

Archives, Record Keeping, and Indigenous Knowledge: Issues concerning Hydro Development
in Northern Manitoba

by

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Table of Contents

Abstract.....	ii
Acknowledgements.....	iii
Dedication.....	iv
List of Abbreviations.....	v
List of Figures.....	vi
Introduction.....	1
Chapter 1: State of the Archives:	5
Chapter 2: Records from the Top Down.....	23
Chapter 3: Records from the Bottom Up.....	48
Conclusion.....	66
Bibliography.....	79
Appendix A-G.....	81-89

Abstract

There are many stories yet to be told about the development of hydroelectric power in Northern Manitoba. Increasingly, accounts of Indigenous people have been coming to light in hearings for the Needs For and Alternatives To, and The Clean Environment Commission. What is more, research has been increasingly conducted around the disturbing accounts of Hydro development reported by Indigenous people. Yet curiously, there is still little to be told through the province's archives about the true impact of hydro development on the province's social, political, and economic history.

Historically, the official narrative has mainly focused on the dams and their placement, with narrow economic benefits and efficient management in mind. Here, the focus of development has largely ignored the sacrifices incurred by citizens—namely, Indigenous peoples. However, Indigenous people have steadfastly claimed that there are gaps and fissures in these accounts, and that the official narrative does not tell the true story behind the personal impacts of development bought through the devastation to the environment, and the land-based economies that once made up the social fabric of the north—let alone, the colonial violence which has come along with it.

This thesis is about knowledge, power, archives, and colonialism. It seeks to address distortions within the province's archival record and explores accounts of Hydro development. It highlights the dangers posed by absences and silences in the record by interrogating the gaps found within the official archive. It suggests these absences are not only a danger to societal memory, social justice, and democratic oversight; but contribute to the ongoing colonial project by making it easy to deny or distort any knowledge essential to broader contextualizations behind the dispossession, displacement, and colonial violence, that has gone into hydro development. Additionally, it further suggests that there is a need to rethink the orientation of the official record to include Indigenous voices, which are largely absent and should be included within the contexts of the appraisal process.

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Dedication

This thesis is dedicated to all the knowledge keepers and story tellers who have had the fortitude to keep our collective memory, history, and culture alive.

List of Abbreviations

Archives and Recordkeeping Act.....	<i>ARKA</i>
Archives of Manitoba.....	AM
Department of the General Counsel and Corporate Secretary.....	GC&CS
Freedom of Information and Protection of Privacy Act.....	<i>FIPPA</i>
The Needs For And Alternatives To.....	NFAT

List of Figures

Figure 1. Basic Search – Manitoba Hydro.....	14
Figure 2. Listings for “Descriptions of Archival Records”	16
Figure 3. Advanced Search – Manitoba Hydro.....	17

Introduction

An elder prepares to leave his home, for the long trip to Winnipeg to share his life experiences in a hearing. Another prepares for her trip to Thompson in order to speak there. Their goal: to speak on behalf of their communities of the negative consequences hydro development has had on the land, its people, and their way of life. Neither will be compensated. Nor their hotels or travel expenses covered. Rather, they will bear the cost themselves. As this occurs, other members of Indigenous communities prepare for their own journey's south. For the individuals such actions are not that extraordinary. In fact, it could be argued that they are exercising a form of sovereignty and rights much like their ancestors, who have long treated regions of the northern and southern Manitoba as mere neighbourhoods since time immemorial, where they once traveled north to south, and south to north, in Manitoba as "Indian" guides during the early seventeenth century, showing Europeans settlers their first glimpses of the region. Much like the Kings and Queens of Europe once did, as they extended their sovereignty by traversing their territories. Only perhaps this time it is with more earnestness, for the Indigenous knowledge keepers, as they carry the hopes and dreams of their communities for the future; and most importantly, a part of the collective memory of their communities housed in their memories, which they will bring forward as they prepare to speak to a panel concerning hydro development, in the Needs For and Alternatives To (NFAT) hearings in Winnipeg, and Thompson, Manitoba.¹

Such accounts demonstrate not only the tenacity but strength of character which could still be found in Indigenous communities, despite elements of settler society trying to snuff out Indigenous rights, and their ties to the land and water which have been inhabited since time immemorial. However, it has only been a relatively short amount of time with which Indigenous peoples in Manitoba have had to contend with the encroachment of a new entity, Manitoba Hydro, which has not only violated their constitutional engrained rights but has continued to be

¹. See: Manitoba Public Utilities Board. "Presentations by the Public." Proceedings Transcript. *MANITOBA HYDRO NEEDS FOR AND ALTERNATIVES TO REVIEW OF MANITOBA HYDRO'S PREFERRED DEVELOPMENT PLAN*. Winnipeg, Manitoba. May 14, 2014, accessed, December 7, 2021. <http://www.pubmanitoba.ca/v1/proceedings-decisions/transcript/conferences-and-presentations.html>; and, Manitoba's Needs for and Alternatives To Review proceeding for instance, has held proceedings for hydro effected communities. See: Manitoba Public Utilities Board. "Presentations by the Public." Proceedings Transcript. *MANITOBA HYDRO NEEDS FOR AND ALTERNATIVES TO REVIEW OF MANITOBA HYDRO'S PREFERRED DEVELOPMENT PLAN*. Winnipeg, Manitoba. February 27, 2014, accessed, December 7, 2021. <http://www.pubmanitoba.ca/v1/proceedings-decisions/transcript/conferences-and-presentations.html>.

proceeded with attempts to erode Indigenous sovereignty and title throughout its relative short history in Manitoba.

However, such voices have not just centered on hearings and examination concerning the NFAT². Indigenous people have been speaking out against the erosion of their rights since the 1970s when their concerns were largely ignored, by both the provincial government and officials at Manitoba Hydro. Here, it took a coordinated effort with the Inter-faith Task Force to shed light on major issues faced by Indigenous communities. But the silence and neglect of major issues has continued. Nonetheless, Indigenous voices have continued to be heard through the Clean Environment Commission, and work through the Wa Na Ska Tan Alliance of Hydro-Impacted Communities, to name a few examples. Unfortunately, in spite of so-called progressive partnerships, the issues and grievances which occurred during early stages of development have not been fully dealt with and continue to be ignored despite the profound violations of both human and Indigenous rights, which continue to have a profound effect to this day.

In the short span of development in Northern Manitoba, however, it has only been until recently—the acceptance of previously shunned forms of social memories, such as oral histories—has allowed us further insight into the perspectives above. And this raises that serious questions and lines of inquiry of how the various transgressions, can go on for so long despite Manitoba Hydro possessing perfect information about its operations through the records it keeps; and a public archive which is meant to house documents vital to the history and social memory of the province. James Waldram has also observed a lack of transparency and oversight when it has come to hydro development in the province, and he has noted that much documentation around hydro development has been absent.³ As such, what follows is part interrogation, part inquiry based on fundamental observations raised by Waldram. Here, the questions raised above will serve as the backdrop for interrogations of the system of record keeping, and inquiries into the make-up of the official record in order to answer the question of whether or not Waldram's hypothesis could be validated, and if so, answer questions about what potential impact the sparseness of records might have upon society.

² Such hearings were, of course, conducted through the PUB. See footnotes 1.

³ James Waldram. *As Long as the River Run: Hydro Development and Native Communities in Western Canada*. (Winnipeg: University of Manitoba Press, 1988), xi-xvi.

In following these inquiries what follows is a record-based approach which examines the system of access, for records concerning Manitoba Hydro housed at the Archives of Manitoba. Following this, this thesis will explore: 1. “The State of the archives”, questioning: “Where are all the records?” examining the overall make up of those currently available, given the history of hydro development in the province. 2. Examine the broader implications of any missing records from the top down in order to gauge how these gaps affect the broader contextualizations of history, and the effect this has on society’s knowledge of the conduct of its leaders and the ability of the public to hold them accountable. 3. Examine the effects of missing records upon society’s knowledge about broader ethical questions surrounding the wider citizen-state interactions and whether or not the missing records could be said to have had an effect on societies ‘right to know’ by examining the mistreatment of some of its most marginalized citizens—Indigenous people. However, because I am personally connected to the history of development from both sides of my parents, this thesis does not pretend to be objective. It is biased and skews heavily in favor of the validity of Indigenous accounts, due to stories I have heard from family and friends across both my parent’s communities, which are similar to accounts across other communities in the north, and have expressed concerns of dishonesty, corruption, and dispossession when speaking of hydro development. What follows, therefore, is a community approach to the examination of the archives, in that, it treats Manitoba Hydro as a colonial entity with a life story that spans across Northern Manitoba, which needs to be told by the Indigenous people who have had to cope with the lived realities of Hydro development.

In moving forward, the current analysis will examine the records deposited by Manitoba through the use of The Keystone Archives Descriptive Database (Keystone), the *Manitoba Hydro Act*, and Record Schedules provided by the Archives of Manitoba. These will then be drawn against Indigenous accounts from hearings of the Needs For and Alternatives To, and The Clean Environment Commission hearings on hydro development in order to gauge what is there, and what is missing, and open up discussions on the effects these absences have had on the contextual knowledge of history associated with them. By exploring the absences within the record, and the limited accessibility of hydro records within the archives, I hope to unpack the current structure of the records Manitoba Hydro makes available to the public; highlighting Indigenous experiences in the process, while interrogating the absences in the record; and drawing attention to the dangers posed by the silences these create around the broader aspects of

colonialism associated with development. In doing so it will be argued is that there needs to be a reorientation towards community archives, or more specifically Indigenous based perspectives based on the lived experience and oral histories of those who had to live with development. Here I lean on Terry Cook and the contributions he has made towards archival postmodernism and macroappraisal to help explain the issues and center the narrative.

Chapter One: State of the Archives

Introduction

Where are all the records? A fundamental question inquiring researchers might ask when searching for records from Manitoba Hydro. Within the province, the Archives of Manitoba (AM) is the official repository for all government records.⁴ However, a basic search for records for Manitoba Hydro leaves much to be desired regarding the scope and content available. This is perplexing, given that Manitoba Hydro and the provincial government of Manitoba have always maintained the position that the people of Manitoba own Manitoba Hydro. Granted, archival theory and practice has come to maintain that all records within an archive is so infinitesimal and could be said to represent a sliver within a sliver.⁵ This still does not explain the sparseness of the record, given the massive movement of physical, human, and financial capital that went into hydroelectric development from 1961, into the twenty-first century. Not to mention the involvement of government and its various ministries and departments.

A generation or two ago, such conditions may not have been so perplexing or concerning. However, due to the “newly shifting paradigm”⁶ of archival professionals as passive custodians of records,⁷ to active shapers of memory⁸—such conditions are problematic for those who question the context of power, censorship, and active control of the records within the archives. This chapter seeks to contextualize these issues. It will give readers an overview of records housed at the Archives of Manitoba and highlight noticeable gaps within the record's

⁴ Here, the Archives of Manitoba, the Archives, and AM will be used describe the same intuition.

⁵ It is even smaller than this. Vern Harris notes it is, “a sliver, within a sliver, within a sliver.” See: Harris Vern. “The Archival Sliver: Power, Memory, and Archives in South Africa.” *Archival Science* 2 (2002): 65.

⁶ Terry Cook. “Evidence, memory, identity, and community: four shifting archival paradigms.” *Archival Science* 13(2013):101-102.

⁷ Cook Mentions, “Archivists have therefore changed over the past century from being passive keepers of an entire documentary residue left by creators to becoming active shapers of the archival heritage...” Terry Cook. “What's Past is Prologue: A History of Archival Ideas Since 1898, and the Future Paradigm Shift.” *Archivaria* 43 (Spring 1997): 46.

⁸ To name but a few examples, see: Tom Nesmith. “Seeing Archives: Postmodernism and the Changing Intellectual Place of Archives.” *The American Archivist* 65, no. 1 (2002): 24–41; Tom Nesmith. “The Concept of Societal Provenance and Records of Nineteenth-Century Aboriginal–European Relations in Western Canada: Implications for Archival Theory and Practice”. *Archival Science* 6, no. 3 (1 December 2006): 351–60; Tom Nesmith. “What's History Got to Do With It?: Reconsidering the Place of Historical Knowledge in Archival Work” *Archivaria* 57 (Spring 2004); Verne Harris. *Archives and Justice: A South African Perspective* (Chicago: Society of American Archivists, 2007); Harris, Verne. “On (Archival) Odyssey(s),” *Archivaria* 51 (Spring 2001): 2-13; Verne Harris, “Jacques Derrida meets Nelson Mandela: Archival Ethics at the Endgame,” *Archival Science* 11, no. 1-2 (2011): 113-124; Helen Samuels. “Who Controls the Past”. *American Archivist*. 49, 2 (Spring 1986): 109–124.

chronology, scope, and comprehensiveness. Here, it will be argued that the current state makes it difficult to gauge the most basic history for Manitoba Hydro. Additionally, it will underline the dangers posed to societal memory and democratic accountability. To support this argument, the Archives of Manitoba's search engine Keystone, will be used to give the reader a glimpse of the records held at the Archives. As Keystone will allow us to look at all records deposited by the Crown corporation; while making it easier to unpack the fonds associated with it so we may conduct a broader interrogation of the record in later chapters. Here, this chapter will open with a discussion of archival postmodernism and macroappraisal's place within the changing landscape of archives, while introducing concepts that will be visited and revisited throughout this thesis. These concepts will be centered within postmodernism's view of records as centers of power, and the contestation of the official use of the archive to mold and control the narrative, in order to construct positive outlooks regarding the functions of a given entity, and interactions between it, its agents, and its citizens.

I

As mentioned above, one basic concern, is that records from Manitoba Hydro are not consistently being transferred to the archives. Such conditions pose obvious problems, because on its surface, if records are not making their way to the archives, any narration around their histories have a greater chance of becoming obscured, conflicting, or worse—lost or forgotten—as significant gaps appear. Therefore, given the context above, so does the archives' ability to aid in society's capacity to historicize and scrutinize the functions, transactions, and actions of Manitoba Hydro and its agents. Terry Cook has written at length on archival postmodernism (hereafter referred to as postmodernism) and provides relevant frameworks for analyzing the official record for Manitoba Hydro. For Cook, a large part of postmodernism rests upon the most effective choices archivists can ultimately make for the most socially historical relevant material for archival purposes.⁹ According to Tom Nesmith, postmodernism is a relatively new intellectual paradigm for archives “in the formation of knowledge, culture, and the shaping of

⁹ Cook has steadily expanded upon the broader implications behind postmodernism right up to his unfortunate passing. See: Cook, “What is Past is Prologue,” 17-63; Terry Cook, “Archival science and postmodernism: new formulations for old concepts.” *Archival Science* 1: (2001): 3-24; Terry Cook, “Fashionable Nonsense or Professional Rebirth: Postmodernism and the Practice of Archives.” *Archivaria* 51 (Spring 2001):14-35; Cook, Terry. “Evidence, memory, identity, and community: four shifting archival paradigms.” *Archival Science* 13(2013): 95–120.

history for societies”.¹⁰ Here, Nesmith notes postmodernist philosophy rests within the point of view with which, “there is no way to avoid or neutralize entirely the limits of the mediating influences which, thus, inevitably shape our understanding”¹¹ as, “contrary to the conventional idea that archivists simply receive and house vast quantities of records...they actually co-create and shape the knowledge in records, and thus help form society’s memory”¹² Correspondingly, it is through this lens, and subsequent development of macroappraisal, that Cook’s contributions to postmodernism have had profound impacts which have resonated across the archival profession,¹³ and will be visited throughout this thesis.

For Cook, postmodernism broadly equates to:

...a shift away from looking at records as the passive products of human or administrative activity and towards considering records as active agents themselves in the formation of human and organizational memory; a shift equally away from seeing the context of records creation resting within stable hierarchical organizations to situating records within fluid horizontal networks of work-flow functionality...shifting from product to process, from structure to function, from archives to archiving, from the record to the recording context, from the "natural" residue or passive by-product of administrative activity to the consciously constructed and actively mediated "archivalisation" of social memory.¹⁴

This “shift”—as he has primarily maintained throughout his career—is a divergence from practices of the past, which relied largely on archivists waiting for records; keeping them as close as possible to original order,¹⁵ and describing them by the characteristics of their content, as a way of making records available to the public.¹⁶ Here, orientation would sway from a backend process; towards a frontal framework,¹⁷ where archivists actively seek out records based on

¹⁰ Nesmith, “Seeing Archives,” 27.

¹¹ Nesmith, “Seeing Archives,” 26-27.

¹² Nesmith goes on to say that, “[t]he study of archives is no longer just the seemingly esoteric interest of a few archivists who believe it makes them more effective on the job, or provides an underpinning for professional culture, valuable as these internal pursuits may be.” Nesmith, “Seeing Archives,” 27.

¹³ For a number of authors influenced by Terry Cook, see: Cook, Terry. “‘All Shook up’: *The Archival Legacy of Terry Cook*” Nesmith Tom, Bak, Greg, Schwarts, Joan M. (United States: Society of American Archivists), 2020.

¹⁴ Cook, “Evidence, memory, identity,” 4.

¹⁵ Cook, Terry. “Mind over Matter: Towards a New Theory of Archival Appraisal”. In: Craig, Barbara ed. *The Archival Imagination: Essays in Honor of Hugh A. Taylor*. (Ottawa: Association of Canadian Archivists, 1992, pp. 45.

¹⁶ Cook, “What is Past is Prologue,” 36.

¹⁷ Cook, “Evidence, memory, identity,” 112.

criteria around the activities and functions centered on the context of content creation,¹⁸ by focusing on what the records ultimately say regarding governance, and not just governing.¹⁹

Archivists mainly working in national or institutional archives need to start thinking in terms of the process of governance, not just of governments governing. Governance" includes being cognizant of the interaction of citizens with the state, the impact of the state on society, and the functions or activities of society itself as much as it does the inward-facing structures of government and its bureaucrats. The archivist in appraisal, and all subsequent actions, should focus on the records of governance, not just government, when dealing with institutional records.²⁰

It is within this "framework," Cook has helped develop macroappraisal as an effective method of helping archivists sift through the substantial amount of material archives have to contend with. This system ultimately takes place along a three phase process which actively seeks to select the most ideal sets of records reflective of a given criterion of governance deemed appropriate for the entity or organization.²¹ The first involves a series of steps toward conducting a functional analysis,²² which identifies relevant activities and functions and which Cook has called the, "...creative act or authoring intent or functional context behind the [record]..."²³ which helps to identify series and fonds that could make up potential archival targets²⁴ from a broader macro analysis of the records. The second, involves conducting a micro analysis of individual records, to ensure that what was chosen contains a significant number of records that are specific to the criteria of governance selected from the parameters above.²⁵ It is then from this analysis the third phase takes place, where archivists are then able to select for archivalisation or destruction from these sets of records.

What is relevant about Cook's frameworks of postmodernism and macroappraisal here, is that he has helped develop a strategic framework with which one can take an inventory of records, and then factor in the broader social, historical, and economic effects a given entity,

¹⁸ Cook notes for instance: "The focus is externally on what I have called the "creative act or authoring intent or functional context behind the record" rather than internally on the record itself." See: Cook, "New Formulations Old Concepts," 24.

¹⁹ Here, Cook invokes Ian Wilson. See: Cook, "Archival Science," 19. For quote, see: Ian E. Wilson, "Reflections on Archival Strategies," *American Archivist* 58 (Fall 1995): 414-429. Cook also follows this thought in, Cook, "Fashionable Nonsense," 30.

²⁰ Cook, "Archival Science," 19.

²¹ Brian P.N. Beaven. "Macro-Appraisal: From Theory to Practice" *Archivaria* 48 (Fall 1999), 169.

²² Beaven, 169.

²³ Cook, "New Formulations," 24.

²⁴ Cook, "Macroappraisal in theory," 131-32.

²⁵ Ibid.

department, or individual has upon society.²⁶ In this way, one is then able to perform a re-appraisal of sort, as one is able to take stock of the inventory of a given entity, and assign value, based upon criteria associated with the broad spectrum of functions and history above, which are: “cognizant of the interaction of citizens with the state, the impact of the state on society,”²⁷ while also, “taking into consideration the effect [of the] inward-facing structures [that the] government and its bureaucrats [have] upon society as well”.²⁸

Within this framework, however, the issue is not that one, two, or three sets of records are missing, for Manitoba Hydro, disrupting primary research purposes. It is that layers of records reflecting various departments' essential to functions, activities, and associated roles are absent. This lack of context disrupts the broader knowledge of hydro development and affects society's right to know the impacts Manitoba Hydro and its agents have had on the social, political, and economic well-being of citizens. Because it appears as if the current state is centered on providing society with narrow spectrums of information, centered on construction, rather than providing records concerning wider contexts of social political aspects of development. Noting this is particularly important. For, "Dams have histories that are located in specific fields of power."²⁹ However, given what is contained in the archive, one can say that what is available does not come close to telling the broader contextualities of power Manitoba Hydro and its agents have had within the province. What postmodernism does, then, is give one a tool from which to gauge the negative impacts of the missing record, because these absences do have profound effects on society's consciousness. However, to begin to gauge these, one must have a significant number of interconnecting records to explore. As is seen below, the problem with the record is that one can only find snippets of records associated that abruptly stop in 1997. This makes it challenging to engage in fundamental aspects of research, not to mention broader aspects of analysis tied to archival postmodernism, as the pinpointing of records tied to not governance, but history is made difficult.

²⁶ Cook, “Macroappraisal,” 162.

²⁷ Cook, “Archival Science,” 19. Cook also mentions a similar thought in: Cook “What is Past is Prologue,” 34.

²⁸ Terry Cook, *Archival science*, 19.

²⁹ Issacman, Allen F. Issacman, Barbera, S. *Dams, Displacement, and the Delusion of Development* (Ohio University Press: Athens, 2013), 1.

II

Manitoba Hydro officially appeared with the passing of the *Manitoba Hydro Act*, on April 1, 1961. The *Act*'s passing gave the utility legal authority to function and conduct its operations throughout the province. However, amendments to it have provided Manitoba Hydro with the impetus to export energy to other provinces, sell electricity to countries such as the United States, and expand its operations into places like Africa. From its early inception, however, most of Manitoba Hydro's operational history would be tied to development in the north, and it is here where one finds significant gaps in records that could potentially contextualize the impacts Manitoba Hydro has had upon the citizens of Manitoba through this development.

Manitoba Hydro, for instance, would be born in the shadow of the Kelsey dam, and amidst the construction of the Grand Rapids dam. With the Jenpeg, and Kelsey dams, soon after, and the purchase of the Lorrie River I & II dams in 1970. This would then be followed by the construction of Long Spruce, Limestone, Wuskwatim, and Keeyask dams into the 21st century.³⁰ Prior to its appearance in 1961, a large part of hydro development involved the struggle between companies that resulted in a game of acquisition of sorts, played by many hydroelectric companies which sought to supply electricity in the province. Here, one company would vie to buy up another until there were two sole electricity suppliers in the province, with Manitoba Hydro emerging alongside City Hydro (later known as Winnipeg Hydro), as the 'lone survivors. Between the two, Manitoba Hydro would hold the lion's share of distributive rights within the province, with Manitoba Hydro finally purchasing Winnipeg Hydro, in 2002 to become the sole supplier of electricity in all the province.³¹

Since its inception, many of the official narratives around Manitoba Hydro's success and failures, would ultimately be tied to altering massive amounts of land and waterways in Northern Manitoba.³² These alternations, would ultimately involve diverting a substantial amount of water

³⁰ The chronological order of which is: Kelsey: Construction started in 1957, finished in 1961. Grand Rapids: Construction started in January 1960, and finished November, 1968. Jenpeg: Construction began in 1972 and finished in 1979. Kettle: Construction began in 1966 and finished in 1974. Lorrie River I & II: Purchased 1970. Long Spruce: Construction started in 1974 and finished in 1979. Limestone: Construction began in 1985 and finished in 1992. Wuskwatim: Construction began in 2006 and finished in 2012. Keeyask: Construction began in 2014 and completion is anticipated for 2022. Source: Manitoba Hydro. "Manitoba Hydro: Generating Stations." Manitoba Hydro, accessed, June 12, 2021. https://www.hydro.mb.ca/corporate/facilities/generating_stations/

³¹ Manitoba Hydro provides a list of the companies associated with these developments as well as other historical milestones in: Manitoba Hydro. *A History of Electrical Power in Manitoba*. Manitoba Hydro: Winnipeg. (n.d): 73-74.

