal people will continue to push to ensure their voices are heard.

## **5. CREATIVE TREATMENT**

*Shadow of the Headframe* mixed slow motion, glidecam<sup>14</sup> and more conventional modes of documentary cinematography with narration and text, aiming to provide an immersive cinematic essay and portrait of life in the remote northern Ontario reserve.

### **5.1. CINEMATOGRAPHY**

The isolated landscape and severity of the issues in Attawapiskat required a restrained approach, in which a beautiful landscape was juxtaposed with the reserve's clapboard homes. Glidecam and slow motion footage have served to take the viewer on a meditative tour of the community, with houses burnt down by bored teens and stray dogs wandering the streets.

For the most part, the cinematography alternated between extreme wide shots and intimate close-ups in contrast to the medium frames of the newsreels. Sublime landscape images of Attawapiskat were included and edited along with the interviews to link people to their environment. The cinematography of Todd Haynes' feature, *Safe* (1995), served as inspiration, as it visually explored the interaction of environmental toxins with the human body. Wide establishing shots in Attawapiskat, together with an experimental soundtrack, signaled the presence of dangerous chemicals at the school and in homes on the reserve. This manner of tying interviews to the landscapes and environments in which they occur was an attempt to comment on the impact of geography, power, and poverty at an aesthetic level.

### **5.2. Music**

The soundtrack aimed to bring about themes of isolation, disconnection, and cyclical repetition. I chose music with sparse instrumentation, distortion, and sampling to amplify themes of contamination, dysfunction, and media intervention. I avoided anything too maudlin, but there are songs that convey graveness with undercurrents of restrained anger. In addition to working with a composer for the opening song, the film included music from Valleys, an experimental/alt-rock/psychedelic band, and other

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<sup>14</sup> A glidecam is camera stabilization system used with video cameras to generate a smooth shot.

music from bands in the “shoegaze” and alternative genres. Finally, the first scenes of Idle No More are scored by A Tribe Called Red, an indigenous electronic group which mixes pow-wow drums and vocals with dance beats. The film employs their track “The Road”, which was released online in December 2012, in solidarity with Idle No More and Chief Spence.

### **5.3. Narration and On-Screen Text**

In select moments throughout the film, the film included dialogue between participants and myself. My presence created room for brief narration, in which I tried to find a voice that balanced being emotionally subjective with respect to my experience and objective with respect to relaying factual information. I intended the voice-over to be interactive with the images and the text, which conveyed historical and financial information. The Ostrich Sans font was chosen for the title cards, as it feels contemporary but timeless, and reminiscent of the bold, thin fonts used in daily papers in the 1940s and 1950s. In lieu of placing text on black, text was placed onto the landscapes. History was written on top of the land.

### **5.4. ARCHIVE FOOTAGE**

Tracking media coverage was important during the filmmaking process, as the national discourse changed in reaction to the Federal government’s official response. The mainstream media has struggled to explore the nuances of Canadian history; 200 years of colonialism and failed policy does not fit well into sound bites. It was an overwhelming task gathering what every journalist and pundit said about Attawapiskat, but incorporating historical archives eventually played an important ironic and contextualizing role in the film.

Using media and archive footage without paying anyone has required a review of Fair Dealing. It is considered infringement of copyright to sell or distribute a copy of a work without the consent of the owner of the copyright (paraphrased from *Copyright Act*, Infringement generally, Section 27.1). For documentaries, there have been two sets of

defenses to liability for copyright infringement: 1) incidental use and public space exception and 2) fair dealing defense.

Media scholars assert that the basic question for determining the legal applicability of fair use “is always the same: [do] the public cultural benefits outweigh the private economic costs it may impose” (Aufderheide and Jaszi, 2005). The fairness of the treatment of the work is evaluated according to six factors given by the Supreme Court of Canada. Of the five types of dealings, my footage has likely fallen under either “criticism” or “news summary.” If the dealing “reports news in a matter that has relevance for contemporary Canadians then it is considered news, but rather if it is for the purpose of recounting history is best placed under review or criticism” (DOC, 2010). The DOC Guidelines state that the use of copyrighted material “for the purpose of critiquing or reviewing the composition of the material, or the views expressed in the material,” does not require copyright clearance if the use meets the requirements of “fair dealing” (DOC, 2010). I used a small section of a clip so as to not use an unreasonable amount of the work, and the work was not confidential as it was widely broadcast. As such, it appears that my use of news and archive footage is permissible under fair dealing.

## 6. CONCLUSION

Set against a dark backdrop of poverty, political games, and economic exploitation, *Shadow of the Headframe* is intended to create a space for reflection. The film is a call for the viewer to seek further information and question their understanding of Canada and its past, present, and future.

