

## **DRAFT PROCEEDINGS**

### ***Our Waters, Our Responsibility: Indigenous Water Rights***

May 13 – 15, 2004

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Thursday, May 13

*What follows herein is not an official or verbatim record of proceedings. This record is simply a reflection of the perception of the writer. That said, whenever possible, the actual words of the speaker have been recorded and/or paraphrased. Words in square brackets are those of the writer.*

#### **Note: Opening Smudge cancelled – prohibited indoors**

### **1.0 OPENING PUBLIC FORUM**

#### **1.1 Caroline Bruyere, Elder Sagkeeng First Nations**

Somewhere along the line they decided that they could prosper from our sharing our resources. We are here to talk about water. Water is life. Without water there would be nothing – just a void on this earth. In the Bible, water is one of the first things talked about and then the land. Before we are born, we are developing in water. Everything else after that which we depend on has to do with water. But, we are not doing justice to this water. There are all kinds of things happening to this water that influences how the babies are developing. There's acid in our rain. Are the industries that depend on water prepared to take a look at how they can mitigate what they've been doing to effectively turn around what they've been doing to our water?

I grew up on the Red River where there are seven dams with six operational today. On those banks, we used to play in the river and used to see to the bottom. We used the river domestically, for recreation; we fished and as I was growing up that water started getting cloudy. We were not able to use it for domestic uses eventually. The taste of the fish that I used to love to catch in the morning started to change taste. Now when you go into that same water you get a rash, scabs and intestinal diseases. It's not what it used to be. It drains into Lake Winnipeg and Lake Winnipeg drains into the Hudson's Bay.

The water is full of algae. Our fish even have spores sometimes.

I would have loved very much if my future generations would have had the same opportunity that I had, the same enjoyment that I got from our river - the pleasure that we got from it - the nourishment that we got from it. But, we also have a Pulp & Paper Mill from Pine Falls. And, I always acknowledged that we too at Sagkeeng have contributed to contaminating our own river from supplying the mill with timber for economic reasons. The bark from the pulp held in booms also sunk to the bottom of the river and some of those logs got embedded in the river.

Raw sewage goes into the river from a lagoon.

Tembec is the company that has bought the mill and has partnered with some of our First Nations and our members are not fully aware of the impacts and implications of such partnerships. They clear cut our forests which in turn affects our watersheds which in turn affects our trees which affects the oxygen we get.

Our waters fluctuate from the dam and erode the river banks. I would love to see a map of prior to industry coming to our river. Where we used to have a road where the horse drawn carriages were drawn on is all under water. We used to have sandy beaches and now we have debris. How is it that there is mercury in the water? Where does the mercury come from?

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We had beautiful waterfalls and it seems to me that industry is harnessing all our waterfalls for industry or some other economic reason.

Who do we talk to? How do we go about preserving or mitigating all that has taken place?

Our birds, our animals – everything is affected.

I have this big problem – personally – and I think our communities have this problem as well – we are not a well informed people. To be well informed, we have to know exactly what we are agreeing to or what we are making change, effect, implications and our environmental ecosystems, aquatic life, human life – I wonder about our heavens. My grandfather used to say when he seen jets that the skies are going to be ruined that there's going to be holes in them. We have that now don't we? My grandfather passed away in 1962.

It must have something to do with the water also because sometimes when you are riding in the jet, you can see beads of water dancing on the wings of the jet when you're thousands of feet in the water and it would be a clear sky. I just wish that we would be more informed because we seem not to have listened to our Elders. We seem not to have listened to our traditional teachings that have been handed down to us generations upon generations. And, I have been told, it's all science, it's all traditional knowledge and that if you have that you will know how to take care of our water and the rest of our Mother Earth.

If I made any mistakes in my opening remarks, I hope that my ancestors and the Creator would forgive me. I am an Ojibway and I was baptized Anglican and before I got married, I was baptized Roman Catholic.

[Carolyn spoke Ojibway and I did my best to translate as follows] I was to do an opening ceremony, but I understand that it still prevails that I cannot practice my traditional god given right of praying. I can't use my medicines that the Creator gave me to use; which by the way are also used in the church because they do smudging in the church. I read the Bible and see a lot of my Creator given way in the Bible. So, I am going to talk to my Creator, to my Grandfather. I could also complain that I was not allowed the freedom of my religion, but I'm not going to do that.