³² Manitoba Hydro, *A History of Electrical Power*, 42-41.

towards the lower and upper Nelson River³³ in order to increase the generation of electricity through two schemes. The first entailed manipulating the water flow from Lake Winnipeg towards the Nelson River, through a series of channels and control structures. This system would come to be known as the Lake Winnipeg Regulation Project.³⁴ The second would entail diverting water from the Churchill River via the South Indian Lake, and then into the Burntwood and Rat Rivers, and from there, into the Nelson River. This would become known as the Churchill River Diversion.³⁵ Here, Lake Winnipeg, and South Indian Lake would act as two giant reservoirs,³⁶ where the water released from each would eventually find its way along a system of planned hydroelectric dams.³⁷

However, factors of development in the province would not just entail the construction of hydroelectric dams. It would also include digging channels to divert water from one river into another, throughout Treaty 5 territory. Within this scheme, other control structures would need to be built to help regulate the flow of water, flooding extensive portions of land in the process.³⁸ There would also be conversion stations and power lines built to connect the flow of electricity to grids from the north to the south, east, and west.³⁹ Lastly, there would also be a number of other energy facilities, such as wind turbines and gas generating stations constructed within the province.⁴⁰ Nonetheless, the majority of development associated with electric generation would entail the construction of infrastructure, and altering large swaths of land and waterways in Northern Manitoba. This would begin during a period when there was only one road connecting the south to the north on the west side of the province leading towards Flin Flon. With no

³³ Appendix 1-A shows a visual representation of these water flows.

³⁴ Appendix 1-B, shows the visual representation of facilities involved in the Lake Winnipeg Regulation.

³⁵ Appendix 1-C, shows a map for the Churchill River Diversion.

³⁶ The rationale behind this thinking is built upon the idea that peak water flows slow during the winter months, while demand for electricity increases. Therefore, because electricity cannot not be stored, Manitoba Hydro opted to use both rivers to store large amounts of water within these two bodies of water and release it during the winter. See: Know History. *Hydroelectric Development in Northern Manitoba: A History of the Development of the Churchill, Burntwood and Nelson Rivers, 1960–2015* (Know History: Ottawa, 2016), 14.

³⁷ Appendix 1-D shows existing and planned dams with their potential output.

³⁸ This is noted Appendix 1-A, 1-B, and 1-C above. Note the Missi control structure, and Jenpeg control structure. However, there are others.

³⁹ Note, that a large portion of these were financed through agreements with the Federal government these are still notable for development of hydroelectricity. For instance, these required negotiation between various levels of government. For some context consult: Tritschler G.E., *Commission of Inquiry into Manitoba Hydro: Final Report, presented to Hon. D.W. Craik, Minister Charged with the Administration of The Manitoba Hydro Act* (Winnipeg: 1979).

⁴⁰ Appendix 1-D shows a map of Manitoba Hydro structures in the province.

roadways, and only the Hudson Bay railway, and bush planes mechanically connecting the majority of the northern parts of the province to the south.

Such developments, however, have not been without controversy. Aside from the basic history above, there are broader social, political, and economic factors to consider when contextualizing the history behind the placement of dams and their infrastructure. As was just noted, Manitoba Hydro was born amid controversy during construction of the Kelsey and the Grand Rapids dam construction. These have been centered on employment,⁴¹ as well as human and Indigenous rights violations.⁴² However, issues behind the history of development do not end here. Many of Manitoba Hydro's facilities exist within Indigenous communities and territories, and tragic events have been associated with its operations in and around these communities. Because of this, Manitoba Hydro has been immersed in considerable controversy throughout its lifetime, and there are still a number of questions surrounding its development and governance throughout the North. All of which ultimately have required the active involvement of various ministers, and branches of government. Along with symbolic offices such as the Lieutenant Governor in Council, who oversee Manitoba Hydro to a certain extent as these have to sign off on its functional capabilities. For these reasons, more records are needed if one is going to formulate a more detailed picture of the governance that went into the province's hydro development.

Though providing detailed examples goes beyond the scope of this chapter—and will be revisited in later chapters—noting the conflicting interpretations behind these histories is of particular interest. Because there is a sort of urgency to the records. Official accounts may portray Manitoba Hydro as a benevolent provider of electricity which helps one turn the lights on or allows the Jumbotron to function at a sports event. However, Manitoba Hydro is more than an innocent Crown corporation, providing power for a “have not” province that is Manitoba. Various aspects of hydro development's socio-political and economic history are yet to be told. Much of this concerns contextualizations of power and equitable treatment of Indigenous people. Here, questions abound about whether Manitoba Hydro has acted in good faith when it has come

⁴¹ See: Smith, Doug. “Labour Conflict During Construction of the Kelsey and Grand Rapids Hydroelectric Generating Stations.” *Manitoba History*, no. 85, (Fall 2017): 2-14.

⁴² See: James Waldram, for instance, notes various Indigenous violations and controversies associated with the building of the Grand Rapids Dam among others in: James B. Waldram. *As Long as the Rivers Run: Hydroelectric Development and Native Communities in Western Canada* (Winnipeg: University of Manitoba Press, 1988), 81-114.

to the employment of Indigenous people, used duress as a bargaining tactic against Indigenous communities, or whether it takes cautionary measures in altering the environment through the release of waters. Moreover, much consideration has yet to be given to the effects Manitoba Hydro has had in trying to participate in the wider international economy, by selling its electricity to the United States. Still, the most important issues center on questions of whether Manitoba Hydro has been participating in forms of corruption or covering up reported rapes, assaults, murders, and other human rights abuses, as well as actively compromising constitutionally guaranteed Indigenous rights in its effort to provide electricity in the province.

However, this is just a short list of aspects of missing contextualization of history. There are also what can be called tertiary histories, which occurred or are said to have occurred because of hydro development. For instance, it is known the Kelsey dam was built to power the city of Thompson in northern Manitoba. The town itself was named after John Fairfield Thompson, who made major contributions to the mining company, International Nickel Company (INCO), and played a substantial role in the founding of the city. However, it is also said by an Indigenous person familiar with the area, that an Indigenous person also helped found the mine, after he found a strange-looking rock on his trapline and showed it to a “white man”.⁴³ Here, one has to wonder what the Indigenous person got for his generous curiosity, and, if the history is true, what legal protocols were followed in the subsequent expropriation of his trapline lands, and whether or not hydro might have been involved in such negotiations? As such, such contextualizations are essential and urgent. Unfortunately, pinpointing sets of records that could potentially shed light on hydro development and governance has been made difficult by the current state and the sparseness of the available archival record. This leaves one with concerns that history is in the process of being lost, forgotten or silenced. As such, unpacking these deficiencies, and exercising a form of vigilance is particularly important because as Issaaman and Issacman remind us:

Unlike the dams themselves, however, these histories are never fixed: whether celebrated or contested, they are always subject to reinvention by the state or interstate actors, corporate interests, development experts, rural dwellers, and academics. Too often though, the viewpoints of people displaced to make room for a dam are lost or silenced by efforts of the powerful to construct its meaning in narrow terms of development.⁴⁴

⁴³ This was a story told to me from a long family friend, who has mentioned this on numerous occasions.

⁴⁴ Issacman, and Issacman, “*Dams, Displacement*,” 1.

III

One need only to explore the records for Manitoba Hydro, while noting the history associated with development, to begin to see issues with the sparseness of the record. Using the Keystone database, for instance, Figure 1, shows an initial search for records for “Manitoba Hydro,” which yields 3048 Listings, 33 Descriptions of Archival Records, and 12 Records Creators. Of these, the 3052 Listings are for individual items, the 33 Descriptions of Archival Records are made up of series-level descriptions for various fonds, and the 12 Records Creators are associated with multiple records creators who have deposited their records for Manitoba Hydro.⁴⁵ Here, item levels are the smallest unit of records. Series are made up of a collection of records for a given entity, department, or individual—in Manitoba Hydro’s case, an entity. While records creators are made up of records coming from an actual person, persons, or organization that have come into possession of a record for Manitoba Hydro, for one reason or another, and transferred these to the Archives.

Figure 1: Basic Search – Manitoba Hydro.⁴⁶

The screenshot shows the Archives of Manitoba website. At the top, there is a navigation bar with links for 'Printer Friendly', 'Site Map', and 'Contact Government'. Below this is a search bar with the text 'Search Archives of Manitoba Site' and a 'SEARCH' button. The main navigation bar includes links for 'RESIDENT AND ONLINE SERVICES', 'BUSINESS', 'GOVERNMENT', and 'VISITORS'. The page title is 'Archives of Manitoba'. Below the title, there is a breadcrumb trail: 'manitoba.ca > Archives of Manitoba > Keystone Archives Descriptive Database'. The main content area is divided into two columns. The left column is titled 'Get Started' and contains links for 'Archives Home', 'About Us', 'Search', 'Keystone Archives Descriptive Database', 'Orientation', 'Digitization', 'Advanced Search', 'Search Listings/Images', 'Search Archival Descriptions', 'Search Record Creators', 'First World War Resources', 'Manitoba Probate Records', 'Search HBCA', 'Visit Us', 'Exhibits', 'Research From a Distance', and 'Copy Services'. The right column is titled 'Results' and contains a table with three rows of search results.

Results	What are these?
3052 Listings	Listings of the files and items (such as letters, maps, photographs or audio recordings).
33 Descriptions of Archival Records	Descriptions of the groups of archival records that make up our holdings.
12 Record Creators	Descriptions of the Manitoba government entities, Hudson's Bay Company entities, persons, families and private sector organizations that have created archival records in our holdings.

⁴⁵. For clarity, I use the search results listed in Keystone as from May to July 2021.

⁴⁶ ‘Archives of Manitoba | Keystone Archives Descriptive Database’, accessed , 7 July 2022, [http://pam.minisisinc.com/scripts/mwimain.dll?UNIONSEARCH&APPLICATION=UNION_JOIN&LANGUAGE=144&ERRMSG=\[PAM\]searchNo.htm](http://pam.minisisinc.com/scripts/mwimain.dll?UNIONSEARCH&APPLICATION=UNION_JOIN&LANGUAGE=144&ERRMSG=[PAM]searchNo.htm).

What is notable about this initial search is that the records for Manitoba Hydro are not as extensive as they may appear. Almost immediately, for instance, one can point out that a significant number of listings for Manitoba Hydro, are acquired from entities other than Manitoba hydro. However, this is not the only point of interest. Because when one examines the remainder of these records, a majority records *from* Manitoba Hydro are from its pre-history. This leaves one with a significant fraction of a fraction, of a fraction, left to analyze, for Manitoba Hydro's current history. However, issues with the records go well beyond these initial observations, for as will be seen below, there is also a missing period of around 20 years to be observed if we are counting up to the year 2016, based upon other democratic offices in the province who regularly deposit their records up to this point in time. To add to concerns, are massive gaps in the record concerning important agents such as the President and Chief Executive Officer (CEO), and Chairman who are noticeably absent. There is also a significant unevenness to the records regarding records for sites in the north, because there is a noticeable number of records which leave out wider questions of the effects of development on Indigenous communities. All make it difficult to gauge the true extent of how these agents conducted themselves in the broader history around development, and the associated interactions with citizens.

Returning to the initial search results and examining the series of records under the "Descriptions of Archival Records" data sets, for instance, one is able to get an idea of the basic extent of the records and begin to see the issues noted above. In examining the codes for schedules under descriptions above, for instance, one immediately notices a variety of codes for record schedules, such as CH, NA, A, PUB, NR, and MH, where such codes point to schedules for various departments, or entities which handed over records to the Archives of Manitoba concerning records *for* Manitoba Hydro. However, using a more refined advanced search, one can isolate all the records directly deposited *from* Manitoba Hydro, and compare these to the 33 results concerning fonds and series *for* Manitoba Hydro, and see differences between the two results. Here, *Figure 2*, shows an example of the different advanced search, which isolates all the records from Manitoba Hydro, yielding results for 20 series/fonds of records directly deposited *by the Crown* corporation,⁴⁷ in comparison to *Figure 3*, which shows the initial result

⁴⁷ As noted, the Keystone system is still imperfect, however, it is useful. Here there were an extra 3 series found within an advanced search then with the original search for Manitoba Hydro.

of the 33 descriptions of series, made up of government entities and private record holders who have acquired records from Manitoba Hydro during their interactions with it, for one reason or another. And it is here, when comparing the two results, one begins to note deficiencies within the record.

Figure 2: Listings for “Descriptions of Archival Records.”⁴⁸

Search Keystone Archives Descriptive Database Orientation Digitization Advanced Search Search Listings/Images Search Archival Descriptions Search Record Creators Manitoba Estate Files First World War Resources Search HBCA Visit Us Exhibits Research From a Distance Copy Services Microfilm Program Donating Records Hudson's Bay Company Archives Government and Private Sector Archives Government Recordkeeping Contact Information Stay Connected to the Manitoba Government Follow Archives of Manitoba on Twitter	Displaying: 1 to 33 of 33		
	Select	Title	Schedule
	Dates	Save Selected Records	
	<input type="checkbox"/>	Crop share, grazing and miscellaneous land lease ledgers	A 0170 1918-1950
	<input type="checkbox"/>	Grand Rapids Forebay Committee and Special Grand Rapids Forebay Committee meeting minutes, correspondence, and reference materials	NR 0331 1958-1989
	<input type="checkbox"/>	Minister of Public Utilities office files	A 0029 1923-1971
	<input type="checkbox"/>	Records of the Commission of Inquiry into Manitoba Hydro	A 0064 1969-1979
	<input type="checkbox"/>	Resource and Economic Development Sub-Committee records	EC 0044 1969-1978
	<input type="checkbox"/>	Untitled film of a trip through western Canada	[ca. 1928-1930]
	<input type="checkbox"/>	Northern Flood Agreement litigation files	NA 0057 1911-2011
	<input type="checkbox"/>	Northern Flood Agreement article files	NA 0058 1974-2003
	<input type="checkbox"/>	Deputy Minister of Public Utilities office files	A 0069 1954-1967
	<input type="checkbox"/>	Manitoba Hydro Executive Management Committee meeting minutes	MH 0026 1953-1996

⁴⁸ Archives of Manitoba. ‘Keystone Archives Descriptive Database’, accessed 3. May 2022, [http://pam.minisisinc.com/scripts/mwimain.dll/121640834/1/0?SEARCH&ERRMSG=\[PAM\]descNo.htm](http://pam.minisisinc.com/scripts/mwimain.dll/121640834/1/0?SEARCH&ERRMSG=[PAM]descNo.htm).

Figure 3: Advanced Search – Manitoba Hydro.⁴⁹

Organization
Advanced Search
Search Listings/Images
Search Archival Descriptions
Search Record Creators
Manitoba Estate Files
First World War Resources
Search HBCA

Visit Us
Exhibits
Research From a Distance
Copy Services
Microfilm Program
Donating Records
Hudson's Bay Company Archives
Government and Private Sector Archives
Government Recordkeeping
Contact Information

Stay Connected to the Manitoba Government

Follow Archives of Manitoba on Twitter

Save Selected Records

<input type="checkbox"/>	Manitoba Hydro Executive Management Committee meeting minutes	MH 0026	1953-1996
<hr/>			
<input type="checkbox"/>	Manitoba Hydro Board meeting minutes	MH 0027	1951-1996
<hr/>			
<input type="checkbox"/>	Manitoba Hydro power agreements	MH 0029A	1948-1992
<hr/>			
<input type="checkbox"/>	Manitoba Hydro office files	MH 0034	1916-1984
<hr/>			
<input type="checkbox"/>	Manitoba Hydro predecessor corporate records	MH 0035	1880-1983
<hr/>			
<input type="checkbox"/>	Manitoba Hydro senior vice president office files	MH 0038	1973-1985
<hr/>			
<input type="checkbox"/>	Manitoba Hydro development files	MH 0039	1982-1998
<hr/>			
<input type="checkbox"/>	Manitoba Hydro Executive Engineer office files	MH 0040	1969-1991
<hr/>			
<input type="checkbox"/>	Manitoba Hydro publications	MH 0045	1920-1984

Returning to our comparison of the two results, for instance, of the 33 series, the total amount of records *from* Manitoba Hydro proper amounts to 532.5 cubic feet, with 311 cubic feet of additional records coming from other government entities that have acquired records from Manitoba Hydro and transferred them to the Archives of Manitoba for one reason or another. This means that over one-third of the 843.5 total cubic footage comes from government entities other than Manitoba Hydro. However, even where one might think the remaining 532.5 feet of records above is sufficient. Further unpacking reveals that most records are not representative of Manitoba Hydro's contemporary history. This is because almost half of the records submitted under the authority of Manitoba Hydro, "MH," are predecessor records, assembled from the records of companies acquired by Manitoba Hydro. For though it is notable that these add up to 203.5 cubic feet, and might show the history leading up to Manitoba Hydro, most of these records still amount to ones concerning Manitoba Hydro's pre-history. Given this, one can say

⁴⁹ Archives of Manitoba. 'Keystone Archives Descriptive Database', accessed 3 May 2022, https://pam.minisisinc.com/scripts/mwimain.dll/121640837/1/1?RECLIST&DATABASE=DESCRIPTION_WEB_INT.

that the Archives holdings still do not represent the broader social and political history associated with Manitoba Hydro after 1961. Yet, still, when it comes to records for Manitoba Hydro's prehistory there are still notable absences. As there are no series for Winnipeg Hydro, which was acquired in 2002 as mentioned above.

Given any potential scepticism about these initial results, there are still several things about the current state which strike the eye. The first, is that one can observe that records for Manitoba Hydro do not go past the year 1996. The second, is that one would expect to see records for high-ranking members of Manitoba Hydro, yet these are missing. The major issue here, is that one would expect to see a continuance of records stretching from Manitoba Hydro's early history, up to a year close to our contemporary timeframe, based on benchmarks set by democratic offices in the province. Looking back at Keystone, for instance, one can easily find a footprint of any Minister (or Deputy Minister, for that matter) for a current member of Cabinet being regularly deposited at the Archives of Manitoba up to at least the year 2016, as members of Cabinet regularly deposit records up to this time frame⁵⁰ Yet, one struggles to find the equivalent of records from offices of Manitoba Hydro for high-ranking members such as the CEO or Chairman, two of the most senior members of the Crown corporation. This is an issue, because one can argue that Manitoba Hydro is lagging behind other democratic departments when it comes to the transfer of records. What is more, considering that the records only go up to 1996, this means that up to a generation of records are missing, if one uses the benchmark of 2016 set by members of cabinet above, and one counts a generation as a period of 20 years. However, to add to this one can also consider the fact that there are missing records for the interaction of Hydro agents with high-level government officials'—such as the Premier, and key Ministers, who have been involved in development. Because from even the most basic sense one would expect to see a footprint for government officials within the fonds. As throughout the history of Manitoba Hydro, there has always been a degree of oversight in hydro development, by various Premiers, and Cabinet ministers who have held posts throughout Manitoba Hydro's history.

⁵⁰ A search for instance for "Premier" for instance will yield a significant amount results. However, one notable entry which could be observed are the "Premier's office files" which when explored goes onto read "Series consists of the records of the Office of the Premier of Manitoba pertaining to matters relating to the government of Manitoba. Records include minutes of some committees of Cabinet." These records are available up to 2016. See: Archives of Manitoba. 'Keystone Archives Descriptive Database', accessed September 6, 2022, https://pam.minisisinc.com/SCRIPTS/MWIMAIN.DLL/221633254/1/1/1039?RECORD&DATABASE=DESCRIPTION_WEB_INT.

However, once again, concerns arising from the current analysis continue to go beyond the issues above. When one begins to unpack the record and examine the associated finding aids, for instance, there arises concerns that records related to the development of sites in the North are not as comprehensive as they should be. However, even more, perplexing is the absence of records for the spaces associated with the various community's major sites occupy. James Waldram has explicitly raised issues with the sparseness of the record to this respect,⁵¹ as many imbalances in the archive's holdings appear to validate his observations. Such imbalances, involve various sites that span the northern portions of the province from Grand Rapids to Limestone. Within these spaces, for instance, there are multiple sites of importance which are interconnected and encompass Treaty 5 territory. Yet, the official record fails to tell the true impact Manitoba Hydro has had in the province's largest region which has been inhabited by Indigenous people who entered into agreements with the Crown. This is because when one begins to unpack the record and examine the associated finding aids, one will find an inconsistent number of records for one site and very little for another concerning impacts on Indigenous people and communities who have long inhabited northern regions where the dams are built. Returning to records coming directly from Manitoba Hydro, for instance, of the records representing Manitoba Hydro's contemporary history, most of these come from two series: 111 cubic feet from the 'Manitoba Hydro Executive Vice-Presidents office files,'⁵² and 95 cubic feet from the 'Manitoba Hydro Power System Planning office files,'⁵³ for a total of 206 cubic feet. However, examining the accession records for these two series, the 'Manitoba Hydro Executive Vice-Presidents office files,' has 53 cubic feet of records concerning records for the 'Brandon Generating station,' and 32 cubic feet of records for the 'Lake Winnipeg Regulation Design files,' and 25 cubic feet of files of miscellaneous studies for a variety of hydro projects throughout Manitoba, with some concerning projects within Ontario.⁵⁴ Of the 'Power system planning committee files,' there are a noticeable number of reports dealing with the studies for the Churchill River Diversion, with a portion of records for various sites from the North

⁵¹ Waldram, *As Long as the Rivers Run*, xi-xvi.

⁵² Archives of Manitoba, Records Transfer List for MH 0060, GR8418, GR8419, accessed in Archives Research Room, November 15, 2021.

⁵³ Archives of Manitoba, Records Transfer List for MH 0059, GR,3345 GR2627, GR3346, GR3347, GR2875, GR6336, accessed in Archives Research Room, November 15, 2021.

⁵⁴ Archives of Manitoba, Records Transfer List for MH 0060, GR8418, GR8419, accessed in Archives Research Room, November 15, 2021.

peppered throughout the fonds. However, one cannot find a significant amount of records for one major dam in the North, matching the 53 plus, cubic feet of records, for the Brandon generating station mentioned above, even though the Brandon generating station is as active and operational as all these sites. This seems inconsistent, considering this small generating station has more records associated with it than a number of sites in the North, which have had a significant impact on not only the greater industrialization of the province, but have ancient histories with Indigenous people and communities. However, closely associated with these concerns are there are massive gaps for records concerning Indigenous Chiefs and Councils, who have had various meetings with Hydro officials throughout Manitoba Hydro's history. As such, one can argue these are highly representative of the unevenness of the record within the Archives.

Conclusion

In conclusion, there are several issues with the current state. These are associated with gaps which could be found within the record. The problem, however, is not that just one or two aspects of missing records can be highlighted. There are multiple layers of deficiencies which can be easily identified. As noted, the official record is not reflective of the profound history associated with the Crown corporation in Manitoba. This makes it difficult to gauge the effects the corporation has had upon society. Such, histories should incorporate the broader social, political, and economic aspects of development, and be reflective of the links between Manitoba Hydro, government departments, and interactions with citizens, that are inherent to the democratic processes of the province, and vital to accounts of governance, and social memory.