My engagement with a range of critical theory, my filmmaking process, and topic research has led me to a couple of broad conclusions. Great geographic distance, conflicting views of time and history, and the nature of mainstream news media have all encouraged various forms of disconnection between remote communities and southern Canadians. North versus south - the periphery vs. the metropole - is a false dichotomy; it is a symbiotic relationship where the suffering in the north is related to wealth in the south. The level of racism, misinformation, misunderstanding, and ignorance towards this suffering has existed for decades. Colonialism is not just an historical past, but is part of an ongoing present. As a result, the status quo is one in which corporate interests are advanced above human rights and political outcomes determined by a form of banal imperialism,<sup>15</sup> in which domination is naturalized and rendered acceptable in modern society.

However, the ongoing pattern of willful ignorance, condescension, and paternalism from various parts of Canadian society has been increasingly met with resistance, persistence and strength, especially as social media fosters greater mobilization among indigenous people and their allies. Notions of home and homeland will continue to be challenged and contested on this uncharted path toward justice.

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<sup>15</sup> According to Dittmer, the idea of banal imperialism “refers the ways in which domination, a concept most people find morally abhorrent, is naturalized within the realm of geopolitics and is this rendered acceptable” (20).

## **Appendix A: Historical and Socioeconomic Background**

The following section provides project topic research and socioeconomic contextual information that support arguments and information seen in *Shadow of the Headframe*. While this context is vitally important to the film, it is included as an appendix as it does not directly relate to the filmmaking process.

### **A.1. COLONIALISM AND TREATY SIGNING**

The first European encounter with the aboriginal people of James Bay occurred in 1610, when Henry Hudson travelled to the region. Prior to this, little was known of the Mushkegowuk Cree people, ancestors of the communities there now. In 1670, the British King granted the Hudson's Bay Company (HBC) the right to trade and control the region (Hudson's Bay Company History, 2014, pp. 1). Permanent settlements were unknown until 1670, when HBC established a permanent trading post. The Hudson's Bay Company changed local lifestyles as the Cree came to depend on flour, sugar, and tea and thus chose to settle closer to the stores (Defalco & Dunn, 1972).

In 1870, Britain purchased the land back from the Hudson Bay Company and assigned it to the territory to Canada with the understanding that "Indian claims be extinguished fairly" (Hudson, pp 4; Fisher, 1971, p. 18). From the 1850s onward, local people grappled with increasingly limited hunting possibilities and struggled with starvation and new European diseases. Facing increasing challenges, they signed Treaty 9 in 1905. In the document, it is written that "Indians do hereby cede, release, surrender and yield up the government of the Dominion of Canada, for His Majesty the King and His successor for ever, all their rights, titles and privileges whatsoever, to the lands within the following limits..." (Treaty 9, p. 2).

In exchange, they received financial support (a gratuity of \$8 for the initial payment and annuities of \$4), medical aid, and guaranteed educational provisions. Treaty 9 states "His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty's government of Canada." Local indigenous people retained hunting, trapping, and fishing rights, but these could be taken away at any time if the government required the land for other purposes such as

mining, hunting, trapping and fishing, or other settlement purposes. However, people have different perspectives regarding the way the treaty was negotiated and communicated (Hookimaw-Witt). Apparently, the text of this last qualifying clause was different from oral promises (Hookimaw-Witt). There was no room for negotiations, many local people did not speak or understand English at the time of signing and understood the treaty meant a sharing of the land and resources. Attawapiskat also never participated in any negotiations, as they were considered part of the Fort Albany Band. However, the Attawapiskat band requested to be added specifically to the Treaty in 1930 (Treaty 9, p. 8).

The residential school system had, and continues to have, a profound and deep effect on local communities. Since its inception in the 1876 Indian Act, residential schools have played a role in Canada's program to assimilate First Nations into Anglo-Canadian culture. In 2008, Prime Minister Stephen Harper issued an apology to all former students of Indian residential schools and recognized the profoundly damning and lasting impact it has had on aboriginal culture, heritage, and language (The Canadian Encyclopedia, 2010). The dynamics of the residential system are considered to be profound, but also too complex to be discussed in sufficient detail here or in the film.