I'm asking that you help me in everything that you do – this water – to look after this water – whatever we do and whatever we say – I guess they wouldn't let me [do ceremony] here. This is the thing that I want you to see me asking. Help us Anishinabe live here with water - this is what I'm asking that everything be good and look after my children at home and their children.

Our Father . . .

**1.2 Chief Garry Swampy, Sagkeeng First Nation (Regrets)**

## **2.0 KEYNOTES ADDRESSES**

### **Mildred Poplar, Anglican Church, Old Crow - Yukon**

The time of truth for us has come for us to consider, not only what will become of the authority of Indigenous Peoples regarding our water rights, but also the capacity required to protect this life source into the future. This forum will consider *Traditional Use of Water, Our Spiritual Ties to Water, National and International Industrial Development and their Impact on Water in Indigenous Communities*.

How do we monitor the governments' decisions, policies and distribution of water taken from Indigenous Peoples territories? What kind of Agreements can Indigenous Peoples negotiate in order to share this life source with the rest of humanity and still keep the balance of nature? And, how can we teach and advise mankind on the wisdom of renewing Mother Earth – that is what we say is our responsibly. Those of us here – will we be able to coordinate our beliefs, our practices and our use of water in this forum.

### **2.1 Darlene Sanderson, Cree, Simon Fraser University**

Thank Carolyn and the ancestors of this land. I'm Cree from my mother and Russian from my father and am from Northern Manitoba originally. As a woman, I feel it's my responsibility to speak out on water for my children, all children and for the plants and animals. It's also an honour to be here with everyone who is doing their work with water and also thank the hosts for their hospitality when we arrived.

[Water the circulation of the earth like blood circulates through us.]

How can traditional laws guide us and guide legislation? Water is really what connects each and every one of us together. To fully understand what water means to me as Cree, I have to understand my language.

#### **NIPIY – WATER IS LIFE**

- We can't talk about water without talking about water in all of its forms - water on earth and air in the sky. In all of its forms water is beautiful.
- Art also embodies the teachings.
- Our work is also important for all of the animals. If you scaped all of the scales off a fish it would die and in the same way if you cut all the natural forests off, earth will die.
- Over half of Mother Earths lakes and rivers are polluted.
- Every eight seconds a child dies from drinking contaminated water – that's 10 000 a day
- Today, 45% of sub-Saharan Africans lack access to clean safe water – that's about 300 million people.
- In many African countries, toxic water is used by 80% of the rural population.
- Nearly ¼ of humanity still remains today without proper access to water.

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#### ***ELDERS TEACHINGS:***

1. Water is life.
2. Water is sacred – most religious ceremonies involve water in some way (baptism). Water is the life breath of the Creator.
3. Language is essential to the transmission of meanings about water.
4. Water isn't just an ordinary element – water is power (Simon Lucas). Water is important to the emotional, physical, Spiritual and mental.
5. Ceremonies and rituals are an important part of thanking the Creator for all of the elements, all of life. From whose descending waters do you flow from?
6. Cultural practices and the creation stories are the vehicles to sustainability.
7. Water is essential for the beginning of life. Preserving our traditional medicines will benefit the health of all living things and to do this we need clean water.
8. Before, they had everything. They didn't depend on oil.
9. Traditional guardianship of the waters will ensure healthy glaciers, rivers, lakes and oceans. So, if we can build into all legislation that traditional guardianship would benefit all of mankind, not just First Nations.
10. Indigenous Elders, how have been grounded in culture and language, are the foundation of traditional education about water. They are our living treasures.
11. Understanding the meaning of water helps us to understand our relationship with, and our interconnectedness . . .
12. Pollution of water needs to stop and polluters need to pay.
13. xx
14. Many indigenous peoples have water spirits
15. Water is cleansing
16. Ceremonies and rituals, stories and songs are all important convey ours of the meaning of water.
17. We do our work for the next 7 generations.
18. Children need clean water.
19. Clean water provides good health, water polluted with chemicals creates diseases. We consume about 5 kg of chemicals per year. We wouldn't give a dirty breast to our children.
20. Alternatives to dams need to be found so that traditional lands and waterways are not submerged.
21. Polluted water needs to be purified.
22. The protection of water is urgently needed
23. Breastfeeding is the healthiest food and water for babies. It connects the child to the mother and protects the baby from illness.
24. Children need to be educated about traditional principles about water.
25. Education about water is conveyed through the arts.
26. Indigenous elders from many nations can contribute to the education about water.
27. Persistence and creativity are needed to improve the crisis of water quality.
28. Keep the falls moving - the movement keeps the rivers clean and healthy.
29. Water is healing
30. Always respect the sea.
31. Water connects all things
32. Water is connected to identity. What river do you come from?
33. Women bear a special responsibility to protect water.
34. Look after the poor.
35. Protect the source – ground water.
36. Water is life, we are life, we are the water and we are the river of life.