As was seen, a significant amount of records are comprised of Hydro's pre-history. Moreover, what is there only goes up to 1996. Even more perplexing, is that records associated with major actors such as Chief Executive Officers, Premiers, and Ministers are altogether absent. As are records associated with major sites and Peoples who have inhabited these regions. These absences make it difficult to contextualize how Manitoba Hydro and its agents have affected the people, and places it has operated within.

One should, for instance, see a more comprehensive impression of those most vested in the decision-making processes, and those most affected by the decisions and actions of Manitoba Hydro. On the one hand, more should be seen of Hydro officials, Government representatives, and various agents who have been involved in the development process. On the other, the

records should be more reflective of Indigenous people who have lived on the front lines of development and are most familiar with the changes to the land and waterways, along with the changes brought to the social, political, and economic ways of life in the north. The absence of these records is a significant issue, because the current state leaves one with an ever-receding number of records, which whittles away into narrow aspects of development of infrastructure, while at the same time, forgetting the elements of humanity that factor into Manitoba Hydro's history within the province. For, as necessary as records for construction might be, relevant human elements that tie the Crown corporation and government to development are missing.

In turning to the next chapter, one should be cautioned in thinking that such deficiencies result from fault with at the Archives itself. Rather, one should see the issues above as an accumulation of historical challenges the Archives have faced, which are outside their control. The Archives of Manitoba, for instance, are a part of a broader system of records keeping where access and privacy legislation play large roles in access and acquisition of records within the current regime. These place a large part of decisions of retention, disposition, and access in the hands of records creators. As such, one should be cautioned about laying the blame solely at the feet of the Archives. Therefore, room must also be made to discuss the ultimate system in which the Archives rests, and a discussion around this will be visited in later.

In focusing on the disparities, however, it is important to note that this chapter is not meant to highlight the importance and authenticity of the written or “official record,” over other forms, oral, photographic, or community histories, and records. It has merely sought to highlight the issues with the official narrative, for as we have seen, there are large gaps within it. Unfortunately, Indigenous people have had to contend with problem in justifying their accounts due to issues of such sparseness throughout the great majority of Manitoba Hydro's history. Perhaps this says something about the character found within the communities of the north, and the tenacity in such places. Because in living in the shadow of such a state, Indigenous communities have been able to shed light on the broader social, political, and economic aspects of history in Manitoba. As will be shown in the later chapters, despite the sparseness of the records, Indigenous people have been able to glean a large amount of truth despite the obstacles put in place by such deficiencies. Given this, one must wonder what knowledge Indigenous groups could provide if access to material became more widely available, and was reflected in the knowledge and experience, the Archives have to share. For there are important contributions

oral histories can make to society, and the contribution community archives may have on their own and in addition to the official record itself. With this, the current analysis has sought to give a starting point from which to begin to interrogate the record. For as we move to later chapters, what will be seen, is that if we are to gauge the true nature behind the record, we must begin with those human elements; for without them, one cannot see the "...creative act or authoring intent or functional context behind the ...record itself," nor gauge "the interaction of citizens with the state, the impact of the state on society, and the functions or activities of society itself as much as...the inward-facing structures of government and its bureaucrats."⁵⁵

⁵⁵ Cook, "Archival Science," 19.

Chapter 2: Records from the Top Down

Introduction

Chapter one gave the reader a picture of the records available for Manitoba Hydro at the Archives of Manitoba by using the Keystone database. As was seen, Cook has helped highlight concerns around the sparseness of the current state through the lens of postmodernism, as the current state could be argued to have adverse effects on societal memory, accountability, and democratic oversight. At the same time, however, the chapter has also introduced macroappraisal and its framework, as a tool to further engage these absences. As was noted, Manitoba Hydro is relatively young. It was incorporated in 1961. Yet, little is known about the broader contextualizations of hydro development in the province. As was seen, allusions were raised about the ability of the current state to make records available for the most elementary, evidence-based usages. Because more records are needed to help grasp the broader histories of Manitoba Hydro's involvement in the social, political, and economic history of the province. The underlying issue with the record in these respects is that the historical narrative has presented the Crown corporation as benevolent and citizen-based. Yet, the true extent of this history is still highly contested. Therefore, broader contexts are needed if one is to see the profound impacts Manitoba Hydro has had, if we are to cut across the lines of these contested narratives.

This chapter examines the broader implications of the missing records to societal memory, democratic accountability, and democratic oversight. In it, we will analyze one of the essential documents to have spearheaded hydro development in the Province of Manitoba—the *Manitoba Hydro Act*—to show how it demonstrates clear relationships to affects the Crown corporation and its agents have upon society. One of the most significant things about the legislation, then, is that it forms the beating heart of Manitoba Hydro, in that the *Manitoba Hydro Act* and its amendments give the Corporation and its agents considerable powers to operate. As such, *within* the current framework, the *Act* helps narrow down sites of records creation which can be checked against historical observations of hydro development. The associated absences of records can then be used to highlight the losses of contextual knowledge, when one draws attention to the clear relationships between the Crown corporation and the Provincial Government, as the *Act* links these to the ultimate cause and effects brought about by the legislation.

As such, the legislation is a fitting jumping-off point in telling the broader issues around the fragmentary nature of the current state. In order to see these, however, the trick is to narrow one's focus to a given set of records to key functions of an organization where one is most likely to witness the confluence of information dealing with sites of contestation concerning social justice, accountability, and democratic oversight. Because it is from here, one can begin to sift through the records and examine their content through principles of macroappraisal in order to examine the implications behind the absence of records through a re-appraisal of sorts, by highlighting the best sites of records creation and drawing attention to the opportunity costs associated with the losses of context associated with these

Within the current framework, however, it would be a mistake to think one can take the reader through a comprehensive analysis for Manitoba Hydro and its operations. Doing a full scale macroappraisal of Hydro's operations, for instance, would be out of the scope of this thesis. Thus, rather than conducting a full-scale exercise to appraise the record, the current analysis is meant to demonstrate how principles of macroappraisal highlight the flaws in the current regime, by drawing attention to the loss of contextual knowledge and sites of records creation which underline Manitoba Hydro's broader history based on the loss—in principle—of the best sites of records creation associated with the functional analysis mentioned in the previous chapter.¹ Here, attention will be drawn to the offices of upper management where one is most likely to witness the exercise of power, privilege, and immunity seen in *The Manitoba Hydro Act*—to lower departments and contractors who carry out the orders of the Corporation, and are most likely to interact directly with the citizens, these orders have had the most profound effect upon—Indigenous peoples. However, this chapter will also open a discussion around the mechanisms of access, with a critical analysis of the current system in which access and acquisition is made available through other pieces of legislation.

¹. As reminder, it was noted Macroappraisal, is comprised of three phases. Additionally, however, it is comprised of five core steps within these. Three of which are devoted to a functional analysis, forming the heart of Macroappraisal where using the logic derived from these core steps one is able to then formulate a hypothesis of where the most ideal centers of records creation may be. Cook, Terry Cook. "Macro-appraisal and functional analysis: documenting governance rather than government." *Journal of the Society of Archivists* 25, no. 1 (Spring 2004): 11-15. See also: Terry Cook. "Macroappraisal in Theory and Practice: Origins, Characteristics, and Implementation in Canada, 1950–2000." *Archival Science* 5(2005): 131.

I

Observations about the law, and the desires manifested through it are not new and have been noted by a number of scholars. Commenting on the motives behind government legislation Victoria Lemieux, for instance, has noted “legislation is a form of written communication and - as such -reflects the society and culture which brought it into existence.”² In expressing such a thought Lemieux cites François Géný, noting that, “Since law is the result of the conscious and premeditated activity of its author, he [sic] will be deemed to have carefully formulated in his [sic] own mind the exact rule with reflection and premeditation, the words that best serve to express his [sic] ideas and intention.”³

Following the logic above, Catharine Bailly has also noted that considerations of legislative contexts have also become key factors in appraisal practices in North America. Here, considerations of legislative contexts are thought to provide clues from which to isolate different areas of where the best records are thought most likely to be found.⁴ As a result, legislation can be said to form key considerations regarding the transactions and ultimate functions associated with a given entity. Sentiments to this effect can also be seen in the program guideline provided by the Library and Archives of Canada for Macro appraisal, and form one of the first considerations towards a deeper analysis from which various hypotheses of where important records can be sought out and tested. Here, such guideline implores the archivist to: “Assess the extent of applicable legislation, regulations and policies as well as [the] complexity assigned to various parts of the function,”⁵ where, “[g]enerally speaking, the more complex pieces of legislation and formal policies relating to a function, the greater its importance, or value...”⁶

Borrowing further from Lemieux, then such expressions convey the fact that “[legislation] has been the premeditated product of politicians and bureaucrats expressing

² Victoria Lemieux. “Archival Solitudes: The Impact on Appraisal and Acquisition of Legislative Concepts of Records and Archives,” *Archivaria*, No. 35, Proceedings of the ACA Seventeenth Annual Conference, Montreal 12-15 September 1992 (Spring 1993): 154.

³ Lemieux, “Archival Solitudes,” 154, 161.

⁴ This is a paraphrase of Baileys statements. See: Catherine A. Bailey, “From the Top Down: The Practice of Macro-Appraisal,” *Archivaria*, 43 (Spring 1997): 96.

⁵ Library and Archives Canada. “Appraisal Methodology: Macro-Appraisal and Functional Analysis Part B: Guidelines for Performing an Archival Appraisal on Government Records,” 2001, 4.

⁶ Ibid.

prevailing social attitudes and cultural values and playing politics”.⁷ As such, aspects of the legislation become crucial avenues for inquiry and indeed a re-examination or reappraisal of the records for the Corporation based on logic laid down by the authors above. Such statements convey the importance of examining the functions of Manitoba Hydro. As the *Act* captures the essence of the thoughts, philosophy, perceptions of power, governance; and most importantly, the management of political and personal risk that have gone into the law and legislation, on behalf of the various officials and agents, who in turn, act on behalf of the corporation.

Turning to the *Manitoba Hydro Act* for instance, from a most basic sense its functional parameters are seen in the ultimate vestment of powers in Manitoba Hydro and its agents; while its ultimate programme is seen in the formulation of Manitoba Hydro as a Crown corporation, and the pursuit of capital and its accumulation.⁸ Here, one can, find clear purpose and the expressions of power embedded within the “Purposes and Objects of the Act”⁹ (formally known as its Mandate), as it provides clear language around the rationale and measures for which the corporation exists. Officially this is, “to provide for the continuance of a supply of power adequate for the needs of the province, and to promote economy and efficiency in the generation, distribution, supply, and use of power.”¹⁰ This is then backed up with clauses containing immense authority that underly the powers, privileges, immunities, and limited oversight meant to establish capital in physical form (dams), and the procurement of financial capital necessary to carry out operations associated with constructing and running the dams. This can be seen in raising money in the form of loans to expand production of electricity, and keeping track of finances from the profits made from providing and selling the energy generated from the dams.

Just as important—or perhaps, even more important than the mandate—however, is the clause granting Manitoba Hydro “Agent Status”,¹¹ for this makes Manitoba Hydro an official “Agent of the Crown”, and thus a Crown Corporation.¹² This clause not only centralizes an enormous amount of power in the hands of Manitoba Hydro, giving it the ability to operate

⁷ Library and Archives Canada. “Appraisal Methodology,” d. 155.

⁸ Manitoba Hydro Act R.S.M. 1987, c.H190.

⁹ *Manitoba Hydro Act*. 2.

¹⁰ Ibid.

¹¹ *Manitoba Hydro Act*, 4(2).

¹² Treasury Board of Canada Secretariat, “Agent Status and Crown Corporations,” guidance - legislative, May 31, 2007, accessed, June 29, 2020, <https://www.canada.ca/en/treasury-board-secretariat/services/guidance-crown-corporations/agent-status-crown-corporations.html>.

within a quasi-governmental framework.¹³ But it grants it a substantial amount of operational autonomy from government intervention¹⁴ thought to be a requirement to navigate the problems posed by capital-intensive requirements needed for development.¹⁵

Given all this then, the *Manitoba Hydro Act* helps illustrate not only the uniqueness of Manitoba Hydro, but more specifically links Manitoba Hydro and its most prominent actors to clear functions and programmes, because the legislation shows sites of records creation and the subsequent powers, privileges, and immunities ultimately associated with the activities, and transactions which have eventually become associated with the history of development.

For these points not only highlight the clear desires for the formation of the Crown corporation, for which the ultimate functions of its agents are manifested, but also help highlight concerns for the records associated with missing sites because it is impossible to formulate an analysis for the conduct of Manitoba Hydro and its agents based on Manitoba Hydro's basic functions, let alone gauge its broader histories based on the loss of sites of records creation which could be observed.

Chapter One, for instance, has highlighted the impacts of industrialization, and modernization on the province. As such, narrowing down sites of record creation associated with this development becomes particularly important. For there are clear relationships between the Crown corporation and the government within the *Manitoba Hydro Act*, which link both government and Hydro officials, to the ultimate cause and effects brought about by the legislation. Just as important, however, are the immense powers and privileges which go along with these, as these are tied to the subsequent sub-offices and associated bureaucracies, which can be observed in an up-down manner through the ranks of Cabinet, or just as importantly in a horizontal manner across Cabinet. These clauses define the hierarchal structures, spaces of jurisdiction, and grant immunities, while grasping at the utmost limits of power for operators and

¹³ Ibid.

¹⁴ For one Moses Aldrin Kimuli "Legal Aspects of Public or Crown Corporations in Canada." (Master's Thesis, University of British Columbia, 1980), 6.

¹⁵ For some discussions of the geo-political climate as well as economic constraints see: Jeanne Kirk Laux, and Maureen Appel Molot. *State Capitalism: Public Enterprise in Canada*. (Ithaca and London: Cornell University Press, 1988), pp. 19-24, 43-46.

agents of the corporation.¹⁶ At the same time they link the corporation's operational procedures to various government departments. What is notable about these aspects is that there is clear involvement of government agents and their associated sub-offices, which all factor into aspects of appraisal of the records, just as much as Hydro officials. As such, the political actors within these vertical and horizontal linkages are not mere afterthoughts, but are built into the legislation, and thus play fundamental roles in protocols which, not only affect society, but are supposed to give democratic legitimacy to Manitoba Hydro's operations.

Just as important, however, are clauses which also link the numerous non-elected classes of managers, bureaucrats, and "consultants" for Manitoba Hydro, to key functions, as these classes have been acknowledged to play a substantial role in Hydro's activities, and have had controversial histories.¹⁷ As such, scrutinizing these actors is highly important, and more needs to be known about the true extent that all tiers within Manitoba Hydro's hierarchy have had, when it has come to development.¹⁸

Jeanne Laux and Maureen Molot, for instance, have noted that countries have faced a "central dilemma" of what the "proper balance to make between political control and managerial discretion¹⁹" would be "when it comes to oversight of Crown Corporations."²⁰ Due to this, leading countries in Europe spearheading experimentation with Crown corporations have sought to address controversies by asserting mechanisms of control in three ways: establishing financial

¹⁶ See, *Manitoba Hydro Act*. Section 5(1), for instance, "[e]stablishes the affairs of the corporation are to be administered by a board..." Section 5(3), confers the appointment of a Chairman and Vice-chairman. While, Section 11(3), under heading "General Manager", confers the protocols around appointment of a Chief Executive Officer. Still, others establish protocols, and practices in exercising the power for other agents acting on behalf of the Corporation, such as the Lieutenant Governor and various Ministers sought to carry out the business of the Crown Corporation. For example, there are requirements under 31(1) which requires the permission from the LC to "...borrow or raise money for temporary purposes by way of overdraft, line of credit, or loan, or otherwise upon the credit..." While Section 30(3), requires the Ministers approval when Manitoba Hydro, "...borrows or raises money under this section, otherwise than (a) by way of overdraft with a bank; or (b) by sale of its short term notes to a bank in lieu of borrowing by overdraft..." where, "...it shall do so only with the prior approval of the Minister of Finance, who, at the request of the corporation, may act as its agent in that behalf." Additional clauses require involvement of the Ministers of the Water Power Act, and the Water Rights Act, in Section 51(2).

¹⁷ Vera-Lynn Kubinec, and Katie Nicholson. CBC News. "\$85M Untendered Contract with Hydro "baffles" Canadian Taxpayers Federation | CBC News", accessed, April 2, 2022, *CBC*, <https://www.cbc.ca/news/canada/manitoba/iteam/manitoba-hydro-contract-untendered-1.3469794>.

¹⁸ For an interesting look at some key issues see: Lorne Sossin, "Speaking Truth to Power? The Search for Bureaucratic Independence in Canada," *University of Toronto Law Journal* 55 (January 1, 2005): 1–59, <https://doi.org/10.1353/tlj.2005.0004>.

¹⁹ Kirk Laux, and Appel Molot. *State Capitalism*, 67.

²⁰ Ibid.

controls, maintaining directive powers, and controlling appointments.²¹ Canadian Crown corporations shortly followed suit.²²

However, in spite of such measures, controversies and problems with corporate autonomy around Crown Corporations still persist. Given this, aside for a greater need for scrutiny to counter the lack of accountability and oversight; it is also suggestive, that another reason for problems associated with these have to do with inherent assumptions about the managers appointed to run Crown corporations. For instance, Crown Corporations are believed to be beneficial for three reasons. First, it has been noted, “that the bureaucratic processes run counter to risk taking and thus are unsuited to a business environment where decisions must be made rapidly, often where commercial confidentiality exists.”²³ Secondly, “to attract top-caliber managers with appropriate business experience”, they note, “government must be able to provide conditions comparable to those in the private sector, including competitive salaries and benefits, the right to hire and fire personal, and the latitude to make and modify decisions.”²⁴ Thirdly, that, shorter-term political interests of ministers may be at odds with the longer-term commercial objective with which a separate board of directors can provide insulation from meddling.²⁵ Here, though there is some merit to such logic in points one and three, there lies an implicit assumption that managers for the Crown Corporation are recruiting “top-caliber” individuals in the second point which is subjective, and raises concerns. For such criteria narrowly focused and places an unacceptable assumption of infallibility around leaders.

Indeed, candidates may be considered “top-calibre” as a result of their ability to make financial calculations, but this says nothing about their business ethics, nor values they hold. There must be standards for scrutinization of individuals who run entities who hold as enormous amounts of power as Manitoba Hydro. There must be checks against those who are overly ambitious and prone to using extreme measures to cut costs, save time, bend the rules, and exploit resources, and people for the maximum amount of profit possible. Due to this, there is also need for a greater access to records for checks on the leadership of Crown corporations in order to make sure the immense powers given to leaders of such entities, is not handed over to

²¹ Kirk Laux, and Appel Molot. *State Capitalism*, 69-72.

²² Ibid.

²³ Kirk Laux, and Appel Molot. *State Capitalism*, 67.

²⁴ Ibid.

²⁵ Ibid.

those with the propensities towards an unscrupulous interest in profit or, worse, their own personal interests and other forms of corruption.

Aside from this equation, however, there have been concerns that despite the measures for Crown corporations to distance themselves from politics, managers associated with Crown corporations have still been known to seek influence over policy, as it has been noted that those working under Crowns have more broader “discretionary powers than their private sector counterparts”²⁶ and, “are seldom passive agents of public policy [and] government managers can form their own distinct perspectives on their corporations role in serving the public”²⁷ However, concerns for unelected elements of society working within the quasi-autonomous sector occupied by Crown corporations extend to bureaucrats who operate in the administrative background as well. As it has also been noted that concern has arisen about these unelected agents who might seek to increase their influence, the direction of policy, and the exercise of power.²⁸ Because of this, there is also a need to ensure a greater amount of scrutiny regarding the un-elected elements above, as the powers afforded to corporation through the *Act* are so far reaching as to make any ambitions from unelected “agents” which power is delegated to a possibility; and immunities so far reaching as to make corruption or bad choices palatable.

Given this, what is notable, is how one might begin to imagine where the footprints of major actors might easily be seen within the records, and where the most ideal zones of confluence might be within, the legislation. Here, Catherine Bailey, reminds us for instance, one can, “[seek] to specify the generic attributes, interconnections, and points of special intersection or conflict between creators of records (structures, agencies, people), sociohistorical trends”²⁹ and, “patterns (functions, activities, programmes), and the clients, customers or citizens upon whom both structure and function impinge, and who in turn influence both function and structure, directly or indirectly, explicitly or implicitly”.³⁰ In taking this statement further, one could then narrow ones focus on the offices of those ultimately responsible for decisions of the

²⁶ Douglas F. Stevens, *Corporate Autonomy and Institutional Control: The Crown Corporation as a Problem in Organization Design*, Canadian Public Administration Series (Montreal and Kingston: McGill-Queen’s University Press, 1993), 39.

²⁷ Stevens, *Corporate Autonomy and Institutional Control*, 39.

²⁸ Stevens, *Corporate Autonomy and Institutional Control*, 36-38.

²⁹ Baily, “From the Top Down,” 94.

³⁰ Ibid. Also, Terry Cook, “Mind Over Matter: Towards a New Theory of Archival Appraisal,” in Barbara L. Craig, ed., *The Archival Imagination: Essays in Honour of Hugh A. Taylor* (Ottawa: Association of Canadian Archivists, 1992), p.48.

corporation's key functions, which are ultimately transposed upon society in order to trace possible sites where the "purpose, intent, idea, even the theory or ideology, defining a particular institutional function,"³¹ may lay in order to grasp its ideal expression and most authentic context.³²

Returning once again, to the *Manitoba Hydro Act*, for instance, it was noted the *Act* centralizes an enormous amount of power in the hands of Manitoba Hydro, giving it the ability to operate within a quasi-governmental framework; and grants it a substantial amount of operational autonomy³³ thought to be a requirement to navigate the problems posed by capital-intensive requirements needed for development.³⁴ On top of the substantial powers above, however, are other underlying powers and privileges/immunities and aspects of limited oversight which can be found throughout the *Manitoba Hydro Act*, which are designed to further facilitate capital accumulation in the province. Here, these clauses define the hierarchal structures, spaces of jurisdiction, and grant immunities, while grasping at the utmost limits of power for operators and agents of the corporation within the majority of the document.³⁵ At the same time, however, these clauses link the corporation's operational procedures to various government departments. For example, though seen as holding a largely symbolic role, the Lieutenant Governor (LG) is required for a number of procedures such as the issues of some loans, under Section 31(1) and is tied directly to the Premier through the appointment of this position of the LG through this

³¹ Bailey, "From the Top Down," 95.

³² Such logic follows Baileys take on Cooks programme for instance. Bailey points out this point of departure as, "The programme, which Cook defines as the "purpose, intent, idea, even the theory or ideology, defining a particular institutional function" is the site of policy and decision making, often documented through laws, regulations, guidelines, and directives. Through these sources, the programme reflects a certain amount of its societal context and presents its ideal expression. See: Bailey, 95.

³³ Kimuli, "Legal Aspects", 8, 11.

³⁴ For some discussions of the geo-political climate as well as economic constraints see: Kirk Laux, Appel Molot, pp. 19-24, and 43-46.