## **A.2. ATTAWAPISKAT, THE CANADIAN GOVERNMENT AND 2011 HOUSING CRISIS**

Stemming from a historic treaty relationship, Canada promised to provide education and other services to its aboriginal population in exchange for land and resource rights. Under the Indian Act, First Nations people were prohibited from land ownership on reserve lands and, therefore, housing and other infrastructure on reserve lands has been a federal responsibility under the Department of Aboriginal Affairs (INAC).<sup>16</sup>

Attawapiskat has since faced many infrastructure issues. The water supply was improperly sited next to the community landfill and the wastewater lagoons. Health Canada has frequently issued water boil advisories for the community; families must go

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<sup>16</sup> The Department of Indian and Northern Affairs Canada (INAC) has changed their name to Aboriginal Affairs Canada, however, this name change is not complete and for simplicity INAC will be used throughout

to the Water Treatment Centre to collect drinkable water. The elementary school was contaminated by a diesel spill in 1979, but was not closed until 2000. Since then, the children have been attending classes in temporary portables, and the Department of Indian and Northern Affairs (INAC) reneged on three occasions to build a new school. Discussions broke down between the First Nation and INAC and Health Canada in the Working Group in 2008, but a new school is set for completion in June 2014 (INAC, “Media Issues”). The community has declared a state of emergency three times since 2009, once over air quality concerns following the demolition of the school, once over a wastewater backup that forced evacuation of homes, and another due to dropping temperatures and a shortage of housing as many families were left living in uninsulated tents, sheds, and temporary trailers.

In 2011, roughly 268 houses were needed to address the backlog of homelessness (Angus, 2011 pp 3). For a population of roughly 1,929 people, there were 314 applications for homes (CBC, Nov 30. 2011,). The sewage backup in 2009 contributed to the housing shortage, but it was also a result of a funding formulas, the political system, and financial challenges on the reserve (Angus, 2011). In 2010, all government spending per resident in Toronto was estimated to be \$24,000 (including federal, provincial and municipal funding sources), while all programs and infrastructure for Attawapiskat resident’s amounts to \$11,355 per capita (Land, 2011).

When Chief Spence declared a state of emergency in the fall of 2011, Stephen Harper claimed \$90 million in government funding had been misspent (Question Period, 2011). The media outlets fuelled negative stereotypes of aboriginal people as lazy and corrupt, characterizing their problems as self-made and self-perpetuated. More troubling was the reaction of many average Canadians, who, as a result of this media portrayal, saw remote aboriginal communities as unviable. They felt that the reserve system should be dismantled, which would force residents – whose ancestors lived on these lands for centuries – to move to cities in the south, and to face new challenges of integration. Such assertions were suspicious at a time when immense resource wealth exists on indigenous traditional land.

Attawapiskat leadership fought with the government regarding who was to blame for the housing crisis, but the conflict blurred to include larger issues such as reserve

transparency and accountability, the viability of remote reserves, the tax regime, First Nation self-governance and self-determination, chronic underfunding of essential services, poor bureaucratic planning, and failed colonial policies.

Ultimately, Chief Spence's victory during the housing crisis was partial. While 22 new houses were promised and the new school was fast tracked, the news focused on alleged band council misconduct. Despite Spence having won the lawsuit against the government for wrongfully imposing an outside accountant and temporarily removing her control over their finances, Spence's reputation was tarnished and the historical roots of the crisis have continued to be largely ignored.

### **A.3. ATTAWAPISKAT AND DE BEERS**

Formerly considered barren and uneconomic, Northern Ontario is now known to contain vast deposits of minerals and metals worth an estimated \$50 billion (Muvaso, 2012). Previously all of Ontario north of the 51st parallel has been off limits to industry. Since the De Beers mine opened in the region in 2008, over 31,000 mining claims have been staked in a region called the Ring of Fire and some 20 other First Nations communities will be affected, including Attawapiskat (Philip, 2012, p. 91). Attawapiskat's traditional territory alone has 15 diamond-bearing kimberlite pipes and presently only two are being mine. However, an extension to the De Beers Victor Mine mine is currently undergoing environmental assessment.

De Beers invested \$980 million to build the Victor Mine 90 km from the community, which opened ahead of schedule and under budget in 2008 (De Beers, "Victor Project"). The De Beer's mine was said to have been fast tracked through the promise of local jobs and infrastructure. The total projected revenue was \$3 billion and the estimated contribution to the Ontario economy was \$6.7 billion (Canadian Business Ethics Research Network).