Local protocols need to be respected.

- Establish Indigenous Peoples Monitoring bodies to monitor water.
- Water Education Centres must be established
- Penalties must be greater than the profit
- Water mining must be stopped
- Control leeching herbicides and pesticides/mining and logging practices
- Promote clean up programs for polluted water
- Human waste should be managed properly and not dumped into the water
- The oceans must be kept nuclear free
- Develop clean energy technology

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**Mildred Poplar, Anglican Church, Old Crow - Yukon**

The second speaker is Tommy Monias. In this forum, we want to hear from Indigenous people who live in an area where dams are built after the government authorizes such industries as Manitoba Hydro to construct hydroelectric power for consumers. In this case, it is the Northern hydro Development and one of the Indigenous communities is the Pimicikamak Cree Nation. We are fortunate that Tommy has been able to take the time to join us and to share his people's experience and do they benefit from their aboriginal rights to hunt, fish and harvest food after the construction of the Churchill River Hydroelectric Project. How is the well-being of his people since that time?

**2.2 Tommy Monias, Pimicikamak Cree Nation**

The Pimicikamak Cree Nation did not sign onto the Manitoba Northern Flood Agreement and have opposed hydro development. Their government involves four councils: Elders Council, Women's Council, Youth Council and the Executive Council. Tommy Monias has been appointed and hired as the Secretary to the Councils.

All of us needs to have a sense of understanding as to where we come from and the different categories of who we are – Indigenous, Aboriginal, Native – each has it's own meaning to other governments and how we are dealt with. This is the struggle that we are facing as Indigenous peoples – racism – [legislated racism].

Who are we?

The government of Canada has come to you and said I will define who you are. Is that our traditional thinking? They say Cross Lake is a band member. They say I come from Cross Lake First Nation, but that's not true. They say I'm from Pimicikamak Cree Nation. I am a Cross Lake Band of Indians #276 – that's what I am. Think about the holocaust – assimilation – cultural genocide – this is how Canada identifies me. My band number is 1321, I carry it in my pocket – the Jews had it written on their wrists – the same principle.

The Pimicikamak does not regard itself as a band. We are a part of the Cree Nation that spreads down to Montana. We cannot write laws today because we are fragmented as a nation.

Treaty #5 could control 2/3<sup>rd</sup>s of Manitoba if they would realize it and then maybe then we could write a water law. The province of Manitoba owes its existence to Treaty #5. The mighty

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Nelson River flows and today we are enjoying it by electricity. I live between two dams and I'm not getting a red cent out of it, it all comes to Winnipeg. If I would have wrote a law about that I wouldn't be lining up at the welfare because my people would be working. I wouldn't be begging in the streets of Winnipeg.

It's true that water is power and the one who has to power controls the people and that's what Manitoba Hydro does.

We live on reserves spread out all over and there are Northern Affairs communities – 4000 on reserve and 300 [Métis] in the Northern Affairs community. The rest of my people live in other communities. The province gave us little trapline zones – segregation – dividing it up into little authorities. They came up with a Co-Management scheme that says we'll manage this together, but it'll be under the provincial laws, but, what about my law? The Manitoba Hydro Act creates a total monopoly on the Nelson River.

Section 88 of the Indian Act says that provincial and federal laws apply. So Pimicikamak came along and said Chays-koh (wait) – we need a process and the process has to be about us – but first we have to discover who we are first. Where did we come from? [recites his peoples history on his land] But, in 1875 we got moved to that reserve and we disappeared from our lands and according to international law that's called ethnic cleansing and that's supposed to be against the law. So, what happened? Residential schools and church run day schools where I got slapped for talking Cree and my braid got cut off. From 1875 to now what did you expect us to be? – the most front runners of environmentalists? Some of us still believe that we are connected to the earth.

In Cross Lake 65% believe in economic development. I believe we should develop, but we should not leave an environmental deficit that our children to pay for. Nations make laws, not bands and we've lost that. Some of us are running around today calling ourselves First Nations – it means that you come from somewhere first – the history books say we came across the Bering Strait. My grandmothers, elders, say "No, we are not First Nations; we were here all the time." If we are Indigenous, but as long as we are separated from who we are – as Cross Lake Band, we will continue to loose.