³⁵ See: *Manitoba Hydro Act*. Section 5(1), for instance, "[e]stablishes the affairs of the corporation are to be administered by a board..." Section 5(3), confers the appointment of a Chairman and Vice-chairman. While, Section 11(3), under heading "General Manager", confers the protocols around appointment of a Chief Executive Officer. Still, others establish protocols, and practices in exercising the power for other agents acting on behalf of the Corporation, such as the Lieutenant Governor (LC) and various Ministers sought to carry out the business of the Crown Corporation. For example, there are requirements under 31(1) which requires the permission from the LC to "...borrow or raise money for temporary purposes by way of overdraft, line of credit, or loan, or otherwise upon the credit..." While Section 30(3), requires the Ministers approval when Manitoba Hydro, "...borrows or raises money under this section, otherwise than (a) by way of overdraft with a bank; or (b) by sale of its short term notes to a bank in lieu of borrowing by overdraft..." where, "...it shall do so only with the prior approval of the Minister of Finance, who, at the request of the corporation, may act as its agent in that behalf." Additional clauses require involvement of the Ministers of the Water Power Act, and the Water Rights Act, in Section 51(2).

office. While various ministers are seen in those that administer Finance and the oversee the *Water Power Act*,³⁶ and *Water Rights Act*.³⁷ Other clauses, however, leave no question as to which physical spaces and jurisdictions Manitoba Hydro can operate within, as the *Act* covers land, water, personal or public property. Section 15 (2), and 16(1) d, for instance, leaves no question as to the ability of Hydro to confiscate, build, flood, and operate within lands and waterways.³⁸ Still other clauses leave no question as to the ultimate power of the corporation; and what immunities hydro has in performing most activities needed to operate under the *Act*. Section 55(2), for instance, leaves it open to interpretation as to what actions, transactions, or deeds by Corporations or its directors to “do”, in pursuit of “any act or thing”, presumably in fulfillment of the *Act*.³⁹ Others clauses to this effect, establish Manitoba Hydro as a monopoly.⁴⁰ While, Section 13, grants Manitoba Hydro’s operators ultimate immunity: “Neither the chairman of the board nor any officer, member, or employee of the corporation, nor anyone acting under the instructions of any of them or under the authority of this Act or the regulations, is personally liable for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted, or authorized to be done, or omitted to be done, by him or them, pursuant to, or in exercise of, or supposed exercise of, the powers given by this Act or the regulations.”

Now, though not meant to be a comprehensive analysis of the legislation, one might see how the contexts above help illustrate where sites of interest may lay, and where one might begin to narrow down, and hypothesize where the most ideal sets of records might be for those concerning governance. Because, by focusing on key offices and links to government, these become centers of interest, as one can find points for which all decisions for the direction of the company funnel through and come to affect society. One can then take this logic and perform a reassessment (or reappraisal) of the records in a top-down fashion, by taking into consideration the large influences and effects of the legislation, as the influence of its power flows down to sub-offices, and out to society as one looks for, “Who in articulating and implementing they key functions of the institution (as assigned it by the broader society),”⁴¹ and who, “would have cause to create a record, [the] type of record would it be, and with whom would that corporate

³⁶ *Manitoba Hydro Act*, 51(1)

³⁷ *Manitoba Hydro Act* 51(2)

³⁸ *Manitoba Hydro Act*.

³⁹ See *Manitoba Hydro Act* , “Exclusive authority of corporation”.

⁴⁰ *Ibid*.

⁴¹ Cook, “Macroappraisal in Theory and Practice,” 131.

person cooperate in either its creation or later use?”⁴² And, “which records creators (rather than which records) have the most importance?”⁴³

In looking at the records in these respects, several examples demonstrate how noting influential aspects of the legislation, serve to narrow down key areas of records creation, and subsequently, where one can hypothesize where the most important site of records creation may be. From a most basic perspective, for instance, one could make the case that the office of the CEO, Chairman and government ministers of the province would make ideal zones of interest as they occupy positions that oversee key functions of the Corporation. For instance, the CEO is the “General Manager” which directs the executive branch of the company and ultimately gives orders to the branches and departments, while the Chairman directs the Board. Here, it would be ideal to have series from both positions because there is a precedent set to have series coming from the head of an organization.

As was noted, for instance, the Premiers office regularly transfers records to the Archives of Manitoba, and their footprints can be easily observed in the archives. Ministers on the other hand, would also make great target zones, because they ultimately report Hydro activities and decisions to the elected government. Here, the Finance Minister would make a key area of interest as their office has play a key role in the establishment of the dam through the loans they sign off on; while the Minister of Natural Resources and Northern Development would be instrumental in knowing the rationale and cost benefit analysis on the land and people for the placement of dams as their ultimate effects occur due to the disruption they cause to the land and water when they are placed.

However, given this there is an enormous number of centralized decisions that flow back and forth from high level offices such as the CEO and Minister to various sub-offices in the course of decision making. It is unknown, for instance, how much leeway is given to the unelected class of bureaucrats who have interacted with Indigenous communities in the course of development. Therefore, a deeper argument can be made for including series associated with “consultants”, and “security” alongside offices of the CEO and Ministers. This is because development in the north has had large points of contestations with Indigenous communities over sites long inhabited by First Nations people, and records associated with these lower tiers would

⁴² Ibid.

⁴³ Ibid.

be ideal centers to include alongside those for the CEO and Chairman. As mentioned, Manitoba Hydro has maintained development was done in a process of “good faith.” However Indigenous people have contested this. As such it would be interesting to see records from the lower ranks of hydro to see how these reflect how orders of the corporation interact with citizens of the state, as it takes layers of offices to execute Manitoba Hydro’s vast operations under the legislation.

Unfortunately, as was demonstrated in Chapter One, the extent of the record is just not there to facilitate society with this type of knowledge. One therefore could argue for a reorientation of the record for greater inclusion of series for areas above. For one can make the case the acquiring them would allow for a greater ability to corroborate the outcomes which come about from such powerful centers of society operating within a quasi-governmental framework from both documented perspectives of government, and hydro officials, as noted in the legislation. This is important because one of the major problems which come with the quasi-governmental framework, however, is that it has become difficult to locate the ultimate centers of power of who or what body, ultimately directs hydro operations between the elected provincial government, the Chairman and the CEO of Manitoba Hydro when it has come to hydro development. For the lines have become blurred, as concerns have been raised about how independent the corporation is ran from Hydro officials. This makes scrutiny all the more important given profound effects of Manitoba Hydro on members of society noted above.

III

In light of considerations of the missing records above, however, there are two more reasons why focusing on the absences above are important: correcting the social, political, economic, and historical narrative around “development,” modernisation, and “progress” in the province. Because one must also be cognizant of the fact that considerations of histories associated with Indigenous people have had a long history of bias attached to them and have largely focused on the effects of settler society, while ignoring Indigenous experiences.⁴⁴ Histories which consider the course of development in the north are no different. It has been noted for instance, that “Economic historians emphasize that the close if not symbiotic relationship between the state

⁴⁴ Jean M. O’Brien, “Historical sources and methods in Indigenous Studies: Touching on the past, looking to the future, in *Routledge Guides to Using Historical Sources: Sources and Methods in Indigenous Studies*, eds., Chris Andersen and Jean M O’Brien (New York: Routledge, 2017), 15.

and private capital, all the while accepting that there are collective benefits to be derived from economic nationalism which overshadow the unequal gains to one class or region within Canada.”⁴⁵ Such statements completely ignore the overall effects of Crown corporations on Indigenous peoples in areas across the North, where they have been known to exist. In taking this into consideration the narrative around development for Manitoba Hydro is no exception, as there has been a historical reluctance to accept accounts concerning the effects of hydro development by Indigenous communities.

Unfortunately, one can argue oral sources are still readily marginalized.⁴⁶ The challenge for society then, as Cook notes, “is to achieve more democratic, inclusive, holistic archives, collectively, listening much more to citizens than the state, as well as respecting indigenous ways of knowing”.⁴⁷ Because, communities are still dealing with the profound and devastating impacts of development which continue to overshadow Indigenous people and communities as the writing of this thesis. This will continue into the foreseeable future. Waldrum and others have demonstrated people have died,⁴⁸ and potential human rights atrocities committed, Indigenous rights violated, and compromised,⁴⁹ and whole community’s economic prospects have been destroyed.⁵⁰ This is just a starting point. As such, one cannot simply accept, “...that there are collective benefits to be derived from economic nationalism which overshadow the unequal gains to one class or region within Canada.”

Noting this is of particular significance because history’s aim is to incorporate the voices of its witnesses. Ones whose life experiences cannot be diminished, dismissed, or subordinated

⁴⁵ Kirk Laux, and Appel Molot, *State Capitalism*, 42.

⁴⁶ Joanna Sasson, “Giving History a Nudge: Indigenous Peoples and Cooks Emerging Vision for Justice with Archives”, in “All Shook Up”: The Archival Legacy of Terry Cook.” eds. Tom Nesmith, Greg Back and Joan M Schwartz (United States: Society of American Archivists, 2020) pp. 203 – 210. Also, Allison Mills notes that forms of exclusion even exist where there is an existence of an oral archive. As Mills writes: “Archivists should not further the historic colonialism of ethnographic fieldwork by maintaining long-held hierarchies that privilege the work of academics over the concerns of the people whose songs and stories are recorded in the archive.” See: Mills, Allison. “Learning to Listen: Archival Sound Recordings and Indigenous Cultural and Intellectual Property.” *Archivaria* 83, (June 2017): 116.

⁴⁷ Terry Cook “Evidence, memory, identity, and community: four shifting archival paradigms.” *Archival Science* 13(2013): 116. The third of which started from 1970s onward, to the writing of Evidence Memory and Community published in 2013.

⁴⁸ Thibault Martin, and Steven M. Hoffman, eds. *Power Struggles: Hydro Development and First Nations in Manitoba and Quebec* (Winnipeg: University of Manitoba Press, 2008), P 104.

⁴⁹ Peter Kulchyski. *Aboriginal Rights Are Not Human Rights: In Defense of Indigenous Struggles*. Winnipeg: APR Books, 2013.

⁵⁰ James Waldrum. *As Long as the River Run: Hydro Development and Native Communities in Western Canada* (Winnipeg: University of Manitoba Press), 1988.

to the written record on account of grievances, objections and challenges to mainstream narratives which run contrary to official accounts.⁵¹ History is not just defined through the end result of the means. It is not for instance, narrowly defined by the “successful” placement of dams and their generated electricity, nor can it be measured in terms of profits vs debt dams generate; it is generated by the knowledge of those who experience the lived realities and have to cope with its lingering effects. There is a wealth of writings on this. Speaking about oral histories Louis Bird, a Cree Elder has noted of how old stories can help one understand and learn from individual and collective experiences of the past and help young people “find a place to stand.”⁵² While Helen Olson Auger, has noted learning about the past through oral narrative is a “critical institution of learning”⁵³ of a peoples taught by the experiences of their elders and ancestors. While speaking of Indigenous knowledge keepers, Wynona Wheeler eloquently reminds us that, “Their Brains were Like Paper” and oral histories could often relay broader contextual knowledge then the written word.⁵⁴ These are fundamental aspects of Indigenous histories which could be found in any number of Indigenous works and their introductory sections. In consideration of broad spectrums of history then, basic accounts of Indigenous experiences and histories associated with Manitoba Hydro are highly relevant. In lieu of them one has to consider their grievances, objections and challenges to colonialism just mentioned. “Hotspots” as Cook calls these.⁵⁵

In looking at records in this manner, however, one must be careful not to confuse functional based approaches to in macroappraisal, with the aim evidence-based usages. For though functional based approaches do not seek to oppose and invalidate an important piece of documentation as a validation of history, and as a means for analysis. It merely seeks to warn

⁵¹ One of the principal forms of denial for Manitoba Hydro has been the ignoring of devastation that flooding brings to Northern Indigenous communities. This is seen time and again throughout the history of interaction between Manitoba Hydro, and Indigenous groups, only for Indigenous people to be dismissed and ignored.

⁵² Louis Bird. Jennifer S. H. Brown, Anne Lindsay, Paul W. DePasquale, Roland. Bohr, Donna G. Sutherland, Mark F. Ruml, Anne (M. Anne) Lindsay, Paul W. (Paul Warren) DePasquale, and Mark F. (Mark Francis) Ruml. *Telling Our Stories : Omushkego Legends and Histories from Hudson Bay* (Peterborough: Broadview press, 2005), 54-55.

⁵³ Agger, Helen Olson. *Dadibaaajim: Returning Home Through Narrative* (Winnipeg: University of Manitoba Press, 2021), iv.

⁵⁴ Winona Wheeler. Shekon Neechie. ““their brains were like paper”: Narrative Strategies in Indigenous Oral Histories”, 20 June 2018, accessed, September 24, 2022. <https://shekonnechie.ca/2018/06/20/their-brains-were-like-paper-narrative-strategies-in-indigenous-oral-histories/>.

⁵⁵ Candice Loewen mentions this when speaking of Cooks work. See: Candace Loewen. “The Evolution, Application, and Future of Macroappraisal,” *Archival Science* 5 (2005): 94. Also Cook, Terry. “Macroappraisal in theory and practice: origins, characteristics, and implementation in Canada, 1950–2000.” *Archival Science* 5, no. 2 (2005): 101-161.

against searching for that singular piece of evidence, as an end in itself. Macroappraisal and history both feed into one another, but not in narrow terms. Waldram's look at the records, and notations of the large gaps have an enormous impact on the insight to the look of the current state, as does Cook's method used in a re-appraisal. However, where Waldram helps sound an alarm concerning the sparseness of the record around subaltern histories; what macroappraisal does, is help provide principals to help contextualize these, by organizing and conglomerating whole series of records around considerations which reach across different spectrums of history and society, by allowing one to look through the ultimate cause and effects brought forth by the legislation. Macroappraisal then, provides an intellectual methodology where "mainstream" or officially accepted histories are given proportionate consideration to marginalized lesser-known histories, where the idea is to focus on zones where conglomerations of records which may shed light on important citizen-state interactions. Here, one might imagine this as situating oneself in an intellectual space, where one is most likely to see the outcomes and effects of different histories as they interact and even collide over aspects of governance.

Thus, in beginning to figure out what types of linkages, and hypothesizing what valuable sets of records might be; it is within the regions of confluence between the mainstream and histories of the subaltern, where most valuable sets of records are most likely to be found. For when examining Indigenous experiences and accounts, one is able highlight broader contextualities which can make the analysis of citizen-state interaction more complete, as their experiences bring about additional contextualizations that may lay outside the settler experiences, and lesser-known aspects of governance. Here, one notable example serves to highlights the opposite ends of the spectrum when it has come to impacts of Manitoba Hydro's functions on different segments of society—expropriation. On the one hand, there is the sheer personal nature of it that challenges western concepts of individual property rights that are usually seen as a necessary evil when applied to expropriation of land and property own by settlers; on the other, expropriation takes on in a whole different meaning when applying it to spaces occupied by Indigenous communities, where Indigenous Rights come into play, and nuances of expropriation go well beyond aspects of fee simple, and may include violations of Constitutionally protected Rights, for example. As such, there are different aspects to the legislation that effect different segments of society in important ways. Therefore, one must be

certain that records which could potentially shed light on these differences, are not overlooked or overshadowed.

For now, however, one could point to important target zones such as the office of the CEO, and Chairman. As well as the various Ministers tied to the oversight of Manitoba Hydro, bureaucrats, consultants, and security tied to development in the north. Because, as was noted the immense power wielded by all groups have had an impact on segments of society when it has come to development. This is also where Indigenous histories play an important role. For though a top-down approach allows one to follow the paths of power and influence downwards, Indigenous life experiences and history allow one to trace the effects the power of the state has had upon all segments of society, as one is ultimately able to trace intersections where the top down, meets the bottom up. The importance of this will be seen in the next chapter. In consideration of the inequalities behind the record, however, one is forced to look to outside sources to put together a picture of official accounts between the two, when it comes to Manitoba Hydro's history. However, depending on the degree to which these biases have served to silence, ignore, or censor history. What Indigenous accounts do is help too counterbalance past inequalities.

IV

Having provided an outline around the rationale, and basic examples of where “target zones” of the best records analysis, it would be ideal to move on to testing the hypothesis by following the second stage of macroappraisal—micro-analysis. However, before continuing, there are several things that have to be said about record schedules, because there are aspects of them which factor into acquisition and access that help contextualize the broader system of records in which the current state rests. For it would be a mistake to think that any fault within the current analysis falls directly upon the shoulders of the Archives of Manitoba. Because consideration must be given to the current system with which acquisition and access is made available through the legislation. As will be seen there have been historic and current legislative contexts which fall outside the archivist's purview, as the mechanisms of access seen within records schedules do not simply entail the Archives and Record Keeping Act (ARKA),⁵⁶ and the Freedom of

⁵⁶ The *Archives and Recordkeeping Act*, C.C.S.M. c. A132

Information and Privacy Protection Act (FIPPA)⁵⁷ which provides right to access and privacy, but rather, are said to also include considerations underwritten by a complicated “superstructure” of “systems, people, [and] protocols”.⁵⁸ As such, considerations must be given to questions and controversies which arise around these, as there have been reported loopholes in the legislation which pose difficulties for appraisal and acquisition within the current regime.⁵⁹ Given the current exercise to reappraise the records, therefore, it is only fair to put into context questions and controversies associated with these if one is going to open on a broader conversation about colonialism and the records.

Perhaps one of the reasons why acquisition and access become difficult is because rights to access have not been given full consideration in Canada, until well into the twentieth century. For though the right to access was recognised in principle, there was no explicit language affirming the right to information built into the legislation until after 1980. According to Lorina Stefanick, Canada did not introduce its Freedom of Information legislation, until 1983.⁶⁰ While Manitoba did not proceed with a piece of legislation which guaranteed access to information until the passing of the *Freedom of Information Act* in 1985.⁶¹ However, this was not formally proclaimed into law until September 1988.⁶² Prior to this, Nichols notes that the, “Legislative Library Act (section 16) was the only legislation in Manitoba which dealt with access (or restrictions on access) to government records.” Here, it was ultimately the Lieutenant-Governor-in-Council who designated time periods for restrictions, and access to records.⁶³ As such, considerations about acquisition to access have had to contend with long established protocols, and a culture of confidentiality, sensitive information, and secrecy tied to the records. Therefore, archives have had to struggle to find a niche in light of the history around the secrecy above.

Looking again at the *Manitoba Hydro Act* the legislation, for instance, it is not designed to be a part of a system of open government invested in providing records to the public. As

⁵⁷ The *Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175.

⁵⁸ Kevin Palendat. “*Accessing Manitoba’s Archives: Exploring the Status and Response to Freedom of Information and Protection of Privacy Rights at the Archives of Manitoba*” (master’s Thesis, University of Manitoba, 2018), 27.

⁵⁹ Richard D. Valpy. “For the Purpose of Accountability: The Need for a Comprehensive Recordkeeping Act”. *Archivaria*, Nov. 2019, pp. 198–229.

⁶⁰ Lorna Stefanick, *Controlling Knowledge: Freedom of Information and Privacy Protection in a Networked World*. (Edmonton: AU Press, 2011), 72.

⁶¹, Jacqueline M. Nicholls. “Guide vs. Gatekeeper, Information Rights Legislation and the Provincial Archives of Manitoba”, (master’s Thesis, University of Manitoba, 2000), 57.

⁶² Nicholls, “Guide vs. Gatekeeper,” 61–62.

⁶³ Nicholls, “Guide vs. Gatekeeper,” 71.

mentioned, it is designed to facilitate the pursuit of capital by giving the corporation major powers, through a quasi-autonomous framework, with which comes limited government interference, and oversight. As a result, there is no guarantee of records being made available for ordinary citizens within the *Manitoba Hydro Act*.⁶⁴ Because, where oversight is concerned, access to records and information for the public is vested in democratic institutions such as the Office of the Standing Committee, and Ministers, who are accountable to the public through legislative proceedings. However, even where limited checks and balances are expressly stated and available for the public, such bodies have limited power. As such, access to records is generally made available through the corridors of government. This is particularly important, because it links accountability and oversight to government institutions, where these records become intertwined within a complex of politics protocols and legislation around confidentiality, sensitive information, and secrecy.⁶⁵

Within the current system, however, mechanisms of access are made through ARKA and FIPPA mentioned above and are administered through record schedules. According to Jenara Franklin, ARKA:

[G]overns record-keeping policies within Manitoba Hydro, making the corporation accountable for the ways in which information is held and disposed of. The act states that all records need to be organized according to a records schedule, regardless of form or medium. Manitoba Hydro must obtain the Archivist of Manitoba's approval of the schedule for its records."⁶⁶

While Palendat notes, FIPPA provides "a comprehensive framework for administering public information rights to records created, collected, and maintained by the Manitoba government and other publicly responsible bodies (such as municipal governments, universities, and school boards)."⁶⁷ However, where rights to access and facilitation to records appear, questions arise about the efficacy of legislation. Because, even where rights to access and facilitation to records are concerned, gaps and controversies arise as a result of policies and protocols around the

⁶⁴ Note that though Board minutes are supposed to be made available under the Act. However, these too only go up to 1997.

⁶⁵ Stefanick, *Controlling Knowledge*, "24-26.

⁶⁶ Jenara Franklin. *The Creation of Pictorial Order: Developing a Records Management System for Manitoba Hydro Corporate Photographs*. (Master's thesis, University of Manitoba, 2009), 16.

⁶⁷ Palendat. "Accessing Manitoba's Archives," 1.

legislation which can be observed in the record schedules, because there are clear linkages within the schedules to the legislation.

As will be seen below, what is important about these two pieces of legislation is that though they contain hallmarks which give rights to access, there are concerns about the discretionary language within them which could allow records creators to withhold access anyway, as it has been noted that there are loopholes within them that can inhibit access to information. Now, the main problem with the two acts, in these respects, is that concerns are raised that records creators can either place long retention periods on records through clauses seen the ARKA, or worse attempt to schedule records for destruction under the *Act*. While concerns are raised that records creators can place excessive restrictions for access to records, even they come into the archive's custody under FIPPA. As such, two outlooks have arisen as to the efficacy of the current legislation: one which looks at the system of citizen access as imperfect, not working in exactly the manner designed, but necessary, given the importance privacy protection has for the working of government and society at large; the other, which sees it as a system meant to restrict access and provide barriers to access by seemingly providing rights to access while in effect blocking access through exclusions to the *Acts*.⁶⁸

In looking at both viewpoints, however, the main differences of opinion are centered around the discretion ARKA and FIPPA gives to the records creator in determining what is transferred to the archives under ARKA, and the ability to impose restrictions of access to documents under FIPPA. For instance, ARKA is the main instrument for which accessibility to records is made for the public. According to the Jenara Franklin, ARKA "affirms the importance of record keeping and provides a legal framework to support it. It establishes record keeping as a shared responsibility of the Archives and the government bodies that create and keep records."⁶⁹ Within its preamble and sections 5 (a) and, 5 (c) makes access to records a guarantee. The *Preamble*, for instance states, "WHEREAS the preservation of records of archival value is a unique and priceless gift of one generation of Manitobans to another", while Section 5 (a) states that, "The purposes of the archives are... to provide for the identification and preservation of records of archival value to present and future generations;" This language imbues ARKA with

⁶⁸ Alex Luscombe. Kevin Walby. "Theorizing Freedom of Information: The Live Archive, Obfuscation, and Actor-Network Theory". *Government Information Quarterly*, vol. 34, no. 3, (Sept, 2017): 379–87.

⁶⁹ Franklin, "The Creation of Pictorial Order," 17.

the duty to provide access, while other clauses confer upon the Archives the mandate to facilitate access to records within its care. Section 5 (c) states that, “The purposes of the archives are.... to make archival records known by means of promotion, publication, exhibition or loan and to facilitate access to them, in accordance with any rights of access provided by law, in legislation or by the terms or conditions of an agreement;” this language further requires the Archives of Manitoba to facilitate access. These clauses acknowledge citizens’ right to access and the place of the Archives as an institution in facilitation of this right. The main problem with this language, however, is that stipulations in the legislation put caveats on the promise of access. Much discretion is given to records creators in what they transfer to the Archives through ARKA. Section 17 states “In consultation with the archivist, a government body must prepare one or more records schedules for government records in the custody or under the control of the government body in accordance with this Act and the policies, standards and guidelines established by the archivist.” Here, though one might see this as a win for access within the legislation, one must be wary of the overall language. Because if an entity wants to keep a record, they can either set retention periods for lengthy time frames, or simply choose a retention period to be indefinite. To this end, Section 18 (b) and (d) state that the records creator has the authority to “specify how long the records must be retained and in what form or medium, having regard to legal, administrative, financial and audit requirements and the need for accountability to the public...” Although only the Archives of Manitoba has the authority to determine which records have archival value, records creators are empowered to destroy those records “which are not designated as records of archival value ... following the specified retention period.”⁷⁰

Although one can argue that there are provisions for the intervention of the archivist by providing guidelines and signing off on records schedules, the archivist is highly dependent on the advice of the records creators. For there is no way an archivist can be familiar with every individual department a government of an entity, which would be required to make an assessment of what “legal, administrative, financial and audit requirements”⁷¹ each department and entity has. Add to this the history of an entity, and the nuances of the functions that will be inherent in every organization; and it is understandable that the archivist is inherently dependent on an entity for information contained within the record schedule. This can affect access as

⁷⁰ The *Archives and Recordkeeping Act*, 18 (d).