#### ***Environmental Issues***

To gain access to the Victor kimberlite pipe and keep the open-mine pit dry, De Beers has dewatered the area and diverted a tributary of the Attawapiskat River (CEAA, 2004, p. 300). Before the mine was built, the NGO MiningWatch described the mine as

making as much engineering sense as “mining a sponge in a bath tub” (2005). The mine has required pumping roughly 150,000 cubic meters per day, which was predicted to create a 2 575-km<sup>2</sup> cone of depression in the surrounding peat lands (CEAA, 2004). As a result of dewatering, mercury that was stored for thousands of years in the peat will be mobilized, and this could potentially contaminate Attawapiskat’s fish beyond what humans should consume (Wildlands League, 2007). The Mushkegowuk Environmental Research Centre (MERC), a First Nation-owned independent agency, pursued research relating to the environmental and natural resources in the Western James Bay basin. In 2010, their independently conducted research observed an increase in mercury in certain fish and advised women of childbearing age to avoid them (MERC, 2010). While De Beers introduced a monitoring program for the level of mercury in local fish, the potential still exists for endangering the health and well-being of the inhabitants in the region who have depended on traditional pursuits of hunting, fishing and trapping to sustain basic needs.

### ***Economic Development Issues***

The trade-off for the environmental impacts was the promise of development. In Canada, there have been no laws dictating how mining companies and First Nations should work together, instead De Beers and Attawapiskat were left to work out an Impact Benefit Agreement (IBA), which is essentially a business contract. While IBAs are confidential and negotiated without the intervention of the federal or provincial government, it was reported that De Beers agreed to pay \$28.5 million to Attawapiskat over 12 years, the lifetime of the mine, which amounts to \$2M a year, or less than \$1,200 per person annually (Gorrie, 2010, p. 25). In exchange, Attawapiskat granted De Beers unimpeded access to the mine.

Beyond this trust fund, De Beers has also promised that Attawapiskat band members will get preferential access to jobs, training, and business opportunities. Since construction began, \$325 million worth of contracts were given to “solely owned or joint venture companies run by the community,” but some in the community have questioned the accuracy of the number on the ground and the make-up of some of the joint

ventures, as outside businesses are believed to be taking in the majority of revenues (APTN, 2013).

Roughly 100 Attawapiskat band members obtained jobs at the mine site, but unemployment in the community remained around 70%<sup>17</sup> due to a lack of high school education and preparedness for job training (personal interview, Chief Theresa Spence and Gilles Bisson). Education has also suffered from underfunding; a First Nations child's education received funding that is \$2000 to \$3000 less than a child in a provincial school nearby (Assembly of First Nations, 2010). According to the 2006 Canada census, the dropout rate for on-reserve aboriginal high school students was 60%. As of 2012, the same rate for non-Aboriginal Canadians was 7.8%.<sup>18</sup> As jobs at De Beers required a minimum high school education, many residents have been unable to take advantage of the new job opportunities.

The conflicting views over the IBA's merits have caused divisions in Attawapiskat and between other communities, who signed IBA documents of their own (McCarthy, 2010). As resentment built between those who had jobs and those that did not, local people demonstrated their frustration through creating road blockades, which slowed production. The most significant of these blockades occurred in December 2009 and January 2013. After the winter road blockade in 2009, De Beers listed a series of 28 issues in 162 sub-categories raised by community members. Generally, these issues were a mixture between community members and their own leadership, community members & leadership vs. the company and the community and INAC (De Beers, 2010). The core complaints and key themes that have continued to resurface are summarized below and were listed in De Beers' *Report to Society* in 2010.

1. Community members were dissatisfied with the IBA, requesting increased compensation,
2. Community members were dissatisfied with the lack of housing and lack of elementary school,

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<sup>17</sup> There are no official numbers for unemployment as these also fluctuate seasonally. The mainstream media report numbers between "more than 60 per cent" (Globe and Mail, Dec 9, 2011) and "about 70 per cent" (Toronto Star, January 2013)

<sup>18</sup> According to Employment and Social Development Canada, the "percentage of those aged 20-24 in Canada who were not attending school and had not graduated from high school decreased" was at 7.8% in 2011-2. (Statistics Canada, Labour Force Canada Survey 2012.)

3. Attawapiskat employees were making accusations of discrimination by non-native employees, and
4. There are considerable infrastructure issues with portable water and sewage in the community.