First Written Law – describes how the law will be made. If you believe you're God, then go ahead and write a Constitution – no one has the right to write down what God created on a piece of paper. We learn oral law – for example we learn that when you kill an animal you use everything – that's resource management – take only what you need – share what you get. From 1994 to 1999 we wrote our Citizenship Law and Election Law. Sixty-six people came to pass the law by stand up vote [literally standing up in support].

Immediately after that the Chief called and election and 3000 people came and voted. Under the band election 72 Chiefs ran and 127 Councillors ran and the Chief wins with only 300 out of 3000 votes. In the election under our own law, 3000 voted (65%) with polls in many communities. The Chief won with 1000 votes and Councillors won with between 700 -1000 votes. Self-determination is for the people who are ready to commit themselves to that process not making deals while you are trying to do that.

So when you talk about water rights and the segregation of our sister bands, it's a long way from seeing it happen. But, once we put together our nation we should write our own laws about our own water rights.

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Friday, May 14, 2004

**OPENING WATER CEREMONY:** A beautiful and touching ceremony was held where people brought forward water they had carried from their territories and poured their water into bowls where it mingled while we prayed for the well being of water. In every state in which water finds itself, we find ourself.

#### **Mildred Poplar, Anglican Church, and Old Crow - Yukon**

Last night, Tommy Monias shared the state of their waterways after Manitoba Hydro built dams to produce hydroelectric power in their territory. This morning, we will hear the experiences, hopes and dreams of the Chippewas of Nawash and Saugeen for they are confronting proposed water pipelines to be built through their territories. Building pipelines is an option considered by municipal governments to deliver clean water to their residents. Due to circumstances beyond our control, we rely on educated people outside of our communities to help us with scientific and other discoveries in order to argue for our water rights. Two people are here to raise our understanding on the kind of approaches taken by companies and municipalities in the field of access to fresh water. Paul Jones and David McLaren are consultants with the Chippewas of Nawash and Saugeen. What do the First Nations want instead? What kind of power do they have to agree to such a project?

### **1.0 PLENARY SESSION: Local/Regional/Provincial Perspectives and Struggles**

#### **1.1 Paul Jones, Chippewas of Nawash [www.bmts.com/~dibaudjimoh](http://www.bmts.com/~dibaudjimoh)**

We are lobbying against pipelines on our traditional territory and we consider the taking of water out of our territory as detrimental to our nation. We have also battled over fishing issues and there is no use having the right to fish if there is no clean water for the fish to live so that we can carry on our Aboriginal fishing traditions.

We've tried to use mediation and other processes to get governments to listen to us, but in the end, you have to have the resolve to push back the government. We don't have a lot of money, but we're willing to spend what resources we have for something that we believe. We are trying to protect the water in our areas because it is crucial to our traditional way of life –fishing- and to protect that fish habitat.

This week we were called into court because we've challenged the provincial/federal government over the ownership of the lake bed of Lake Huron. Ontario won an action trying to get the case kicked out and we had to defend that action and the judge decided that the court case will go ahead. We want management control of the fisheries and want to be able to say what goes into and comes out of the lake. It is the only spot in the world where you can fish five different types of salmon and the salmon are not indigenous to the lake and are polluting the lake.

#### **1.2 David McLaren, Chippewas of Nawash**

The band is trying to look after water in three ways. First, through a fishing agreement after a court decision in 1993 that recognized their Treaty right to fish for trade and commerce. It is a provincial decision and therefore doesn't apply to other Treaty First Nations. The Aboriginal title claim has been made in court. And, the third way to protect water is to take a look at activity within the territory in a stricter manner than is required by other governments.

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Project review processes only look at environmental consequences in a cursory way with the natural environment getting the least concern. Scientific evidence is ignored entirely. Varying the flow of the water does harm and minimal levels does not protect fish. It's the interruption of the natural ebb and flow of the water that does the most harm.

When the dams release water changing the natural flow of the water the fish, literally, get lost and the beaver also get confused which affects the wild rice, and so on.

The correspondence between traditional knowledge and science is valuable because when the Elders of both disciplines are saying the same thing, it's probably the truth.

Debate tends to be around the high costs of projects rather than the environmental costs of the project and we are calling for a full scale environmental assessment before the project can go ahead.

Just how well is Ontario prepared to protect water at its source?

We have found that when you find a crack in the jurisdiction between the jurisdiction of First Nations and other governments, there's where you should go. What role does the First Nation have within the vacuum? That is where we assert ourselves. The goal is to turn co-management into total management and this helps to widen the crack a little more.