⁷¹ The *Archives and Recordkeeping Act*, 18.

acquisition by the archives is dependent on the creator through long retention periods or by recommending destruction. It would be difficult for an archivist to argue against such recommendations given his/her wide responsibilities, and reliance on the creating department for guidance. What is more, even if the archives wanted to argue, there is nothing in the legislation which can allow the Archives (or any bodies such as the Ombudsman which is supposed to provide a secondary impartial body of oversight for public access to records) to compel a records creator to hand over records or provide access of them to the public.

Eldon Frost has explored some of the problems which can arise from the nature of record schedule's which can affect both acquisition and access. Frost notes, for instance, that records schedules have different meanings for different people⁷² in that they are there to:

[S]erve the needs of the records creator by permitting timely of records according to varying periods of retention, thereby freeing needed storage space; to assist in identifying records of long-term corporate value to the creator; finally, as a tool to help ensure compliance with various statutory requirements. The schedule also helps the archivist to identify and preserve records of permanent value.⁷³

This raises very insightful, legitimate reasons, why there may be gaps concerning access and acquisition, as Frost also notes that records creators may see disposition as a tool in freeing space. However, one must also make room for the possibility that that records creators may want to keep records from the public for reasons other than disposition and storage problems. One might suggest that some may seek to withhold records in order to uphold power relationships that their corners of government have become comfortable operating within, whereby this power could be in the form of economic, political, or social interests, or a combination of the above.

However, the problems posed by discretionary issues under ARKA also apply to those under FIPPA, perhaps even more so. Because, although there are differences in the way in which each present difficulties for access, discretionary consideration under FIPPA make it more difficult, for the stipulations are so broad they cover everything from personal information such as sexual orientation and employment, to cabinet confidences, third party interests, state secrets and commercially sensitive information, so as to blanket almost all records with any type of

⁷² Eldon Frost, "Weak Link in the Chain: records Scheduling as a Source of Archival Acquisition." *Archivaria* 33 (Winter 91-92): 79, 81-82.

⁷³ Frost, "Weak Link in the Chain," 81.

restrictive measures one can imagine.⁷⁴ FIPPA has clauses which affirm the right to access, as it puts into clear language the “right of public access” numerous times, as in in Section 2 a through c:

The purposes of this Act are

- (a) to allow any person a right of access to records in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act;
- (b) to allow individuals a right of access to records containing personal information about themselves in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act;
- (c) to allow individuals a right to request corrections to records containing personal information about themselves in the custody or under the control of public bodies;

Here again, though there is clear language, there are problems which can arise due to discretionary measures given to records creators to withhold access. As such, one might say these are compounded even more, because under FIPPA the problems associated with exemptions are so broad. Here, one might see how these aspects lean into the binary of the literature around access legislation regarding two camps for those who see value in the legislation in spite of shortcomings; and those who see the legislation as a tool for obfuscation of government actions. Kevin Palendat, for instance points, to critics of access legislation who note general problems found in privacy protection legislation in Canada. Here, he draws attention to Walby and Larsen,⁷⁵ who point to “a cross-section of academics, journalists, and private researchers, [which] highlights a disturbing number of barriers put in place by the Canadian government (and in one instance, provincial governments) to undermine the public’s access to information.”⁷⁶ While, also pointing to Frankie James, in asking provocative questions about access legislation and the efficacy of the legislation and integrity in evoking such legislation,⁷⁷ for which Palendat sums up in part:

...that despite the implementation of information rights legislation and the possibilities of disclosure afforded thereby, members of the public (both frequent and novice applicants to

⁷⁴ Palendat, “*Accessing Manitoba’s Archives*,” 77-78.

⁷⁵ Palendat, “*Accessing Manitoba’s Archives*,” 80. Here Palendat cites: Mike Larsen and Kevin Walby, “Introduction,” *Brokering Access: Power, Politics, and Freedom of Information Process in Canada*, eds. Mike Larsen and Kevin Walby (Vancouver: UBC Press, 2012), 1-27.

⁷⁶ Palendat, “*Accessing Manitoba’s Archives*,” 79.

⁷⁷ Palendat, “*Accessing Manitoba’s Archives*,” 80-83. Palendat cites. Franke James. “Games ‘Bureaucrats’ Play.” In *Access to Information and Social Justice: Critical Research for Journalists, Scholars, and Activists*. eds. Jamie Brownlee and Kevin Walby. (Winnipeg: Arbiter Press, 2015), 94.

the act) often view its application, administration and in some case its core principles as (at best) illegitimately conservative, or (at worst) a tool for reinforcing government secrecy and the positional power it affords...”which the, “...choice of words here seems to portray interactions between government – those “bureaucrats” –and the public as trivial, adversarial, and inevitably weighted in the favour of the governing body, whose end game exists ever at odds with the public interest.”⁷⁸

In looking at such perspectives Palendat concludes that these views “finds ample voice across the social spectrum, though perhaps in more guarded terms”⁷⁹ and that these, “paint a rather grim picture of administrative obfuscation, endemic delay...regarding the information rights system in Canada”⁸⁰ However, even where Palendat has notes positive reception of the legislation, these too often come with caveats.⁸¹

V

Given the perspectives above, one can see how a discussion around access can become polarized. As was noted, there are issues within the language of access legislation which put caveats on access. These pose challenges, and place barriers to access as the record creator is given wide discretions to decide what is ultimately transferred under ARKA, or openly made available through FIPPA. But wherever one stands within their respective outlooks on the access and privacy legislation, one thing is certain: there will be a struggle for equilibrium between access and privacy rights, and also confidentiality, government secrecy and the public’s right to know, into the foreseeable future. For the purposes of our analysis, consideration regarding the controversies around the legislation is very important. For if an assessment is to be made regarding the impact of records one must consider the effects and influences of the system around records keeping. Vern Harris notes an “imperative for contextualisation to reveal the multiple layers of construction in text,”⁸² as well as a need to disclose society’s “own archival contextualisation as yet another layer.”⁸³ Although there is no denying the need for restriction and privacy protection, this should not preclude one from considering the possibility that exclusions within the legislation may be used to withhold records. One must also consider the

⁷⁸ Palendat, “*Accessing Manitoba’s Archives*,” 81.

⁷⁹ Palendat, “*Accessing Manitoba’s Archives*,” 85.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Harris, Vern. “The Archival Sliver: Power, Memory, and Archives in South Africa.” *Archival Science* 2 (2002):84.

⁸³ Harris, “The Archival Sliver,” 84.

possibility that scheduling of records may be used to destroy them all together. For though scheduling of the records by records creators, is practical due to the limited resources and enormity of government and private records the Archives has to deal with, there are limitations and loopholes which could provide opportunities for departments who do not wish to hand over records, to place long retention periods on them or worse legally destroy them.

What is notable about the relations in respect to the current record then is that given the legislation noted above, it raises the spectre that an environment exists where if a government department, entity, manager wanted to impose restrictions or records out of the hands of the public, it would not be difficult for them could take liberties with interpretations of the statutes and impose retractions on the records. Even if there was push back from the archives or members of the public there are no real mechanism to force any entities to hand in handing over records through either acquisition or access to members of the public or the archives for that matter. In looking at the gaps in the records as a result then one must be careful not to lay the blame for such deficiencies at the feet of the Archives. For consideration of the controversies around records schedules and the legislation noted above is very important. Because, if an assessment is to be made regarding the impact of records, one must consider the effects and possible influences the system around the record has on the ultimate formation of the archival record. For this is the additional layer Harris warns about, and one we all should be cognizant of. In taking power relationships into consideration, for instance, Kevin Palendat, has noted problems which can arise from outside influences. Here, he notes how possible it may be to withhold acquisition and access by those who would use seek to control how archives are acquired, and how access is given through pre-existing judicial authority in either subtle or overly stated ways:

To control archives is, in effect, to maintain and exact power over the way they construct and configure representations of knowledge. Specifically, it is to control the manner in which archives are selected, acquired, and represented over time in order to construct particularized versions, or narratives, of knowledge. Such control is likewise manifest by establishing parameters on access and use – by determining who might consult the archival holdings of a particular institution and by establishing the protocols for interpretation. In the case of a large and formally defined organization (or a network of related organizations), this control might originate from outside the archival institution itself. Here, the power to regulate actions leading to the formation, organization, discoverability, and representation of archives stems from a (relatively) remote, overarching executive responsible for the oversight of functions performed and activities undertaken by the organizations whose information output merits long-term preservation. This control may be codified in formal edicts, decrees, statutes and/or constitutional statements that, when

enforced by a pre-existing judicial authority (itself a centralized expression of social power), serve to compel – or shape – internal behaviors related to records creation, management and preservation. This power may also find expression in more subtle forms of control, where top-down directives - whether overtly stated or tacitly inferred - seek to shape the discourse around information production and define the purposes and means by which documentary forms of knowledge are made valuable within the organizational context.⁸⁴

Conclusion

As we turn to chapter 3, one of the important aspects of looking at the state of the records that is that the historical narrative around hydro development has made it out that any such problems which arise from decisions regarding Manitoba Hydro has been happening on the margins of society. Nothing can be farther from the truth. The lives, life experience and history of Indigenous people and culture have been just as important to the region and country as those in rural and urban centers of the south electricity was primary created to flow. A major difference between Indigenous people and settlers are the social political and economic opportunities afforded to some and barriers imposed on others. For though Indigenous peoples occupy spaces in regions their ancestors have lived for countless generations, the country would not have been the same without their knowledge or cooperation. Therefore, Indigenous stories, histories, and citizen state interactions should not be thought differently because they occupy spaces at a distance from the rural or urban environments in and around cities, towns, and farmlands near these. They are very much a key fabric of society. In turning to the next chapter, then, our analysis will examine records for the current state in more detail, by looking at record schedules, in order to reveal what is regularly being destroyed, and to highlight how absences in the record, create silences, and obscures memories of the colonial heritage past onto Manitobans, by Manitoba Hydro and its agents.

⁸⁴ Palendat, “*Accessing Manitoba’s Archives*,” 32.

Chapter 3: Records from the Bottom Up

Introduction

This chapter takes the reader through a more detailed look of the implications associated with the gaps in the records seen in Chapter 2. It seeks to validate concerns about the sparseness of the current state, by examining the whole-sale destruction of critical series of records, highlighting how the associated absences not only endangers history but erodes a significant portion of our collective knowledge and memory which underwrites accountability and upholds fundamental principles of democracy and justice in our society.

As mentioned throughout this thesis, one of the problems associated the current regime is that official histories around development have not done justice in purveying the impacts of development upon Indigenous people. Indigenous communities, for instance, were filled with forward-thinking people, with their own visions of the benefits that hydroelectric development could bring. As a result, their communities were filled with those who possessed agency just as much as any other settler community in southern portions of Manitoba which sought electrification as a benefit. This, of course, is not to say there was weariness, disappointment, and frustration with what occurred. While some members from communities rejected the terms of development offered to them, others were open to it if they were suitable measures to mitigate the changes to their ways of life, such as being assisted in moving to an equally suitable area of their homelands. This initial optimism is fundamental to highlight. The main issue is that Indigenous people were forced unto barren lands while their initial communities were annihilated, and economic impacts devastated, after not being told about the true extent of damage that would occur. Worse still, Indigenous people contend they were ignored when reporting unspeakable acts such as rape, the death of children, and possible murders among other acts of colonial violence.

Indigenous people very much understood the benefits of electrification. However, their experiences have been unfairly framed by officials, as misunderstandings, with a history of denial of government, contending that the adverse effects which accompanied development were not taken into full context by officials. Glossing over the broader context above robs Indigenous peoples of agency. It unfairly takes away their sense of knowing what was to be gained and lost from development in a land they inhabited since time immemorial. It thus makes room for a

monologue by settlers of the ignorance of Indigenous people, while leaving room for a continued distortion of the historical narrative, that continues to relegate Indigenous experiences and contestations to terms of bitterness, and backwardness of those who did not know what they were getting into. Worse still, by focusing on any outstanding issues as misunderstandings this trivializes and dehumanizes the trauma and colonial violence brought upon Indigenous people by Manitoba Hydro and its agents.

The underlying issue with the record is that the true extent of this history is still highly contested. Mainstream narratives, for instance, have often presented the Crown corporation's history as benevolent and citizen-based. Yet, when one takes into consideration the accounts above, such interpretations become highly questionable. Therefore, broader contexts are needed if one is to truly see the profound impacts Manitoba Hydro has had in the province and the effects these absences have on society's memory if we are to cut across the lines of these contested narratives. Unfortunately—given the current state above—the prospects of cutting across these lines is not even a possibility. For as will be seen, key records for the corporation are being destroyed, and the main concern which arises from this is that there are multiple aspects of provenance being lost. These notions of provenance go well beyond aspects of original order and *respect des fonds* and include evolving forms of societal provenance, Indigenous provenance, and even community provenance. As such, the absence of entire sets of records ultimately robs society of valuable contextual information. What stems from these problems is the confusion about the orientations and relation of records to one another, which can shed light on the effect a given department (or group of departments) might have on society. In light of this, then what will be seen is how these lead the histories behind them becoming distorted or forgotten, or worse, lost by giving officials the ability to obfuscate a variety of grievances, objections, and challenges by creating silences and historical amnesia in the process.

I

Looking at record schedules, for instance, it becomes disturbingly apparent that many layers of context are being lost through the wholesale destruction of vital series.¹ For though the

¹ A Records Schedule, for instance, is just what it sounds like, a schedule for a record. What is valuable about them is that, when one looks at them collectively, one can gather an overall sense of what is either being retained, transferred, or destroyed. This is because records schedules derive their legal authority from *the Records Keeping Act*. Within them are elements denoting the time the documents transferred apply and the amount of time after

practicality of destruction must be considered as a means of keeping the sheer weight of the system from imploding in on itself, this alone does not explain the sparseness of the record. Terry Cook for instance, mentions that archives keep “the usual estimate” of 1-5% of their records”;² while Kenosi and Moatlhdi further note that “...the reality of limited storage facilities and the rate at which records are generated make it impossible to preserve each and every record.”³ However, as mentioned, it is not as if one or two sets of records are being arbitrarily destroyed. What will be seen is that key series of records associated with the vital functions and offices which run the corporation are being scheduled for disposition and destruction. What is more, what is left and scheduled for transfer, is piecemeal and does not show basic links Manitoba Hydro has to the broader histories in the province. For entire series of records for crucial functions of the corporation are being destined for destruction. This has in turn, led to the legalized destruction of history, memory, and justice for those who have had to live with the consequences of the power, privileges, and immunities of Hydro and its agents. It is, as if society is being asked to define its history through the placement of the dams, and to overlook socio-political aspects which define Manitoba Hydro’s character by narrowly focusing ones history around aspects of construction of the dams.

This is a major problem because, by way of analogy, the history of Rome cannot be grasped through an analysis of their aqueducts. Historians do not just look upon these structures in one-dimensional terms of study. To do so would be haphazard. Indeed, aqueducts can be excellent examples of progress and development, but there are aspects of politics, commerce, and violence which have gone into the placing of many of these structures. It is no different in the study of dams for Manitoba Hydro. Manitoba Hydro, indeed the Manitoba government, frames the Crown Corporation as a benevolent utility. Nothing can be further from the truth. Manitoba Hydro has played a crucial and active role enabling development and prosperity in southern Manitoba. It has also played an active and crucial role in governing the placement of dams and the related displacement of people, and the desolation of regions—some of which has been

creation of the record the given government department would need the retain the record to carry out its business, which at the end such a time, there are three options: retention, destruction, or transferring the record to the archives for posterity. As such, they are the main documents that see records make their way into the archives and become theoretically available to the public, with either open permission or certain restrictions attached to them.

² Terry Cook. “‘We are what we keep; we keep what we are’: archival appraisal past, present and future.” *Journal of the Society of Archivists* 32, no. 2 (2011): 173-189.

³ Kenosi, Lekoko, and Trevor Moathodi. ‘The Determination of Value in Archival Science and the Ever Evolving Theories of Records Selection’. *Eastern Librarian* 23, no. 1 (9 October 2012): 24.

unquestionably apocalyptic in character. With this have been aspects of political intrigue, commerce, and sanctioned violence which have been involved in the history of development. This the is the main issue. The current state of settler memory around Hydro is too narrowly focused on the generation of electricity as a measure of “progress” and efficiency, and not the wider politics, controversies, and colonial violence that went into them.

As will be seen below, these need to provide a sufficient window into the role Manitoba Hydro and its agents have had in development. Of particular concern is the prevalence of studies paid for by the Crown corporation, which can be readily observed throughout the fonds, and have controversies attached to them. Here, a great majority of the records are associated with narrow windows of documents concerning the placement of dams. At the same time, however, those which have the potential to give society a look into the broader social-political aspects of hydro development have been slated for destruction. Nonetheless, even where decisions involving top officials can be found, these only come by way of minutes from meetings of the Hydro Board and Executive council which only go up to 1996. Missing are series from the CEO and Chairman of the Manitoba Hydro-Electric Board. Here, all the records for the CEO are being destroyed, with no records for the Office of the Chairman anywhere to be seen within the record schedules. These absences raise concerns, because there is no way to know the conduct made through these offices which have considerable power. However, concerns continue when going through the schedules. Because although there are some records from the Executive Vice-President available, there are no records for most lower-ranking Vice-presidents, nor their departments. Nor for critical members of the elected government who are clearly mentioned in the *Act*, including the Minister of Finance and other Ministers who oversee and have regular interactions with Manitoba Hydro, such as those who have administered the Water Rights, and Water Power Acts embedded in Manitoba Hydro’s legislation.

II

Looking directly at the records schedules, for instance, a surface reading shows 74 record schedules from codes MH001A through MH074 which have been historically available.⁴ Of

⁴ As of 2022, there are two sets of record schedules for Manitoba Hydro at the Archives of Manitoba. Those from before June 2014 and those after. Those after June 2014 contain newly revised schedules where many of those from pre-2014 were merged, and different schedule numbers created. However, these still need to be made available to

these 74, 20 are deemed of archival value, and are scheduled for transfer to the Archives, and appear in Keystone. With all 54 of the remaining schedules being slated for destruction after various retention periods. Here, retention periods range from 1-20 years. The majority between the dates of 6-10 years, with only a hand full of schedules reaching dates of 15-20 years.

As mentioned, a main issue with the schedules is that when one considers what is being kept vs. what is being destroyed there are multiple layers of value being lost which not only effects basic evidential and information values of the past, but those tied to broader notions of provenance concerning citizen-state interactions between Indigenous peoples and members of settler society. Because what is there is narrow and fragmentary, leaning towards material which focus on the placement of dams, or studies initiated by the corporation. There is little which can speak to the way in which the corporation and its agents have had on the general public, politically or socially, or even economically when it comes to speaking about Indigenous communities, as there have been major controversies with studies initiated by Manitoba Hydro.⁵

For instance, although going through each and every record, from the pre-2014 files, is unpractical due to space, it is notable that the great majority of records being scheduled through the Department of the General Counsel and Corporate Secretary (GC&CS) are responsible for 32 schedules, with the next largest coming from Senior Vice President, and Corporate Development at 6 schedules each. Here, though it is logical to see most schedules from the GS&GC—as this office provides direct counsel to the executive branch and has working information for all departments of the corporation—this still does not substitute for information coming directly from key offices throughout the corporation. Though the office of the GC&CS is strategically situated to handle such information, this alone does not make their department an expert on all matters for the corporation when it comes to social, political, environment, economic and environmental impacts. What is more, the offices around general counsels are typically there for legal matters, and their focus is often very narrow, comprised of matters of risk management mitigation, negotiation, and litigation with key interests of the corporation in mind. Their narrow frame of reference can affect the content of the records they present. Because the records such

the public. For the current examination, we will examine those from before June 2014, as these reflect what has been historically available to the public and could be seen in Keystone up to the writing of this thesis.

⁵ Vera-Lynn Kubinec, and Katie Nicholson. CBC News. “\$85M Untendered Contract with Hydro “baffles” Canadian Taxpayers Federation | CBC News”. *CBC*, <https://www.cbc.ca/news/canada/manitoba/iteam/manitoba-hydro-contract-untendered-1.3469794>. Accessed 11 April 2022.

offices may choose for archivalisation may not necessarily affect the decision-making process and further, may purposely exclude records for series, which may cause embarrassment or legal problems for the corporation.

Taking this into consideration there are still concerning aspects of both the omission and destruction of key records which might shed light on various departments involved in important functions of the corporation, as these point to the fragmentary nature of the schedules. As seen below, for instance, a majority of key departments are either completely omitted from the record, having no records scheduled for their department; or have entire series for their departments scheduled for destruction. This raises concerns about the overall composition, and fragmentary nature of the record. For though one can observe schedules for key departments, such as the Executive Vice President, Vice President for the Power Systems and Planning:⁶ most records for departments providing key functions for the corporation are all together missing or end up being scheduled for destruction. This can be seen in series for key Ministers mentioned in the previous chapter which are altogether missing,⁷ or series for the President & Chief Executive Officer (CEO) of the corporation whose footprint becomes destroyed in a majority of scheduled destructions.⁸ However, even more curious is the fact that other key members of the corporation do not have series of records for their offices, as the Chairman, whose office plays a role in the direction of the corporation is not available, even though he has key responsibilities for direction of the corporation within the *Manitoba Hydro Act*,⁹

Where this becomes of concern, however, is that if one looks at what is being made available vs. what is being destroyed: significant series of records are being scheduled for disposition and with these go the knowledge of the most basic contextualities concerning the functions of key departments and their impacts on society. This leaves one with questions about the value of basic information one is left with. Because, one cannot measure the most elementary

⁶ As noted in Keystone, in Chapter 1.

⁷ There is not series for files for any one minister within the Manitoba Hydro fonds, there are several related to “orders-in-council” where legislative mandated functions ultimately become scheduled for destruction after a short retention period. Here, these records are scheduled through the office of the GC&CS. See: Appendix E.

⁸ See: Appendix D. It shows the three schedules for the CEO which appear in the Manitoba Hydro Fonds. Though one file is scheduled to have records transferred (schedule, MH0070) this was never implemented, with the remaining two being scheduled for destruction. Archives of Manitoba, Manitoba Hydro - President & Chief Executive Officer – Internal Audit, MH 0055, Audit Files; Archives of Manitoba, President & Chief Executive Officer, MH 0063, Staffing Review Committee – Meeting files; Archives of Manitoba, President & Chief Executive Officer, MH 0070, Office Files.

⁹ *Manitoba Hydro Act*, 11(1).

histories tied to the corporation, as what is there does not even satisfy basic research-based evidential values typically associated with Schellenbergian and Jenkinsonian tenants of the past.