Since the Victor Mine first opened in 2008, De Beers has made it clear: they are not in the business of building schools, infrastructure or homes. This has always been the role of government. Instead, the primary benefit of the mine is jobs. As such, the underlying root cause of conflicts surrounding mining can thus be followed along four lines of inquiry:

1. An inadequate IBA agreement can be traced to a flawed negotiating process and a power imbalance, but also to undefined and disputed land rights. There are different interpretations of Treaty 9, whereby First Nations people thought they were agreeing to share equally in resources.
2. De Beers sees job creation as its primary contribution to the community, but a systemic lack of basic education and high dropout rate left many in the community ineligible for these jobs. Education levels could be improved if there was equal funding and greater access to social services and housing.
3. Large sums of money are being paid to Aboriginal businesses, but since these are set up as joint ventures with off-reserve, non-native businesses, the profits inevitably flow out of the reserve. Furthermore, employed First Nations workers have travelled to Timmins to spend earnings because there are few businesses in Attawapiskat and the prices there are increasingly high.
4. The IBA does not address high need areas because they are the responsibility of government, not a corporation. The benefits of the mine are negligible compared to community needs due years of political neglect and the government's policy of pursuing voter interest in the south.
5. The mine has only been open since 2008, meaning not enough time has passed for the economic impact of a 'trickle-down' effect to occur.

De Beers claimed to be committed to leaving a sustainable impact on communities, but it has become increasingly unclear how any initiative will lead to sustainable results without addressing basic human rights of housing, water, and education. The impact of local economic development opportunities such as the De Beers mine was limited by factors beyond what a mining corporation can address – residential school syndrome, a lack of housing and social services such as family counselling, health care, youth programming, and education; and, infrastructure to maintain the overall health and well-being of the community.

#### **A.4. ATTAWAPISKAT AND IDLE NO MORE**

Announced in 2013, Canada's economic action plan involved over 600 major resource projects, representing a total investment of approximately \$650 billion. The majority of these projects have been planned on, or near, traditional native lands (Simeone, 2014). As such, a determining factor in whether these projects move ahead, and under what terms, increasingly relies on the involvement of First Nations people. Mining companies in Canada and abroad have promoted the idea that mining leads to development and economic prosperity, but Attawapiskat has revealed the failures of this theory.

The spark for the Idle No More movement was the government's omnibus budget Bill C-45, which was tabled October 18, 2012. The 414-page document changed numerous acts and regulations, including the Indian Act of 1876 and Canada's commitment to environmental protection (Visconti, 2013). Four aboriginal rights activists held a conference that they called "Idle No More" and set up a website, which "calls on all people to join in a peaceful revolution, to honour Indigenous sovereignty, and to protect the land and water" (Idle No More, 2012).

Early in the morning after the first Idle No More protest on December 10<sup>th</sup> (International Human Rights Day), Chief Spence launched her own action - a hunger strike - in an attempt to improve conditions for all First Nations, not just in her own community. Spence decided that she would not resume eating solid food until the Prime Minister, Stephen Harper, and a representative of the Queen of England, who was the signatory to the treaties, met with First Nations leadership. For 44 days, Chief Spence

consumed only tea and fish broth, which galvanized the Idle No More protest movement and attracted media attention and scrutiny. She was hailed a hero by activists and served as a lightning rod for critics. Her action helped force a meeting between First Nations leaders and the Prime Minister on January 11th, but since the Governor General did not attend (i.e. representation from the Queen), her fast continued. After the meeting, Harper’s reputation when dealing with First Nations communities was seen as “unilateral and paternalistic” (Galloway, 2012, pp. 13). On January 24<sup>th</sup>, 2014 Spence agreed to end her hunger strike after the Assembly of First Nations and the opposition parties (the Liberal and New Democrat caucuses) signed a declaration backing a series of commitments supporting advancement on aboriginal issues, including housing and revenue sharing with the province.

The following table summarizes relevant dates pertaining to Attawapiskat, the Government of Canada, the Province of Ontario, and the De Beers Victor Mine.

**Table 1: Timeline of events**

1610	Henry Hudson entered the larger bay - first European encounter with Mushkegowuk Cree.
1630	Thomas James explored the area and trading began with local Cree people.
1670	King Charles II gave the Hudson Bay Co. right to trade and control the area.
1867	Canadian Confederation.
1867	Current Ontario legislative mace was made - it represents the speaker’s authority and power when provincial government sits in house. It later had Attawapiskat diamonds placed within it.
1868	Rupert’s Land Act - Queen Victoria authorized the transfer of Rupert's Land from the Hudson's Bay Co. to the Dominion of Canada. It included a commitment by Canada to protect Aboriginal interests in the region.
1884	The Indian Act gave Federal government exclusive authority to legislate in relation to "Indians and Lands reserved for Indians". The Indian Act has been revised many times, but is still in place.
1888	Cecil Rhodes founded De Beers in South Africa.
1893	First permanent church in Attawapiskat.
1900s	De Beers sold 85%-90% of diamonds worldwide, keeping diamond prices stable and fixing supply.
1901	Hudson Bay erected the first outpost in Attawapiskat.
1905	Treaty 9- the James Bay Treaty was signed –a "tripartite" agreement in which Aboriginal signatories agreed to 'cede, release, surrender and yield up to the Government of the