There is a similar crack opening up around source protection. First Nations can move into this jurisdiction where there is a recommendation to involve FNs in environmental management. Other governments, however, see FNs as a part of a much larger management process where the Minister has final approval and the danger is that this participation will be seen as consultation. The unique environmental ethic and perspective that FNs have cannot be maintained at the large tables where there are only one or two representatives from a FN – rights are eroded through the auspices of planning.

The major goal of protecting water at source is to protect the drinking water of the public. The problem is that governments do not focus on environmental health and only focus on human health. Focusing on drinking water, or human needs, divides the ecosystem which then becomes divided in peoples minds. And, this is not in keeping with the way Native people think of the water.

***Parallel processes mean that FNs would have to have their own money to do their own research. It's only then that the FNs will have any power to critique what the other governments are saying and this will also help find areas of agreement. We have to be able to assert an independent FNs way of looking at the environment.***

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**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

We now go to Cape Breton Island in Nova Scotia, home of the M'kmaq. The Atlantic Coast has been an active dispute over fisheries management but sea ports have many adjacent aboriginal communities who rely on the waterways for their daily use and livelihood. Cape Breton Island is one example of the Indigenous peoples fighting to have the government live up to the Treaties. The Department of Fisheries and Oceans continue to regulate the rights of the Indigenous peoples to harvest sea foods. Is there a renewed working relationship with the DFO? What are

the M'kmaq's doing to maintain good quality of water for their communities and fish and seafood resource?

**1.3 Allister Marshall, Pot'lotek Water Protection Committee, Chapel Island First Nation**

We have just started in 2003 and have had two meetings before this conference. Chapel Island is small with about 600 people and people were complaining about water quality. We had the studies on the water and sent a proposal to INAC and the department accepted our proposal which costs about a million dollars. When we completed the project, then we had the problem of protecting the watershed because of the activity going on near the watershed. For instance, there's a road and truck transportation and logging operations [is causing pollution].

We invited representatives from other governments to meetings conducted on Chapel island and that's how the Pot'lotek Water Protection Committee. We have also drafted Water Band By-Laws and we have heard that Ottawa is going to approve these by-laws. We are taking a multi-barrier approach to safe drinking water.

The *multi-barrier approach* is an integrated system of procedures, processes and tools that collectively prevent or reduce the contamination of drinking water from source to tap in order to reduce risks to public health. The nine components of a multi-barrier system

- Source water protection
- Drinking water treatment
- Drinking water distribution system
- Management (Stakeholder Approach)
- Monitoring (Joint Health Canada and FNs Water Monitors)
- Research – ongoing and continuing
- Guidelines, Standards and Objectives
- Legislative and Policy Frameworks, including FN by-laws
- Public Involvement and Awareness

*Environmental Issues*

- Long-term sustainability of drinking water supply
- Proximity of water supply to highway
- Proximity of sewage lagoon
- Current land use – logging
- No emergency Response Team for spills
- Stream that runs into Indian Lake flows through a culvert across the highway
- Salt usage by Department of Transportation
- Need for a Watershed Protection Plan

*Committee Composition*

- Band staff
- Community members
- Health Canada
- Environmental Canada
- INAC
- More?

**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

Young people are taking up the challenge of protecting the Aboriginal Title, Rights and Treaties, taking the torch from older generation to advance Indian government. Our young people carry the cultures, traditions and languages of their Nations and advance the politics of their Nations and advance the politics of their peoples. In BC, as you leave the big cities behind, you travel north on Vancouver Island. It truly is a beautiful territory. Upon reaching a small community of Port Hardy you take a ferry across the bay to Alert Bay. If you don't want to get stuck there, you will be sure to stand at the dock by 6 or 6:30 pm to catch the ferry back to the mainland. This is where our next speaker comes from – from the people of the Big house, well known for their artistic carvings, totem poles which tell stories of their people, and button blankets.

**1.4 Halie Bruce, Namgis First Nation (North End Vancouver Island)**

We are a fishing family, a fishing community and a fishing people. Our identity is tied to the fishery. The river is our ancestor. Our ancestor said "Let me be a river and bring life to the people."

As the commercial fishery expanded to Alert Bay and started a packing company and opened the residential school where people from all over BC were brought, our people relocated to Alert Bay to be near their children in residential school.

I was raised to identify with the source of our power, which is our river, and also have a responsibility to those lands and waters in which I was raised. My grandmother taught me how to prepare our traditional foods, but things are changing.