Returning to Kenosi and Moatlhdi, for instance, they note that Schellenbergian values stress the evidential value, and informational content relating to a creating organization – its structure, functions, “operations and processes.”¹⁰ Here, they stress:

The main objectives of appraisal are to select records (with enduring value) for permanent preservation and those that are identified as ephemeral for destruction [and that] during appraisal, Archivists and Records managers are mainly encouraged to look for, and preserve information and evidence relating to the organization and the records of its core functions...[where] records of an organization or government body that produce them [are to be selected], and the information they contain relating to persons, corporate bodies, conditions, problems and issues it dealt with are[to be identified] as a source of evidence...¹¹

While in noting Jenkinson, they go on to say Jenkinson, “also strongly felt that archives were composed of interrelated records, and that it was [the] contextual whole which imparted meaning and which required preservation.”¹² As such, Jenkinson too stressed the interrelatedness of the records which can be observed in the Schellenbergian tenants above. However, it must be stated that, though Jenkinson felt everything should be kept, this is not being suggested here. Rather, that both Jenkinson and Schellenberg acknowledged the interrelatedness of the records in their own ways.

Schellenberg, for instance, focused on “records of an organization or government body that produce them, and the information they contain relating to persons, corporate bodies, conditions, problems, and issues it dealt with.”¹³ While Jenkinson acknowledged the importance of the “interrelated records” to the “contextual whole.”¹⁴ These two conditions are not addressed in the fonds for Manitoba Hydro. As noted in the previous chapter and the records schedules above, there are few records related to key managers for Manitoba Hydro, other than one or two vice presidents. Nor are there enough records to understand socio-political aspects of development which have affected everyday people. For though there are records which show proceedings of the Board of Directors, what is there is still limited as these records drop off after

¹⁰ This whole sentence is credited to Kenosi and Moatlhdi and is essentially a paraphrase of their paragraph on Schellenbergian values. See: Kenosi and Moatlhdi, “The Determination of Value,” 28.

¹¹ Kenosi and Moatlhdi, “The Determination of Value,” 24-25.

¹² Kenosi and Moatlhdi, “The Determination of Value,” 26.

¹³ Kenosi and Moatlhdi, “The Determination of Value,” 25.

¹⁴ Kenosi and Moatlhdi, “The Determination of Value,” 26.

1996. What is lacking are series which highlight the broader contextualization of policy development and implementation, and most importantly, the contexts of interactions and agreements with communities the dams have effects upon.¹⁵ The proceedings and minutes show a limited view of operations for decisions which, for all intents of purposes, went on in spite of objections to development in the province, where it generally thought that decisions that went into development had been finalized well before any information was made available to the public.

Taking this into consideration, however, it must be stressed that I am not trying to engage in a form of historical presentism here, judging past practices at the archives according to new ideologies. Rather, I am merely trying to exercise what Vern Harris describes as negotiating and renegotiating the past, through the records. As mentioned above the issue is that evidential values have been applied in so piecemeal and narrow a fashion as to be insufficient to provide even a basic understanding of open, accountable, democratic processes. Because even if one tries to search through records according to the hierarchy in the organization Manitoba Hydro, laid out in the previous chapter, the records do not provide a clear picture of the organization's governing structures and decision-making processes, because the records are piecemeal and narrow. This is apparent when reframing the problems of the past, or renegotiating the history associated with hydro development in the north through the records. However, even if one were to argue from evidential research-based values, there are problems with this. Raymond Frogner has noted "evidence is not a fact, but a relationship matrix".¹⁶ This idea is so simple and eloquent, and helps bridge the problems between past Jenkinsonsonian and Schellenbergian notions of appraisal by reframing them in archival postmodernist tenets. For how is one supposed to even begin to grasp research-based tenets when the great majority of series for key offices and functions for Hydro are being destroyed? When you move up the matrix of knowledge, one cannot, for instance, even focus on the record itself, let alone the "creative act or authoring intent or functional context behind the [record]", as Cook would mention, because again, nothing is there. The absence of the records obscures both governance and government, to use Cook's framing of the issue – government being an understanding of the machinery of the civil service

¹⁵ C.B.C. News. "Hydro Employees Intimidated: Whistleblower | CBC News." *CBC*. Accessed December 28, 2021. <https://www.cbc.ca/news/canada/manitoba/hydro-employees-intimidated-whistleblower-1.816363>.

¹⁶ Raymond Frogner. "Lord, Save Us from the Et Cetera of the Notary": Archival Appraisal, Local Custom, and Colonial Law'. *Archivaria*, 29 April 2015, 151.

and the actions of the elected representatives of government; and governance, in this case, being understood as the interactions of citizens and the state, the impact of the state on society, and the functions or activities of society itself apart from the inward-facing structures of government and its bureaucrats. In reframing or renegotiating all of this, then, one can say that the record is not reflective of evidential and research based tenets of the past, nor of, “Postmodernism’s concern with the “semiotically constructed contexts” of records creation [that] reflects the long-held archival concern for contextuality, for mapping into provenance interrelationships between the creator and the record; [and] for determining context by reading through and behind the text.”¹⁷

Returning to Kenosi and Moatlhdi, though they note that “There is no perfect formula or approach to appraisal and...[there] are always opportunities [for] mistakes in [this] exercise especially [when] done by more than one person.” What excessive destruction of records does is take away the societal provenance of the record. Because, though one can argue that though the basic, and narrow tenets of provenance and *respect de fonds* are there as records present are in their original order. However, destroying records documenting key activities of interconnected departments from the records creator eliminates important records series which have their own necessary contributions to the matrix of societal provenance which can provide society with intimate knowledge of citizen-state interactions. This is important to highlight, because there are forgoing costs associated with the losses of the contextualizations above. As there is both a need and want for greater accountability with respect to the role both government and hydro officials have played in hydro development, which require the records to be accessible. For one need to only look at the continued calls for justice around increasingly serious nature of colonial violence associated with the controversies mentioned throughout this thesis, that have come from Indigenous communities across the North.

III

As was mentioned, James Waldram, for instance, has revealed that a glance of the archival holdings of Manitoba Hydro, reveals that much documentation around Northern development has been largely absent.¹⁸ A large part of the issues associated with these concerns have been the

¹⁷ Terry Cook, “What is Past is Prologue: A History of Archival Ideas Since 1898, and the Future Paradigm Shift,” *Archivaria* 43 (Spring 1997), p. 17.

¹⁸ James Waldram. *As Long as the River Run: Hydro Development and Native Communities in Western Canada*. (Winnipeg: University of Manitoba Press, 1988), xi-xvi.

devastation to Indigenous people, their communities, environment, and lack of transparency, and oversight within the historical record. These concerns have been validated by scholars such as Peter Kulchyski,¹⁹ Ramona Neckoway²⁰ and Dawn Mikkelsen.²¹ However, even where hydro officials, admitted to claims of past mistreatment, members of Indigenous communities contend these admissions are not to their full extent. Because, though neither Manitoba Hydro nor the province has employed military hardware and personnel to physically seize and secure water resources, this does not distance it from forms of colonial violence, as there are still questions around other unspeakable acts perpetuated on Indigenous people in the process of development. As will be seen below, recent testimony, for instance, have brought forward accounts of testimony of the rape, deaths, and possible murder of Indigenous people in the course of development which raise further questions about transparency, and accountability in the province.

As a result, access to vital series is of extreme importance if society is to answer questions associated with these serious allegations. Because, alongside Manitoba Hydro's Mandate and quasi-governmental status as a Crown corporation, there is a third component in the consideration of key aspects around development, and these centre on questions of whether or not Manitoba Hydro has been operating within the "greater good" of its citizens during the process. Given the controversies above, however, how is one supposed to gauge whether Manitoba Hydro has been operating within the greater good if there are no records there to begin with? You take away the records, and you take away the ability for one to even begin to ask fundamental question about the citizen state interaction which have a profound bearing on such questions. Without the records around the actors above one cannot determine the broader moral and ethical aspects which come with questions around the "greater good".

In laying down a hydro pole it was noted for example, Aimee Craft and Jill Blakley highlight acts of settler violence when it has come to more granular aspects associated with development.²² Here, they highlight how seemingly innocuous measures seen within the *Manitoba Hydro Act*²³

¹⁹ Peter Kulchyski, Ramona Neckoway, Gerald McKay, and Robert Buck. "The Town That Lost Its Name: The Impact of Hydroelectric Development on Grand Rapids." *Canadian Centre for Policy Alternatives*, August 2006.

²⁰ Ramona Neckoway. "Amiskuk Boo-koo Ta Ki Oosey-ta-chik Ki-piikuna: "Only Beavers Should Build Dams."" (Master's Thesis, University of Manitoba, 2007).

²¹ Dawn Mikilson, *Green Green Water*. "cultureunplugged.com" accessed October 7, 2022. <https://www.cultureunplugged.com/play/6661/Green-Green-Water>.

²² Craft, Aimee, and Jill Blakley, eds. *In Our Backyard: Keeyask and the Legacy of Hydroelectric Development*. (Winnipeg: University of Manitoba Press, 2022).

²³ Manitoba Hydro Act, 23(1), 24(1), c.

above, can take on darker aspects when it comes to development as surveyors ordered a home bulldozed which was “in the way.” Such tactics have been reported by Indigenous people who have had to deal with development are a well-known occurrence. For instance, as former Councillor of Fox Lake, Conway Arthurson notes:

There was a cabin that was in the way of that surveyor's line, by about three feet. And, my dad went to his boss, and said we have to move that line a little bit over because the house is in the way. His boss said no, give that lady five minutes to get her stuff out of there. And my dad went in to protect her. And, that lady-and my dad was very emotional when he was telling me this...[h]e told that lady, you have five minutes to get your stuff together, because we are going to move your house. And she put her stuff in the blanket, put it over her shoulder, and walked a few feet, and dropped it and started crying and the bulldozer came and moved it out of the way.²⁴

In another account, however, Leona Massan has testified that her grandmothers, house was also bulldozed to make way for hydro development. Here, Massan recounts how this incident caused undue trauma to her grandmother who died homeless due to this action.²⁵ In another hearing, however, Sampson Dick reports, “When Hydro moved in, I don't know, they even bulldozed some of our houses. There used to be a lot of houses just along the river line here. Some of those people found out -- I know someone, one lady was crying, they moved out her belongings, they didn't even tell her that her house was knocked down.”²⁶

Bulldozing houses is a serious injustice and act of colonial violence. It does injury to one's mind, spirit, and body due to the sheer amount of physical stress. All the memories contained within one structure, that in many instances were built by family members were gone in one swoop with little thought to the injury such savage destruction has caused. Unfortunately, one will never know as to the extent of who was involved in the planning of such act or how far such decisions ultimately went up the vertical chain of command, because

²⁴ Conway Arthurson. ““What Happened in Fox Lake” Conway Arthurson, Former Councillor, Fox Lake” in, *In Our Backyard: Keeyask and the Legacy of Hydroelectric Development*. eds., Craft, Aimée, and Jill Blakley (University of Manitoba Press, 2022), 45-46.

²⁵ Manitoba Public Utilities Board. “Presentations by the Public.” *Proceedings Transcript. MANITOBA HYDRO NEEDS FOR AND ALTERNATIVES TO REVIEW OF MANITOBA HYDRO'S PREFERRED DEVELOPMENT PLAN*. Winnipeg, Manitoba. May 14, 2014, accessed, December 7, 2021.

²⁶ Manitoba Clean Environment Commission. *Transcript of Proceedings: KEEYASK GENERATION PROJECT PUBLIC HEARING: Gilliam, Manitoba*, September 24, 2013, p.56.

all official Hydro records directly dealing with expropriation have been scheduled for destruction, as can be seen in ‘*Appendix G*’ below:²⁷

However personal injury is not the only aspect of concern that comes with such destruction and acts of violence. Other questions linger, about whether such acts were ultimately conducted through the proper protocols, as the land involved has had long ties to Indigenous people.²⁸ As such, there are concerns this was not lawfully done, but violated Indigenous rights by taking land without compensation. For if true, such acts of violence take on another level of brutality akin to those associated with Britain seizures of land and territory throughout its empire. What’s more it leads to concerns documents which can settle legal aspects and constitutional questions are also being lost.

Councillor Arthurson, noted above, also participated in the “Need for and Alternatives to” (NFAT) hearings in 2014. Here he shared knowledge and history of development as it related to treaty negotiations. Arthurson stated:

...we've requested reserve land in the Gillam area since the '40s. We continue to do that today. We've done it in the '50s, the '60s, the '70s, the '80s, and the '90s, and -- and the 21st Century, as well. In 1963 and 1965, Manitoba Hydro conducted studies on the potential of hydro development on the Nelson River...as a result of those studies, Hydro decided to build Kettle transmission line and the redevelopment of Gillam. During that time, which was a very important time for Fox Lake, we were officially classified as squatters in the Gillam area, and we were branded the Indian problem. I'm not too sure what that means, but it doesn't sound positive for us, especially when we were considered squatters in our own land. In 1977, we received reserves in Fox Lake ...the reason why I -- I wanted to talk about the historical background on -- on reserve land, we were there before Hydro. We were there for many years in and around that area. Our people have lived off the land for many, many years before Hydro came. And when they came they created the water power reserve in 1966, I believe. They also created the LGD of Gillam, which was expanded in 1972. And as a result of that, that land in and around the Gillam area became what they called occupied Crown land. And under the Natural Resources Transfer Act of 1930, the Federal Government laid aside a provision in there for them to allow the -- for -- for the

²⁷ See, *Appendix G*.

²⁸ I too, have close relatives and family members who have inhabited such these areas and expressed such concerns.

Federal Government to live up to the terms of a treaty by selecting land. And as a result of that they agreed with the province in the 1930 Transfer Act to set aside unoccupied Crown land so that the Federal Government can live up to the conditions of reserve and--and the treaty. This hasn't happened...²⁹

Ralph Beardy also appeared in the NFAT hearing Arthurson has. He too, shared Arthurson's sentiments:

"Gillam is Fox Lake's traditional settlement, and Gillam is Manitoba Hydro's operation centre in the north. Fox Lake can -- cannot ignore the fact that Manitoba Hydro is operating from our historical town site and operating three (3) generating stations, two (2) converter stations, numerous converter --numerous connector lines, and two (2) Bipole transmission lines.³⁰

Such accounts not only speak to the injustice done by the government and seizing of rights but place a cloud over the manners and motives for which bulldozing of houses took place. In relation to this, however, questions behind the legality of relatively new townsites such as Gillam come into question, with respect to the following of protocols for expropriation. For instance, thought such tactics though not akin to the terror burning down a house is but it still enacts violence who trajectory follows the same sense of loss, and victimization to those involved. As such answers are need with regard the way land was expropriated, or whether there was compensation which went into bulldozing houses. Because not only are such tactics blatantly wrong, but there are also still questions around the manner in which expropriation took place, which are still contested by Indigenous people, as there are concerns these violated their Indigenous rights.

In addition to these concerns, however, are those around naked aspects of violence brought upon the citizens who have had to deal with Manitoba Hydro. As will be seen below, aside from bulldozing houses, there have been extremely serious acts concerning rapes, and murders, in addition to suspected coverups by the police, and hydro officials. Here, one is reported to involve the RCMP in assault on Indigenous people, while another is reported to involved upper management of Hydro, who sent a helicopter to extract someone who ran over a child. Turning back to the testimony Blakley and Craft, for instance, we see more disturbing accounts highlighted by Councillor Arthurson who goes on to say: "Another thing, what our

²⁹ Manitoba Utilities Board, May, 2014, 10847-10849.

³⁰ Manitoba Utilities Board, May, 2014, 10842.

people went through growing up in Gillam, were beatings, sexual assault, sometimes murders that weren't even investigated...³¹ However, turning to the original transcripts used by Blakley and Craft, Arthurson continues:

We have a family still mourning for their lost one, he was driven over by a Hydro truck. There is no investigation done. Our understanding is the person who drove over him is the son of a big shot at Hydro. Hydro got a helicopter to come in and pick him up and get him out of town. No investigation was done on that. In 1999 my dad, myself and the former chief, Tom Nepitabo, spoke at Interchurch Inquiry. And my dad talked about that, he talked about how the RCMP would throw them in jail, and then they would call the iron workers, from camp to come in and beat them up. There were times when there were women in there that got raped. There was [one young teen] who got taken by a group of, men, and driven out of town, [sexually assaulted] and beat. And, it took her many years for her to tell her story.³²

Such accounts capture the indifference and colonial violence that has been perpetuated upon Indigenous communities and raises serious questions. For such testimony not only invokes the callous disregard for justice given to Indigenous children at residential schools, and memories of Hellen Betty Osbourne. However, such violence cannot be looked at as an isolated incident because similar testimonies of violence are also found throughout indigenous communities. Returning to Massan above, she also notes incidents of sexual assault, where men have got away with such actions. She notes, “[w]hy does a corporation have so much power to do that to our people? They get away with raping our women when those Hydro employees come into town. Do you know how many children were born from those people that came into town, the men that came into our communities?”³³ Still there are others who express their grief regarding the wide spread destruction of their home communities.

In examining the destruction of *Pimicikamak* territory for instance, Mr. Darrell Settee, brings to bear a plethora of photographic evidence of over ten years of destruction caused by hydro development. Within his presentation, for instance, he notes hazards known as “spiders” are littered through Pimicikamak territory. These spiders, or submerged tree roots, are 8-10 feet in diameter, and create precarious conditions on the lake which cause collisions, fatalities and devastating injury to people in boats; as spiders can weigh up 300-400 pounds when they

³¹ Arthurson, *In Our Backyard: Keeyask and the Legacy of Hydroelectric Development*. 146.

³² Manitoba Clean Environment Commission. *Transcript of Proceedings: KEEYASK GENERATION PROJECT PUBLIC HEARING: Tataskweyak Cree Nation, Manitoba [Split Lake], October 8, 2013*, p.90.

³³ Public Utilities Board, May 14, 2013, 10796.

become waterlogged.³⁴ Settee goes to note a group that was flipped, and that it was only because of the efforts from the operators who were injured, that saved those that were ejected.³⁵

Settee also notes that, with rapid fluctuations in water levels people also get stranded by rising levels of water and ended up having to walk back to the community as a result. He goes on to say that at times, it could take eight hours to get back to the community.³⁶ This obviously presents dangerous conditions for the elderly and those with young ones. With the freezing conditions, however, he also notes that conditions get worse. The openings created in the ice he notes, become a hazard.³⁷ He also estimates that fluctuations in water levels create ice walls that, "...go up...hundreds of meters on both sides".³⁸ More disturbingly however, he notes that, when snowmobile that is bogged down, they ask Manitoba Hydro for assistance, most of the time they do not help.³⁹

Jackson Osborne, is another member of an Indigenous community in the north. He too spoke in the 2014 NFAT meeting, where he brought over 1,000 photos which document the changes to *Pimicikamak* territory as a result of hydro development.⁴⁰ Osborne has noted how the government and hydro yet to live up to their agreements. He notes:

We have Article 9 under Northern Flood Agreement. It says, before any decision is made that we'll be consulted. Before any decision is made that *Pimicikamak* and Cross Lake will be consulted. And that's happening right now. I think they're talking on the table right here. So I want that thing to be implemented. We want the agreement, the Northern Flood Agreement be implemented. After thirty-seven years we still haven't. Our treaty relationship with the Crown: there's spirit and intent of the treaties.⁴¹

Unfortunately, his evidence was for all intents and purposes dismissed by hydro, and the panel he testified to.

George Ross, also from *Pimicikamak*, provided accounts of the destruction of territory. He is an Elder who spent his life fishing on the lake. He and his family have a long history in the region, and they once made a living from catching white fish, and sturgeon in the waters around

³⁴ *MANITOBA HYDRO NEEDS FOR AND ALTERNATIVES TO REVIEW OF MANITOBA HYDRO'S PREFERRED DEVELOPMENT PLAN*. Winnipeg, Manitoba. February 27, 2014, accessed, December 7, 2021, <http://www.pubmanitoba.ca/v1/proceedings-decisions/transcript/conferences-and-presentations.html>, 76.

³⁵ Manitoba Public Utilities Board, February 27, 2014, 76.

³⁶ Manitoba Public Utilities Board, February 27, 2014, 78.

³⁷ Manitoba Public Utilities Board, February 27, 2014, 80.

³⁸ Manitoba Public Utilities Board, February 27, 2014, 80.

³⁹ Manitoba Public Utilities Board, February 27, 2014, 81.

⁴⁰ Manitoba Public Utilities Board, May 14, 2014, 10860.

⁴¹ Manitoba Public Utilities Board, May 14, 2014, 10864.

Pimicikamak.⁴² Throughout his account he gives details of his experience living through pre-hydro and post-hydro conditions. He notes "...when Kelsey[dam] started in 1957, the *Pimicikamak* people, they were all over, scattered in camps, in Sipiwesk, and Duck Lake, and other smaller inlets...when Kelsey started because of Inco in Thompson, in the mineral discovery in 1956, the *Pimicikamak* people were pushed off from their breadbasket, one of their prime breadbaskets of *Pimicikamak* country."⁴³ He then goes on to note that people were chased off the land, licences for fishing was revoked, and that he is well aware of the economics behind the creation of the dam, and the imbalanced relationship it created between the government, settlers, and the people of *Pimicikamak*, noting:

"Kelsey Dam provided the power for Northern Manitoba...after the power flowed from Kelsey power dam, Manitoba Hydro, without Manitoba Power Act at that time, they benefited. They made revenue. The Manitoba government also made revenue from taxes, and so too the federal government through taxes, because when Thompson mine opened, there was a couple thousand men right there right away, and those people paid—all the work there and paid taxes...*Pimicikamak* people, they didn't get anything...they suffered more despair."⁴⁴

In pointing this out he also brings attention to violations of agreements by government as he notes the various broken promises which have come along with them.

In the interest of saving time, I will end with George Ross's testimony. However, there are still many others who can contribute to the veracity of the accounts, as such testimonies are found throughout the north. In all, however what has been seen here center on disturbing acts of expropriation, rape and possibly murder. However, in addition one can find testimonies which note the destruction of territory violations of treaties, broken promises, and economic devastation. The frustrations of which are captured eloquently by George Ross: "We were promised pavement, proper housing, and full employment. They promised a thousand jobs to us and the other four (4) communities: Split Lake, Norway House, Nelson House, and York Landing. They went over there, too, and promised a thousand jobs. And, you know, all this rhetoric happened in the church."⁴⁵

⁴² Manitoba Public Utilities Board, May 14, 2014, 10857-60.

⁴³ Manitoba Public Utilities Board, May 14, 2014, 10858.

⁴⁴ Manitoba Public Utilities Board, May 14, 2014, 10860.

⁴⁵ Manitoba Public Utilities Board, February 27, 2014, 61.

Conclusion

In all, the various testimonies bought by Indigenous people are damning and paint a troubling picture about the conduct of Manitoba Hydro, its agents, and indeed the Crown. Major issues stem from the immense power, privileges, and immunities which come along with the ability of Manitoba Hydro and its agents to operate within a quasi-governmental framework, in pursuit of its mandate, and the powers which has come with the conference of Agents status mentioned in Chapter two. These have allowed the freedom of operation upon any waterway in the province, expropriation of land and personal property, to deciding where hydro poles go, and whose house can be destroyed or demolished.

However, with this has also come settler violence, colonial violence, and violations of human rights and constitutional guaranteed Indigenous rights. In order to gauge the true nature and context of the who, what, why, where, and when, things occurred, however, records are needed as they help reveal multiple contextualisation's behind a given history or acts of colonial violence perpetuated by Manitoba Hydro and their agents. Given the aspects above then, there are very important reasons for why concern arises for the absence of records. For society needs to know who knew what was going on and whether or not aspects of violence were known to Manitoba Hydro officials or worse if it was ordered by them. As noted there seems to be an inclination that someone in upper management knew and took extreme measure to send a helicopter. Also, the RCMP is said to have known about murders, as well as the death of a young boy, and did not conduct investigations. Further they used iron workers for acts of violence towards Indigenous people. In looking at these then there are various layers of colonial violence which have occurred within Manitoba Hydro's purview. This raises questions of whether or not Hydro officials could be said to be acting "in good faith", because the testimony above raises serious questions around the conduct of Manitoba Hydro and its agents, for which multiple layers of records would be needed to see the true context. As the incidents noted above would have come to the knowledge of multiple departments for Manitoba Hydro such as security officers, foremen and department supervisors, and possibly gone up the ranks to higher management, and legal offices considering the fact a helicopter might have been sent to a construction site to extract someone.