	Dominion of Canada [...] all their rights, titles and privileges' to the land.
1930	Residential School System reached James Bay Cree, and worked to sever connection to the land and Cree culture.
1930	Attawapiskat was annexed into Treaty 9.
1930s	De Beers hired New York ad agency NW Ayer to create a mass-market appeal for diamonds. Research showed the strong selling point is positioning diamonds as a symbol of love. The result was the "A Diamond is Forever" advertising campaign in 1939.
1950	First hospital in Attawapiskat.
1960	De Beers began exploration in Canada. Non-enfranchised Aboriginal people were extended voting rights.
1976	J.R. Nakogee School opens.
1979	Massive oil spill of 25 000 Gallons occurred under the Attawapiskat school.
1980s	Teachers and student reported sickness from exposure to gas fumes.
1984	INAC inspectors uncovered the largest diesel spill in northern Ontario, clean up measures were recommended, but nothing was done.
1987	Initial discovery of diamonds along the Attawapiskat river.
1994	US Department of Justice charged De Beers and GE for conspiring to fix prices of industrial diamonds.
1995	The school was deemed by inspectors to be a "Level 1: High Sensitive Site". That same year a sample from the Victor kimberlite sparked further exploration.
1990s	De Beers monopoly began to unravel with Russia's collapse, the rise of Australian mines, and Canada emergence as a new diamond producer (Zimnisky, 2013, pp 6).
1990s	Attawapiskat children and teachers continued to report illnesses and nausea.
1998	"Conflict diamonds" emerged as a PR nightmare, De Beers closed buying offices in war torn Angola and the DRC, and began carrying the Forevermark guarantee of being conflict free and looked to Canada in order to compete internationally.
1999	Consultation began between De Beers and Attawapiskat.
2000	De Beers started the Kimberley process to restore customer confidence and certify that diamonds are not blood diamonds. Over the next decade, the De Beers image was overhauled and the company planned to only sell only diamonds from their own mines.
2000	First INAC promise for a new school
2000	January - Remaining school contamination was reported as a 'Class 1: Action required' benzene, ethyl benzene, toluene, xylenes and total petroleum hydrocarbons were found at levels above acceptable levels for human health.
2000	Attawapiskat closed the elementary school.
2000	De Beers made a formal pledge to stop buying conflict diamonds (international)
2000-2001	14 portables were built by INAC between the former school and the airstrip.

2001	An exploration agreement was signed between De Beers and Attawapiskat.
2003	IBA Negotiations began between De Beers and Attawapiskat.
2003	Mushkegowuk Cree filed the "Rupert's Land Protection Pledge Lawsuit." The purpose of the lawsuit was to have Canada and Ontario give back a share of those natural resource revenues and control in northern Ontario.
2005	Another INAC minister promised a new school but nothing was done
2005	Attawapiskat and De Beers negotiated and signed an IBA, environmental approvals are passed (August) and construction began on the Victor Mine.
2008	April - The new JR Nakogee School was not in Government 5 year plan due to other priorities, despite the previous commitments.
2008	June - Shannen Koostachin mets Chuck Strahl, who told her the Government of Canada cannot afford the school. Over that year, \$122 million was taken out of the federal budget for building reserve schools and was spent elsewhere.
2008	July 26 - Victor Mine celebrated official opening, ahead of schedule and under budget.
2009	Feb - Attawapiskat members blockaded De Beers mine in protest of IBA, people of Attawapiskat felt they were not fully benefiting from the De Beers operations. Protestors wanted terms of the IBA to be revisited, and for them to address pressing issues including racism and discrimination, pay equity, and a desperately needed school and housing.
	March - Two of the first diamonds produced from De Beers were embedded in the province's historical legislative mace from 1867.
	March – The contaminated School from 1979 oil spill was demolished and the toxic debris was dumped one km away from Attawapiskat homes (First State of Emergency).
	July 11 – A massive sewage backup dumped waste into eight buildings that housed 90 people. De Beers donated two construction trailers intended for short-term measures, but they have continued to house 90 people sharing 6 washrooms. (Second State of Emergency).
	Oct - Victor Mine named Mine of the Year by international trade publication
2010	June 1- Shannen Koostachin died in car accident.
	August- Chief Spence elected as Chief (she was previously deputy chief).
2011	Oct 28 - AFN leadership declared state of emergency due to dropping temperatures and families living in sheds.
	Nov 27 - Red cross intervened in the housing situation.
	Nov 29 - PM "not happy with Attawapiskat" and alleged mismanagement.
	Dec 1 - Red Cross landed in Attawapiskat.
2012	Feb - Government shipped 22 mobile homes.
	March - health Canada advisory warned residents to "minimize their exposure to household tap water."
	Aug 1 - Judge ruled in Attawapiskat's favor that the Third party manager was "unreasonable in all circumstances."