Unfortunately, as was noted, records dealing with Manitoba Hydro's history have been destroyed, and with these the ability to tell the broader histories associated with them. As such, it

is imperative to start questioning the circumstances around the large absences of key series of records. Because it is all too convenient vital series of records are being slated for disposition given the accounts noted above. At best, their wholesale destruction might be attributed to ignorance; at worst deliberate destruction, due to evasion of unwanted narratives which might arise from a more detailed set of records. However, regardless of where the truth lies, society has a right to know about the colonial histories that have been passed on to them by Hydro, and their agents; while Indigenous people deserve measures of justice and accountability for the experiences they went through.

Conclusion

This thesis sought to open broader discussions about the official record for Manitoba Hydro. Chapter one has sought to draw attention to fundamental gaps in the record and raise concerns by underlining issues associated with postmodernist tenants. While introducing frameworks of Macroappraisal to help contextualize problems directly related to the records. As was shown, the records do not provide a sufficient window into purveying Manitoba Hydro's history. Because they contain gaps and are not as comprehensive as they could be. Chapter two has explored the broader implications which can arise from this scarcity, as it becomes virtually impossible to formulate a coherent picture of the functions and roles important actors play in running the Corporation when examining Manitoba Hydro from a "top down" manner. However, issues were also raised about the efficacy of the legislation around the mechanisms of access. While Chapter three conducted a more detailed examination of the records and came to the unfortunate conclusion that there has been ongoing destruction of series of records which can not only provide contextualizations of Manitoba Hydro's colonial history; but are fundamental to answering questions about whether the Crown has been operating for the greater good, fulfilling democratic principles, and upholding Treaty relationships during development.

The issues around the absence of records have significant ramifications. Manitoba has a life story to be told—one which involves many communities of the north which are tied to aspects of colonialism. Unfortunately, these are not being told by the Archives. The underlying issue is that these absences may lead to the danger of historical amnesia and the forgetting of colonial histories, and violence which have been reported to accompany hydro development in the province. This, in turn, poses problems for not only our democracy but, indeed, societal consciousness, as these absences lead to silences, and the silences can lead to the erasure of history. For what is disturbing about these absences then, is that aspects of forgetting itself, can play a key role in the colonial process. For one must be wary of any underlying issues these silences could contribute to colonialism, or the colonial project, as these silences—purposely constructed or otherwise—may allow Manitoba Hydro and the province to move forward without fully recognizing or allowing the true nature of development to come to light. For what the absence of these records does is give the state opportunities to move on without dealing with its past by allowing it to deflect, deflate, or obfuscate any serious accusations of colonial violence, associated with harmful activity and potential human rights violations reported by

Indigenous people. At the same time, it has the potential to give state-sponsored offenders a get-out-of-jail-free card and a green light to move on. While society gets to unwittingly ignore the abuses tied to offences of the past. If allowed to continue then, the associated amnesia created by this may put the finishing touches on the colonial project by placing a veneer over the horrible accounts behind the machinery of colonialism which have allowed various “Agents of the Crown” to steal, rob, and pillage the world over.

I

The notion of the colonial project, for instance, is well known in academic circles. Irene Waterson has defined it as seeking justification for, “the occupation and exploitation of Indigenous land and the maintenance of unequal relationships between settler and Indigenous peoples.”

Given the increasingly known aspects of trauma associated with colonialism in the province above, for instance, how is society expected to move forward without knowing the true extent of the past? Further, if Manitoba Hydro and the state are truly committed to so called “progressive partnerships” mentioned in Chapter One, how is one supposed to know if recent agreements between them and Indigenous groups are fair, or conducted in good faith; if one does not have access to records which show the “progress” and activities associated with such agreements?

One cannot. The truth is without access to records Indigenous peoples are still left in the in-unbalance relationships of the past. What’s more society is still left in ignorance. If society is to truly come to terms with its history, this must include access to broader series of records which tell of experiences reported by Indigenous people. The truth cannot be sought without these. Nor can a genuine foundation for reconciliation be built without them.

Leanne Simpson has also acknowledged the need for society to understand the past.¹ She has explored the power that Indigenous knowledge keepers in communities and households can have on aspects of resurgence and reconciliation through decolonization. Here, Simpson notes the profound impact that their lived experiences and oral histories can have if only society was to

¹ Leanne Simson *Dancing On Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbiter Ring Publishing, 2014).

listen as she notes, “For reconciliation to be meaningful and for it to be a decolonizing force, it must be interpreted broadly,”² and that one cannot move forward without dealing with the past:

I wonder how we can reconcile when the majority of Canadians do not understand the historic or contemporary injustice of dispossession and occupation, particularly when the state has expressed its unwillingness to make any adjustments to the unjust relationship...If Canadians do not fully understand and embody the idea of reconciliation, is this a step forward? It reminds me of an abusive relationship where one person is being abused physically, emotionally, spiritually and mentally. [The person] wants out of the relationship, but instead of supporting her, we are all gathered around the abuser, because he wants to "reconcile." But he doesn't want to take responsibility...He just wants to say sorry so he can feel less guilty about his behavior. He just wants to adjust the ways he is abusing; he doesn't want to stop the abuse. Collectively, what are the implications of participating in reconciliation processes when there is an overwhelming body of evidence that in action, the...state does not want to take responsibility and stop the abuse? What are the consequences for Indigenous Peoples of participating in a process that attempts to absolve Canada of past wrong doings, while they continue to engage with our nations in a less than honorable way?³

Glen Coulthard has also drawn attention to problems he sees with narratives of reconciliation and the state. In *Red Skins White Masks: Rejecting the Colonial Politics of Recognition*,⁴ he draws attention to evolving tactics by the Canadian state in its colonial project. Like Simpson, Coulthard is skeptical about the genuineness of the state's commitment to reconciliation. Here, Coulthard warns us of the dangers associated with the politics of recognition under terms dictated by the state. Coulthard contends that when it comes to aspects of state-sponsored reconciliation and acknowledgment of wrongdoings of the past. These should be done on Indigenous terms. He warns of the traps of colonialism in dealing with forms of recognition, which can ultimately undermine claims through large costs incurred by Indigenous nations in having to defend such rights in the courts.⁵

² Simpson, *Dancing*, 21.

³ Ibid., 22.

⁴ Glen Sean Coulthard. *Red Skins White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

⁵ Coulthard, *Red Skins*, 77.

What is more, Coulthard is weary that apologies tied to acts of recognition may further dispossess Indigenous people of their inherent rights. Here, Coulthard is weary of the measures tied to apologies, which have little substance and have not done much to bring justice to those who did wrong or even mitigate any social economic or political damages done in the first place. Thus, leaving Indigenous groups more marginalized than they began. As a result, Coulthard fears that any measures for justice or mitigation of wrongdoings tied to the past could become mired in contestations that grievances were dealt with through such apologies that whitewash the terrible histories tied to colonialism, which is then capped off by settlers contending Indigenous people are resentful and cant “get over” the past, when nothing has been done about it other than words a parrot can taught to speak. As such, Coulthard contends there are limits to reconciliation and forgiveness, as Indigenous people should be wary of being pressured into acts of forgiveness, by limited recognition of wrongdoing by the state. Such developments might unwittingly absolve the state of any wrongdoing and serve to give it a get-out-of-free card mentioned above.

Given such issues raised by Simpson and Coulthard, there are profound insights and valuable warnings which are highly relevant given the current state. One must be wary of any potential co-option of history which may be lurking because there lies the possibility of erasure and appropriation of Indigenous voices regarding contested narratives of the past that are made more possible through the large absences of the records.

II

Given such bleak outcomes both, archivists, and society will have to embark on hard decisions which will entail difficult moral and ethical dilemmas around record keeping if the situation is to improve. These decisions will ultimately come to involve choosing between which is more important: the right to access vs the right to privacy? Which is more practical where resources are concerned: the choice to keep more records or choice to destroy them? Or, which promotes a greater stability for our democracy: the citizen’s right to know or the right of the state to confidentiality, secrets, and confidences? Such decisions may be easier for some to decide, then it will be for others, as there are significant political and legal challenges that may come with addressing any changes. In any event, this writer thinks it is worthwhile to begin the conversation, regardless of the challenges these pose. People have died, and allegations of sexual assault have been made. Possible hate crimes have also been committed, and no one has been

brought to justice. Greater still, given the current system, problems with access to records in the most literal sense of the word continue, and this will most likely remain the status quo in the foreseeable future.

Due to these issues, questions must be raised about whether the current system can facilitate the public's right to know, and advance society's knowledge about its lesser-known histories around hydro development. Because Manitoba Hydro is not some obscure government department—it holds a unique place in Manitoban society and wields enormous power, privileges, and immunities. Given Indigenous accounts and the lack of societal knowledge of these, perhaps it is prudent to start having conversations about the various moral and ethical dilemmas around record keeping mentioned above. However, if a gradual change cannot be made, perhaps we can at least begin to question if it is wise to leave decisions regarding access and acquisition in the hand of a records creator who has had such horrible accusations brought against it. For due to the severity of the allegations above, the question becomes: “can we truly trust a democracy without extremely powerful systems of accountability and recall?”⁶

This, however, is not to pose questions of the moral and ethical integrity of archivists working in the Archives of Manitoba or lay total fault of their ability to make records available at their feet, as one cannot question their service in this respect. Rather to question the system of record keeping in which access rests. For Chris Hurley has noted:

“[archivists] do not actually decide which records are worthy of retention and which are without value. This statement is not based on some post-modernist probing of the meaning of value. Rather, it is founded on the proposition that appraisal (in government, at least) rests on assessment of the value, not intrinsic value: “Is the value of the records I propose to keep greater or less than the value of those I would have to destroy to make way for them?” Archivists can only be accountable for those actions where they can determine the outcome. [They] can't be wholly accountable for disposal outcomes because they are not wholly within our discretion. The total quantity of archival records kept is a consequence, inter alia, of...decisions of others and [not archivists] who are accountable for the consequences.”⁷

As such the current system presents challenges for even those archivists wanting to facilitate greater access to records for Manitoba Hydro. Because, without archivists either challenging the

⁶ Nik Boran ‘Slightly Cynical Quotations about Elections and Democracy’. *Nic Boran*, 23 Apr. 2011, <https://nicborain.com/2011/04/23/slightly-cynical-quotations-about-elections-and-democracy/>.

⁷ Chris Hurley. 2001. “The Evolving Role of Government Archives in Democratic Societies.” Plenary Address delivered to ACA Annual Conference, Winnipeg, June 9, 2001. Infotech.com, Accessed August 3, 2021. <http://www.infotech.monash.edu.au/research/groups/rcrg/publications/ch-demo0603.pdf>.

current legislation; becoming whistle blowers; or placing themselves in a position which involves great personal or professional risk, by violating access laws and forwarding what little documents they have; or, violating lesser-known oaths or loyalty to the Crown they take as employees of the civil service—there is no way to facilitate greater access to records, given the current state.

No doubt there are men and women of consciousness within the archives. However, it must be recognized they work within a system too. Moreover, they have bills to pay, and families to feed. They have also spent years of their life pursuing an education to work at the archives. Therefore, there are layers of personal constraints they have to work within, on top of the system of legal apparatuses imposed upon them by the state to guide what comes into their purview, and what records they can make available to the public. Therefore, one must consider that archivists cannot bring change alone without taking inherent risks. Due to this, archivists need more voices from the public to help liberate them from the constraints which make it difficult for them to provide access to records or even gain custody of ones needed by society. This is not to let archivists off the hook completely. Archivists too, must also come to terms with the fact the Archives they work with can be used to perpetuate colonialism through the knowledge it controls and shares.

Thankfully, however, there are Indigenous accounts to fall back on. For given the veracity of accounts found across Indigenous communities, their knowledge and experience should be considered legitimate sources of information, and learning. This leaves us the conclusion that greater strides need to be made within the current state to be more reflective of their experiences, and a reorientation need is needed to facilitate the greater inclusion of their voices in the processes associated with access and acquisition as what is there is not sufficient. Terry Cook, for instance, has anticipated the growing place of Indigenous sources, when he noted a paradigm shift in “Evidence, memory, identity, and community: four shifting archival paradigms.”⁸ Here, Cook draws attention to, “*community archival perspective[s]*”⁹ and the wealth of knowledge Indigenous people have to share.¹⁰ This is not unlike that noted by Simpson and others above. However, calls for greater inclusiveness of Indigenous voices in the archives

⁸ Cook, Terry. “Evidence, memory, identity, and community: four shifting archival paradigms.” *Archival Science* 13(2013): 95–120.

⁹ Cook, “Evidence, memory, identity,” 115.

¹⁰ *Ibid.*, 114.

have also been made internationally by the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, and the *Tandanya Adelaide Declaration*. Here, Article 13, 1. of *UNDRIP* states:

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.¹¹

While the *Tandanya Adelaide Declaration* particularly Declaration 1 and 4, states:

1. KNOWLEDGE AUTHORITIES: [Acknowledges] there are Indigenous cognitive frameworks to understand ideas of history, memory, heritage and cultural identity. These co-exist, often unacknowledged, with the institutional knowledge authorities embedded in colonial institutions of heritage and culture. Public archives in colonial jurisdictions must inform their archival practices with a perspective of reciprocal respect, a respectful engagement across imperial and Indigenous worldviews. The respectful braiding of these knowledge authorities begins the work to decolonize state-sanctioned, institutional houses of memory.¹²

While Declaration 4 states:

4.RESEARCH AND ACCESS: Recognizing research and access to archival records is a socially mediated process and a conceptual site of conflict between European and Indigenous ways of knowing.

4(a) This Declaration recognizes colonial states have created, in academia and government, a tremendous volume of records concerning Indigenous peoples. These records have been disseminated and stored without the input of the affiliated Indigenous community. There is a need for affiliated Indigenous peoples to gain a degree of control over the access to information created by state-directed governance and cultural authorities;

4(b) This Declaration recognizes the nature and quality of state-generated information concerning Indigenous peoples have enormous influence over knowledge-based decision-making, effective policy and programs, and public perception of Indigenous communities. This Declaration advocates for changes to nation-state recordkeeping legislation and practice to incorporate concerns for Indigenous data sovereignty, right of reply and redress;

4(c) This Declaration recognizes access to records containing traditional Indigenous cultural expression, sacred belief, social and legal knowledge must recognize and apply the social,

¹¹ “United Nations Declaration on the Rights of Indigenous Peoples,” accessed, November 9, 2022, https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

¹² “Tandanya Adelaide Declaration - National Archives of Australia,” accessed, November 9, 2022, <https://www.naa.gov.au/sites/default/files/2020-06/Tandanya-Adelaide-Declaration.pdf>. p.1.

legal and cultural protocols of the affiliated communities. This should be done in consultation with the affiliated community.¹³

Given these sentiments then, if society is to learn more about its past, Indigenous people must be given a greater voice, and consideration must be made of the value their knowledge, and experiences. For one must be wary of dangers of amnesia being fermented by the loss of contextual knowledge, therefore, it is highly suggestive they must be afforded a greater place in consideration in what has become to be known appraisal process, which determines permanent archival value associated with the records.

¹³ “Tandanya Adelaide Declaration - National Archives of Australia.” Accessed November 9, 2022. <https://www.naa.gov.au/sites/default/files/2020-06/Tandanya-Adelaide-Declaration.pdf>. p.4.

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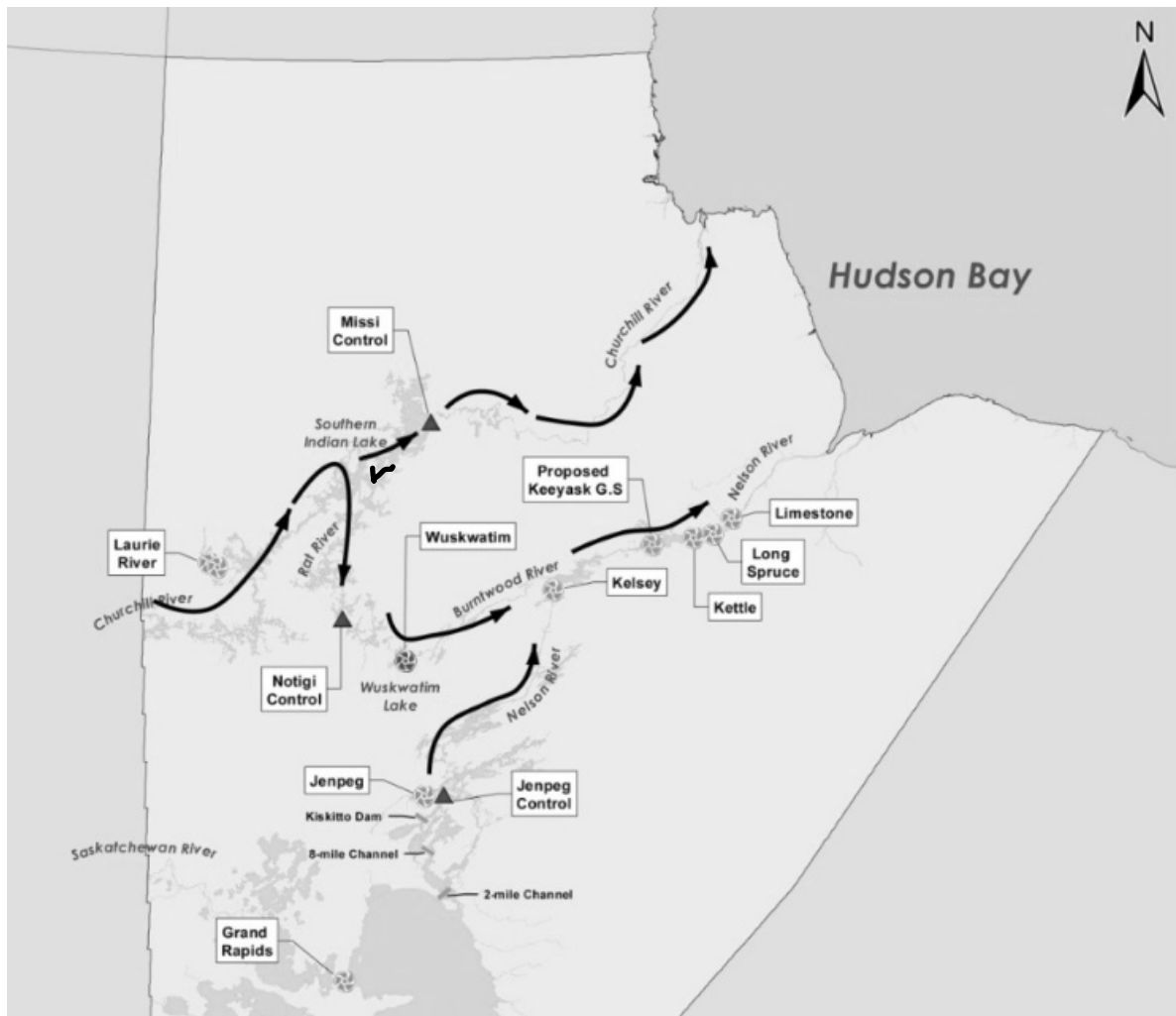
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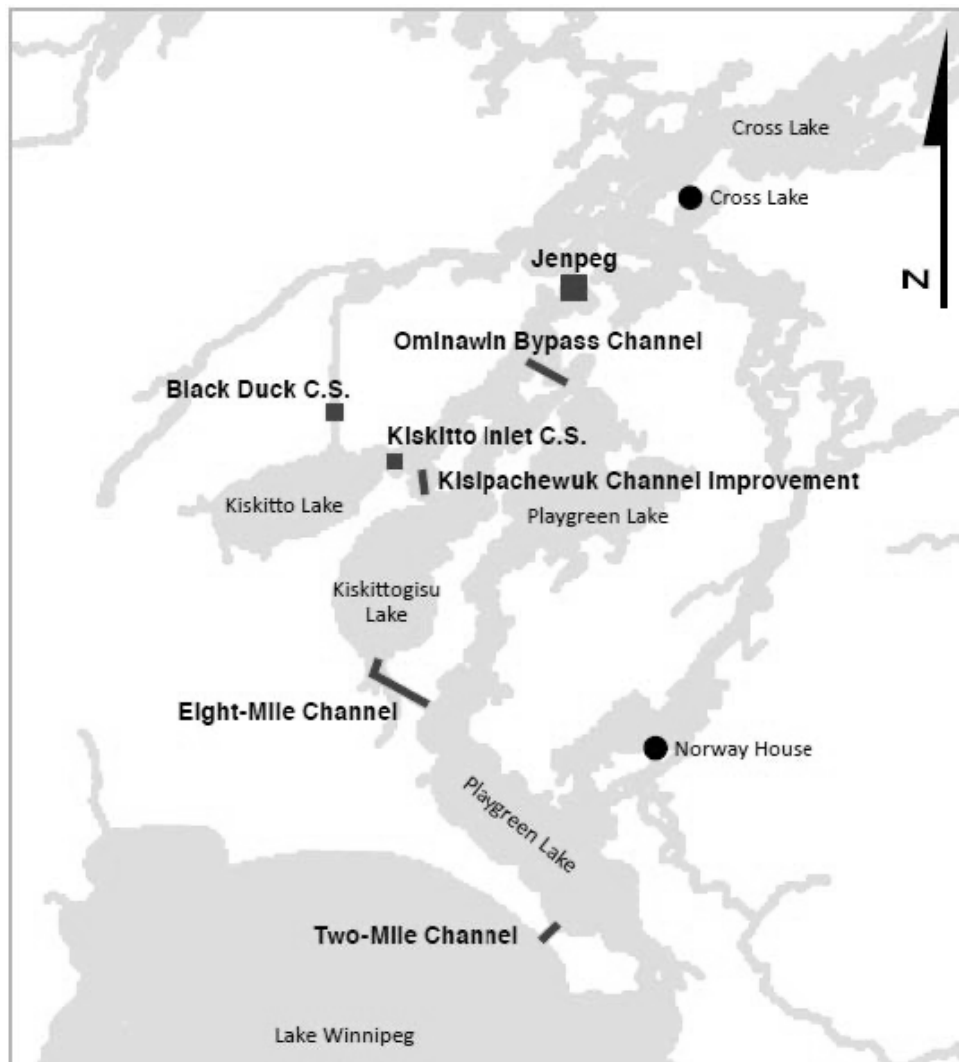
Appendix A:

The image below is a modified image taken from the Keeyask Limited Partnership report. It shows the altered flows of water associated with the Churchill River Diversion and The Lake Winnipeg Regulation. Note, The Missi Control Structure. It is able to keep a substantial amount of water from entering the Churchill River and causes flooding around South Indian Lake which is then diverted south. Here, the waters are released along the Rat and Burntwood Rivers, and eventually enter the Nelson River via Split Lake. Below this, the flow of water from Lake Winnipeg Regulation is controlled by way of the Jenpeg generating station and control structure. Water then flows from the Upper Nelson River to the lower Nelson River via Cross Lake. Source: Rydgren, Bernt. Source: *Hydropower Sustainability Assessment Protocol: Official Assessment. Keeyask Hydropower Limited Partnership. Keeyask, Canada* (Winnipeg: Manitoba Hydro; Keeyask Hydropower Limited Partnership):3.



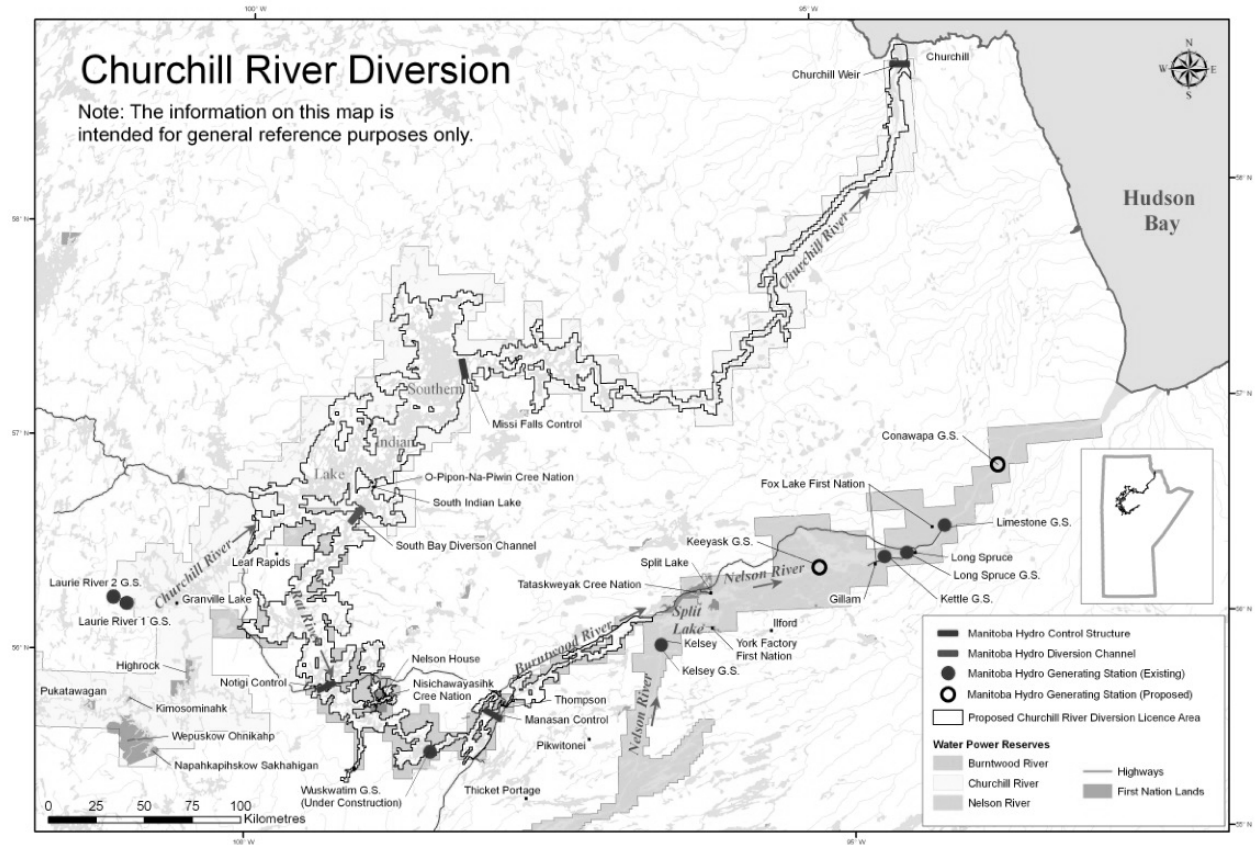
Appendix B:

Appendix B, shows the general structures which control the flow of water from Lake Winnipeg north towards the Nelson River. Source: Manitoba Hydro. Source: Province of Manitoba - Environment, Climate and Parks. “Environment, Climate and Parks. Province of Manitoba.” Province of Manitoba, accessed January 5, 2022, <https://www.gov.mb.ca/sd/>.



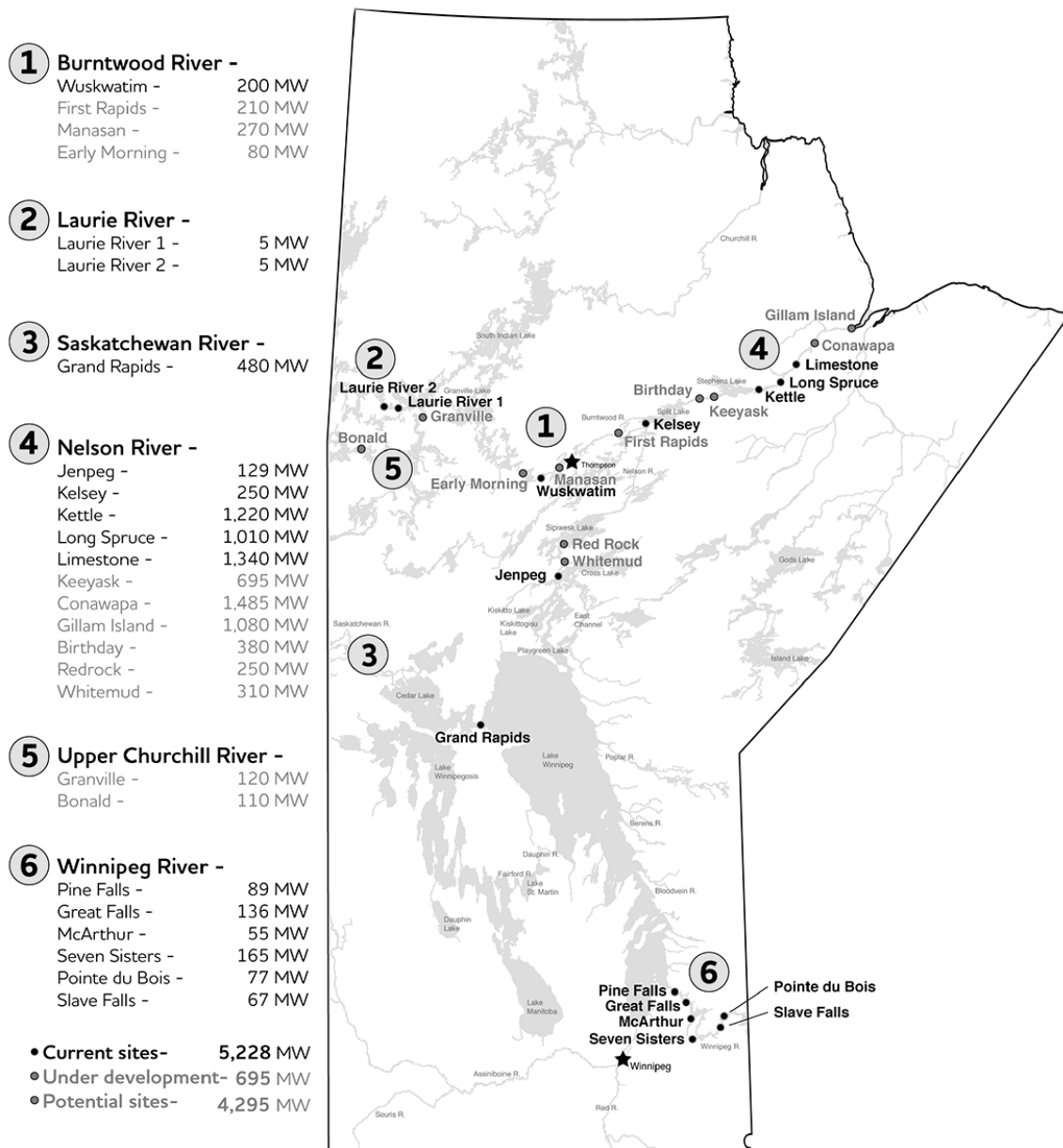
Appendix C:

The Appendix below shows the Churchill River Diversion. Note the smaller Manitoba map. Here the flow of water goes in a shape that resembles the letter “C”. Here water flows from the South Indian Lake South a long the Rat, and Burtwood Rivers before merging into the Nelson River, via Split Lake. Source: Manitoba Hydro. “Manitoba Water Stewardship.” Manitoba Hydro, accessed, January 5, 2022, https://www.gov.mb.ca/sd/waterstewardship/licensing/pdf/crd_map_web.pdf.



Appendix D:

Appendix shows the existing and planned dams in Manitoba Hydro. Note the line of dams along the northern portions of Manitoba. Source: Manitoba Hydro. Manitoba “Manitoba Hydropower: Who we are.” Manitoba Hydro, accessed December 15, 2021, <https://www.manitobahydropower.com/who-we-are/>.



Appendix E:


Record schedule for Order-in-Council, slated for destruction. Archives of Manitoba, Manitoba Hydro - General Counsel & Corporate Secretary, MH 0032 – Order-in-Council Files.

Records Authority Schedule		Manitoba Culture, Heritage and Recreation	
SEND TO: Secretary, Provincial Documents Committee Government Records, Provincial Archives 255 Memorial Boulevard, Winnipeg, R3C 1H5		CODE: MH NUMBER: 0032	
DEPARTMENT-CORPORATION/AGENCY: Manitoba Hydro - General Counsel & Corporate Secretary BRANCH/SECTION:		11. EXISTING AUTHORITY (if any): None	
3. SERIES TITLE: Orders-in-Council Files 4. SERIES MEDIUM: Textual 6. SERIES FUNCTION: To record Orders-in-Council approvals in Hydro matters.		12. STATUTORY/REGUL. REFERENCES: None	
5. DATES: Began: <input checked="" type="checkbox"/> 1993 Ended: <input type="checkbox"/> Continuing: <input checked="" type="checkbox"/>		13. RECORDS CENTRE RETRIEVAL LIMITED TO DESIGNATED POSITIONS: Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	
7. SERIES FILING SYSTEM: By Year RETAINED BY: Fiscal Year <input checked="" type="checkbox"/> Calendar Year <input type="checkbox"/>		14. RECORDS CENTRE USE: Estimated annual retrievals: Number <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	
8. INFORMATION PUBLISHED: None		15. ANNUAL ACCUMULATION RATE: LESS THAN 1 cu ft. 16. SPACE AVAILABLE FOR TRANSFER: LESS THAN 1 cu ft.	
9. LOCATIONS OF COPIES/ORIGINALS: None		17. STORAGE EQUIPMENT AND LOCATIONS: WHERE? HOW? 820 Taylor Avenue - 3rd Floor Filing Cabinet - Basement Vault Boxes	
10. SERIES CONSISTS OF: Orders-in-Council filed by year of approval/recommendation. Series consists of Recommendations and Approvals of Orders-in-Council. Includes authorizations to perform activities in Hydro matters as approved by the Lieutenant Governor such as certain agreements and contracts.		765	
18. DEPUTY MINISTER, CEO, (or designate): SIGNATURE: [Redacted]		DATE: 89 12 07	
19. RECORDS OFFICER: SIGNATURE: [Redacted]		DATE: 89 12 07	
20. RETENTION PERIOD: DEPARTMENT: Current Year <input checked="" type="checkbox"/> 5* RECORDS CENTRE: <input type="checkbox"/>		21. DISPOSAL ACTION: DESTROY OR TRANSFER TO ARCHIVES after 5 years after <input type="checkbox"/> years	
22. PROVINCIAL DOCUMENTS COMMITTEE: This Records Authority Schedule is an accurate statement of retention and disposal recommendations made by the Provincial Documents Committee for Ministerial approval, at its meeting on 16 June 1990.		23. ARCHIVES ACCESS: Access permitted under Section 54 (7), Freedom of Information Act. Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	
24. QUALIFICATIONS: * After superseded or obsolete		DATE: 22 June 1990	

Appendix F:

Three, records schedules for the President and Chief Executive Officer shown below. Shown Below: Archives of Manitoba, Manitoba Hydro - President & Chief Executive Officer – Internal Audit, MH 0055, Audit Files.

Manitoba
Culture, Heritage
and Recreation



Records Authority Schedule

SEND TO: Secretary, Provincial Documents Committee
Government Records, Provincial Archives
255 Memorial Boulevard, Winnipeg, R3C 1T5

1. CODE: MH
2. NUMBER: 0055

DEPARTMENT-CORPORATION-AGENCY: Manitoba Hydro - President & Chief Executive Officer - Internal Audit

3. SERIES TITLE: Audit Files

4. SERIES MEDIUM: Textual

5. DATES: Began: 1984, Ended: , Continuing: 1

6. SERIES FUNCTION: To record audit projects that ensure consistency and adherence to Corporate procedures and practices.

7. SERIES FILING SYSTEM: Retained By: Fiscal Year ☒ Calendar Year ☐ Other: ☐

8. INFORMATION PUBLISHED: An Internal Audit Report.

9. LOCATIONS OF COPIES/ORIGINALS: Selected distribution to Divisional Managers, Executive and External Auditor.

10. SERIES CONSISTS OF: Audits of Hydro operations including accountability models, flowcharts, review queries, description of responsibilities, audit outline and working papers, plans, reports, computer assisted audit techniques, memoranda with managers used by audit manager to determine long range plans, establish priorities for audit projects through consultation with President and Chief Executive Officer and Internal Audit Review Committee. The audit resources are Corporate Manuals and Publications, government and professional associations audit text and publications, and vendor computer auditing text and publications. Executive, audited Divisional Manager, and External Auditor receive a report on each completed project.

11. EXISTING AUTHORITY OF SERIES: None

12. STATUTORY REGUL. REFERENCES: None

13. RECORDS CENTRE RETRIEVAL LIMITED TO DESIGNATED POSITIONS: Yes ☐ No ☐ Not Applicable ☒

14. RECORDS CENTRE USE: Estimated annual retrievals: Number ☐ Not Applicable ☒

15. ANNUAL ACCUMULATION RATE: 5 ☒ 10 ☐ 15 ☐

16. SPACE RELEASABLE: 1st TRANSFER: 5 ☒ 10 ☐ 15 ☐ 2nd TRANSFER: 5 ☒ 10 ☐ 15 ☐

17. STORAGE EQUIPMENT AND LOCATIONS: WHERE? HOW? 305-3565 Willson Place - 2nd floor File Cabinets

18. DEPUTY MINISTER, CEO, (or designate): SIGNATURE: [Redacted] DATE: 9/11/12

19. RECORDS OFFICER: SIGNATURE: [Redacted] DATE: 9/11/12

20. RETENTION PERIOD: DEPARTMENT: Current Year: 5* RECORDS CENTRE: ☐

21. DISPOSAL ACTION: DESTROY OR TRANSFER TO ARCHIVES after 5 years ☐ after ☐ years ☐

22. ARCHIVES ACCESS: Access permitted under Section 66(1), Freedom of Information Act: Yes ☐ No ☐ Not Applicable ☒

23. PROVINCIAL DOCUMENTS COMMITTEE: This Records Authority Schedule is an accurate statement of retention and disposal recommendations made by the Provincial Documents Committee, Ministerial approval, at its meeting on 28 Jan. 1992

24. QUALIFICATIONS: *Following completion of audit project.

DATE: 5 Feb. 1992

DATE: February 1992

Distribution: White - Government Records Office, Copy - Records Officer, Pink - Manitoba Government Records Centre

PAM-GR 002/91
MG-8871 (Rev. 89)

Appendix F (continued):

Shown below: Archives of Manitoba, President & Chief Executive Officer, MH 0063, Staffing Review Committee – Meeting Files.

Records Authority Schedule

SEND TO: Secretary, Provincial Documents Committee
Government Records, Provincial Archives
255 Memorial Boulevard, Winnipeg, R3G 1Y5

DEPARTMENT/CORPORATION/AGENCY: Manitoba Hydro - President & Chief Executive Officer

BRANCH/SECTION: Staffing Review Committee - Meeting Files

3. SERIES TITLE: Staffing Review Committee - Meeting Files

4. SERIES MEDIUM: Textual

5. DATES: Began: ☒ 1987, Ended: ☒ 1990, Continuing: ☐

6. SERIES FUNCTION: To record functions, proceedings & decisions of the Staffing Review Committee.

7. SERIES FILING SYSTEM: Numeric by minute

8. INFORMATION PUBLISHED: None

9. LOCATIONS OF COPIES/ORIGINALS: Committee Members, Executive, Managers, Personnel Division

10. SERIES CONSISTS OF: See Attachment A

11. EXISTING AUTHORITY OF RRS: None

12. STATUTORY/REGUL. REFERENCES: None

13. RECORDS CENTRE RETRIEVAL LIMITED TO DESIGNATED POSITIONS: Yes ☐, No ☐, Not Applicable ☒

14. RECORDS CENTRE USE: Estimated annual retrievals: Number ☐, Not Applicable ☒

15. ANNUAL ACCUMULATION RATE: 85% cu. ft.

16. SPACE RELEASEABLE: 1st TRANSFER: 2,000 year, 3 cu. ft.

17. STORAGE EQUIPMENT AND LOCATIONS: WHERE? HOW? 870 Isylor - Room 4 Boxes 765

18. DEPUTY MINISTER, CEO, (or designate): [Redacted] DATE: 92-12-17

19. RECORDS OFFICER: [Redacted] DATE: 92-12-16

20. RETENTION PERIOD: DEPARTMENT: Current Year + 10, RECORDS CENTRE: [Redacted]

DESTROY or TRANSFER TO ARCHIVES: after 10 years, after [Redacted] years

22. ARCHIVES ACCESS: Access permitted under Section 64 (1), Freedom of Information Act. Yes ☐, No ☐, Not Applicable ☒

23. PROVINCIAL DOCUMENTS COMMITTEE: This Records Authority Schedule is an accurate statement of retention and disposal recommendations made by the Provincial Documents Committee for Ministerial approval, at its meeting on 23 February 1995.

24. QUALIFICATIONS: [Redacted]

Distribution: White - Government Records Office, Canary - Records Officer, Pink - Manitoba Government Records Centre

PAM-GR 002/81
MG-8871 (Rev. 89)

Appendix F (continued):

Shown below: Archives of Manitoba, President & Chief Executive Officer, MH 0070, Office Files. Thought this series had some files scheduled for transfer to the archives, these were never implemented.

Records Authority Schedule

SEND TO: Secretary, Provincial Documents Committee
Government Records, Provincial Archives
255 Memorial Boulevard, Winnipeg, R3C 1T5

RECEIVED
16-173
GOVERNMENT
RECORDS

Manitoba
Culture, Heritage
and Recreation

1 CODE MH 2 NUMBER 0070

DEPARTMENT/CORPORATION/AGENCY Manitoba Hydro - President and Chief Executive Officer
BRANCH/SECTION

3 SERIES TITLE Office Files

4 SERIES MEDIUM Textual

5 DATES
Began: ☒ 1920
Ended: ☐
Continuing: ☒

6 SERIES FUNCTION To record the administration, direction and the ongoing policy development of the Corporation.

7 SERIES FILING SYSTEM
Alphabetic and Numeric
RETAINED BY: Fiscal Year ☒ Calendar Year ☐ Other ☐

8 INFORMATION PUBLISHED None

9 LOCATIONS OF COPIES/ORIGINALS
Government Officials
External Consultants
Other Utility Officials
Hydro Executives

10 SERIES CONSISTS OF:
Records include:

- Correspondence with Hydro executive, government officials, including minister responsible for Manitoba Hydro, external consultants and other utility officials regarding the administration and direction of the affairs of the Corporation.
- Copies of reports/studies prepared by Hydro and other utility professional and technical staff, external consultants, and government agencies respecting the assessment of issues concerning current and future affairs of the Corporation.
- Copies of meeting minutes and support material of board and executive committees.

11 EXISTING AUTHORITY (IF ANY) None

12 STATUTORY/REGUL. REFERENCES None

13 RECORDS CENTRE RETRIEVAL LIMITED TO DESIGNATED POSITIONS
Yes ☐ No ☐ Not Applicable ☒

14 RECORDS CENTRE USE
Estimated annual retrievals
Number ☐ Not Applicable ☒

15 ANNUAL ACCUMULATION RATE
3 cu. ft.

16 SPACE RELEASABLE: 1st TRANSFER
21 1993 year 225.0 cu. ft.

17 STORAGE EQUIPMENT AND LOCATIONS:
WHERE? HOW?
820 Taylor

- 3rd Floor Cabinets
- 5th Floor, Rm 4 Boxes
- File Room Boxes
- Basement Vault Boxes

18 DEPUTY MINISTER, CEO, (or designate)
SIGNATURE [Redacted] TE: 930208

19 RECORDS OFFICER
SIGNATURE [Redacted] TE: 430208

20 RETENTION PERIOD
DEPARTMENT Current Year *
RECORDS CENTRE

21 DISPOSAL ACTION
Total box 20
DESTROY or TRANSFER TO ARCHIVES
after * years
after * years

22 ARCHIVES ACCESS
Access permitted under Section 64 (1), Freedom of Information Act
Yes ☐ No ☒ Not Applicable ☐

23 PROVINCIAL DOCUMENTS COMMITTEE
This Records Authority Schedule is an accurate statement of retention and disposal recommendations made by the Provincial Documents Committee for Ministerial approval, at its meeting on 23 February 1993.
[Redacted]
24 / Feb. 93

24 QUALIFICATIONS
* See attachment A

Distribution: White - Government Records Office

DATE 24 Feb 93

Appendix G

Shown below: the schedule concerning property acquisition. Included are records for "Notice of Expropriation by Order-in-Council". Archives of Manitoba, Manitoba Hydro - General Counsel & Corporate Secretary – Property Selection, MH004, Property Acquisition files.

Records Authority Schedule		Manitoba Culture, Heritage and Recreation	
SEND TO: Secretary, Provincial Documents Committee Government Records, Provincial Archives 255 Memorial Boulevard, Winnipeg, R3C 1T5			
DEPARTMENT/CORPORATION/AGENCY Manitoba Hydro - General Counsel & Corporate Secretary - Property Section		1. CODE MH	
BRANCH/SECTION Property Acquisition Files		NUMBER 0004	
3. SERIES TITLE Property Acquisition Files		11. EXISTING AUTHORITY (IF ANY) None	
4. SERIES MEDIUM Textual, Micrographic		12. STATUTORY/REGUL. REFERENCES None	
5. DATES Began: <input checked="" type="checkbox"/> 1903 Ended: <input type="checkbox"/> Continuing: <input checked="" type="checkbox"/>		13. RECORDS CENTRE RETRIEVAL LIMITED TO DESIGNATED POSITIONS Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	
6. SERIES FUNCTION To record Property Acquisitions and Provide evidence of Holdings.		14. RECORDS CENTRE USE Estimated annual retrievals Number <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	
7. SERIES FILING SYSTEM Numeric		15. ANNUAL ACCUMULATION RATE Less than 1 cu. ft.	
8. INFORMATION PUBLISHED None		16. SPACE RELEASABLE: 1st TRANSFER 1989 year Less than 1 cu. ft.	
9. LOCATIONS OF COPIES/ORIGINALS None		17. STORAGE EQUIPMENT AND LOCATIONS: WHERE? HOW? See Attachment B 765 766	
10. SERIES CONSISTS OF: The Property Acquisition files contain Certificate of Title, Surveys on Severance, some Right of Way agreements, some Affidavit of Execution & memos for Notice of Sale. Includes Caveat Forbidding Registration, Notice of Expropriation by approval of Order in Council & Abandonment of Expropriation. Includes some drawings, some applications to buy land under the operation of "The Real Property Act". (See Attachment A)			
18. DEPUTY MINISTER, CEO, (or designate) SIGNATURE		DATE: 89 11 20	
19. RECORDS OFFICER SIGNATURE		DATE: 89 11 20	
20. RETENTION PERIOD DEPARTMENT Current Year + 7* RECORDS CENTRE		21. DISPOSAL ACTION DESTROY or TRANSFER TO ARCHIVES after 7 years	
22. ARCHIVES ACCESS Access permitted under Section 64 (1), Freedom of Information Act Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>		23. PROVINCIAL DOCUMENTS COMMITTEE This Records Authority Schedule is an accurate statement of retention and disposal recommendations made by the Provincial Documents Committee for Ministerial approval. [Signature] 1989	
24. QUALIFICATIONS * After Disposition of Property			