	Oct 18 - Bill C-45 introduced
	Nov 4 - First Idle No More tweet
	Dec 4 - First Nations leaders stormed Canadian parliament to voice their concerns over the fed budget bill and its lack of consultation. They felt the federal government was not honoring the Crown First Nations relationship.
	Dec 10 - Idle No More held a National Day of Action to coincide with Amnesty International's Human Rights day. It expressed Indigenous opposition to Bill C-45.
	Dec 11 - Spence began hunger strike to focus attention on FN issues, support the IDM indigenous rights movement and highlight concerns about Bill C-45.
	Dec 14 - Bill C-45 passed through the Senate, received royal assent and became law.
	Dec 21 Large protest on Parliament Hill gathered thousands of indigenous people, dozens of non-profits and unions.
	Dec 30 - 21 Senators and members of Parliament representing opposition parties visited Spence. Peaceful protests broke out in Toronto, Calgary and Victoria.
2013	Jan 7 - Deloitte report on Attawapiskat's audit was leaked to the media, Spence slammed it as a distraction.
	Jan 11 - PM met with Aboriginal Leaders, but Spence did not go as the Governor General had declined to attend and the Premier of Ontario is unavailable. Meanwhile more protests occurred.
	Jan 24 - Spence ended the hunger strike with a Declaration of commitment.
	Jan 28 - Nationwide events from teach-ins to flash mobs and protests occurred.
	Feb - Attawapiskat residents blockaded the mine for nearly 3 weeks until a court injunction and threats of \$130 million lawsuit broke it up.
	April - Attawapiskat declared an emergency due to a sewer backup into homes and buildings. Schools and hospitals were closed.
	June - De Beers began federal environmental assessment process for mine extension, a second open pit mine near the existing operation.

The above timeline is generated from the following sources:

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CNN, "The De Beers Story: A New Cut on an old Monopoly", February 19, 2001 [http://money.cnn.com/magazines/fortune/fortune\\_archive/2001/02/19/296863/](http://money.cnn.com/magazines/fortune/fortune_archive/2001/02/19/296863/)

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## **Appendix B: Film Participants**

This section provides a description of key participants in the film.

### ***Rosie Koostachin***

Rosie is a mother of five and community volunteer. She grew up in poverty and attended the contaminated elementary school. After sewage backup left many of her neighbours homeless, Rosie began a campaign to spread awareness, starting with a Facebook group, “Making a Stand for Our Children and Our Elders.” This attracted the attention of True North Aid, which began shipping donations. The local people she visited struggled with contaminated water and buildings, high food costs and a lack of housing, employment opportunities, and a proper elementary school. As she described it, they have struggled every day despite having a billion dollar De Beers project on their traditional lands.

### ***Theresa Spence***

Theresa Spence is the current Chief of Attawapiskat. She is a residential school survivor and a mother of five girls. When she first heard that De Beers was building in the area, she expected better education, better housing, and better facilities. She felt that negotiations were subjected to pressure by the government and by community members, who were promised jobs.

Her biggest obstacle is that her community is ignored and greatly underfunded by government, and she has inherited an array of problems because of it. When she became Chief in 2010, she had set out an action plan for 24 projects that required immediate action. The water intake was one, followed by the water treatment plant, then the \$18 million dollar soil remediation from the contaminated school, and after that came dust control, housing and job training. Reviewing the IBA with De Beers was the 24th item. With good intentions, she showed the world that Attawapiskat exists and managed to force her way into the national conversation - twice.

### ***Charlie Angus, MP Timmins-James Bay***

Charlie Angus became the federal politician for Timmins-James Bay in 2004. For years, he decried the situation in Attawapiskat, and saw it fall on deaf ears in Ottawa. Angus is a member of the NDP opposition party and an outspoken critic of the treatment of aboriginal communities by the Conservative government. In November 2011, Angus's YouTube video of Attawapiskat conditions and his article for the Canadian Huffington Post, "What if They Declared an Emergency and No One Came?" went viral on Facebook, finally attracting media attention to the crisis in Attawapiskat.

### ***Tesla Koostachin***

Tesla is 17 and Rosie's eldest daughter. She was 8 months pregnant during initial filming and about to graduate high school as valedictorian. She explained what it was like going to an elementary school atop the largest diesel fuel spill in Northern Ontario. Tesla, like all mothers in the community, flew down south to give birth and was unable to have her family with her. She worries about unsafe water and believes Attawapiskat will end up as poor as Africa. She maintains that they never signed their land away.

### ***Lisa-Marie Kiokee***

As a result of the community's chronic housing shortage, Lisa, a mother of four, lived in an uninsulated shed with her four kids and husband. She has endured numerous wind chill warnings of -50C. Her son Drisdan has autism and she was not sure whether he will get to go to school because the Attawapiskat school board cannot afford special education teachers. Lisa became a face for the housing crisis, but her voice was rarely heard in the news media. After the housing crisis, Lisa received one of the 22 modular homes sent to the community by the Federal government.

### ***Gabriel and Theresa Fireman, community elders***

Gabriel, Theresa, and their young granddaughter also lived in a shed without running water. An important element of Attawapiskat that most Canadians do not

understand is that English is often a second language, and that elders sometimes only speak Cree. The Firemans feel that promises have been broken by De Beers and they see no benefits. They do not understand where government money has gone to fix their community. Unfortunately, poor construction of their home led to a massive black mold outbreak, which can cause lung damage and neurological problems.

***Tom Ormsby is the VP External Affairs for De Beers***

Tom Ormsby has been a De Beers executive for several years and provided answers on behalf of the company. He explained parts of the IBA, as well as the company's view on corporate responsibility.

***Gilles Bisson, Member of Provincial Parliament***

Gilles Bisson has been representing Attawapiskat and the surrounding Timmins-James area at the provincial level since 1990. He has expressed pride that diamonds from the Victor Mine were placed directly in the legislative mace, but finds it ironic that there is such poverty next to so much wealth. In the film, he has explained that the conditions in Attawapiskat are not De Beers' fault, but the result of the federal and provincial system. He explained how diamond royalties and taxes go straight to the provincial government, which contributes nothing to Attawapiskat, as reserve schools, health and infrastructure are a federal responsibility.

## **Appendix C: Key Production Team**

Victoria Lean – Writer, Producer, Director, Camera, Editor

Jade Blair – Producer and Graphics Designer

Kirk Holmes - Cinematographer and Editor

Kara Stone – Editor

Cam Woykin – Editor

Additional Camera - Marcos Arriaga, Christopher Romeike, Luca Fiore, Trina

Sutherland, Sabrina Sutherland, Craig Allen Conoley, Matthew Cameron, Cam  
Woykin,

## Appendix D: Filmography

- An Injury to One*. Dir. Travis Wilkinson, 2003.
- Blockade*. Dir. Nettie Wild, Canada Wild Productions, 1993.
- Bones of the Forest*. Dir. Velcrow Ripper, 1996.
- Diamond Road*. Dir. Nisha Pahuja, Kensington Communications, 2007.
- Franz Fanon: Black Skin, White Mask*. Dir. Isaac Julien. California Newsreel, 1996
- Gasland*. Dir. Josh Fox. HBO Films, 2010
- Gasland 2*. Dir. Josh Fox. HBO Films, 2013
- The House I Live In*. Dir. Eugene Jarecki, 2012.
- Happy People: A Year in the Taiga*. Dir. Werner Herzog and Dmitry Vasyukov, 2010.
- Hi-Ho Mistahey*. Dir. Alanis Obomsawin, 2013.
- Kanehsatake: 270 Years of Resistance*. Dir. Alanis Obomsawin, 1993.
- Mohawk Girls*. Dir. Tracy Deer, 2005
- La Nouba des femmes de Mont Chenoua (The Nouba of the Women of Mount Chenoua)*. Dir. Assia Djebar. Women Make Movies, 1979.
- Narmada: A Valley Rises*. Dir. Ali Kazimi, 1994.
- Occupy: The Movie*. Dir. Corey Ogilvie, 2013
- Petropolis: Aerial Perspectives on the Alberta Tar Sands*. Dir Peter Mettler, 2009
- People of the Kattawapiskak River*. Dir Alanis Obomsawin, 2012
- Pictures of Light*. Dir Peter Mettler, 1994.
- Power*. Dir Magnus Isacson, 1996.
- Safe*. Dir. Todd Haynes. American Playhouse, 1995.
- Shooting Indians: A Journey with Jeff Thomas*. Dir. Ali Kazimi, 1997.
- Surname Viêt, given name Nam*. Dir. Trinh T. Minh-ha. Women Make Movies, 1997.
- The Scars of Mercury*. Dir. Tadashi Orui, 2009
- Under Rich Earth*. Dir. Malcolm Rogge. Rye Productions, 2008.

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