The colonial expansion continues through industry and the exploitation of resources. The latest threat is the fish farming, aqua culture in our territory. Despite the clear threats that farming creates, the province of BC has created 121 fish farms along the coast of Vancouver Island. It's that salmon that connects us to the people in the interior and all over the coast, so the threat to the salmon in our area is a threat to all the people.

Within our territory there are 29 fish farms creating severe danger. Atlantic salmon are bred in pens in small densely packed environments in open net cages fed antibiotics and other fish from other places like Chili. They are given steroids and are dyed to look pink because their meat is actually grey and pale. The fish are not really genetically similar to salmon at all and are more like a trout.

The fish farms themselves create a lot of waste – fecal matter and food pellets that pass through the open nets – similar to the sewage of a small city of 150 000 people. Beneath the nets the sea beds are plums that are dead for a 10 kilometer radius.

The farmed fish also escape from these cages and spawn in some of our river systems. There is a risk of these fish colonizing our waters and are threats to the wild salmon. The plums underneath the nets are also destroying the forests along the shorelines. Other fish that pass by these fish farms are being killed by the sea lice that are dropping off the farmed salmon. One or two sea lice can kill a wild smolt (baby fish) and large numbers of sea lice are attaching themselves to the wild smolts passing by the fish farms.

The orcas have not returned to the inlets and bays and oilcans are being impacted by these fish farms.

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There are also a number of PCB pollutants that are released into this environment and are possibly a link to increasing cancer rates.

People say that what we are saying is not supported by science and will not pass regulation or legislation to control this threat to us. So, our people are saying that we are experts on the water and land and have to trust our own observation and we are seeing direct evidence of the impacts of these fish farms.

There is a jurisdictional conflict between the province who controls the shore and the Department of Fisheries and Oceans that is supposed to be taking care of the salmon/sea. In the meantime, our traditional economies are being ignored. The fish farms are promoted as "jobs", but most Aboriginal people won't work at the fish farms.

These fish farms are owned by multi-national companies. Canada is unwilling to look at the international evidence that fish farms are bad for everybody, except that the government placed a moratorium on new fish farms. All this meant is that the existing fish farms expanded their pen areas and we ended up with an increased threat to our wild salmon. Three million farmed salmon have escaped and are threatening our wild stocks.

We have to take our issue world wide. In Washington, farmed Atlantic salmon are considered toxic waste.

In New Zealand, the indigenous people argued that they had indigenous rights to the farmed salmon but the courts said no because the fish were not indigenous to the water.

Carcinogens and persistent organic pollutants are polluting our waters.

## **2.0 SMALL GROUP SESSION: Issues and Strategies at Local/Regional Levels**

### *PEOPLES RIGHTS AND REGULATIONS (17 Participants)*

From a "rights" based perspective, what actions or strategies can we take locally or regionally to protect our water?

- How will the courts accept Aboriginal title to water? In Ontario some FNs have asserted Aboriginal title claims to their water and Canada has tried to strike out any claims to water or waterbeds saying that the claim is a threat to Canadian jurisdiction and the public rights to navigation and fisheries. The judge has ruled that it wasn't plain and obvious that this couldn't succeed in Canadian law, but Canada has indicated that they will appeal all the way to the SCC.
- What is the position of the Crown on the Aboriginal right to "use" water? There is one case where there was an attempt to adopt the Winter doctrine from the United States, but the people withdrew from the case. The Winter case from the USA, the courts have said that without water the reservations would be meaningless, so the courts recognized the right to adequate water.
- In BC a river has been declared endangered and has been downgraded to the status of a "creek".

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- The Crown's strategy is to put the numbered treaties in one category and then there is another category for the area where there are no treaties with defense systems for each. Then there is another group where there are pre-Confederation treaties. In each of the three categories, the issues of rights and title are dealt with differently.
- In Delgamuukw, the court was clear that we have an interest in land that would include the water. On the numbered treaties, the Crown says "cede and surrender" includes water. However, the expression of fishing rights within a treaty necessarily includes access to the water and rights to the water – water quality and way of life.
- Sundown case, the SCC said that things incidental to rights are protected. Environmental rights can be section 35 rights – clean environment and clean water is required to exercise our rights and if you can show that you were a steward before contact and that this remains central to your culture then the right to continue to be environmental stewards would be protected by s. 35 – right to manage the water. For example, families were given stretches of water to protect and look after.
- The oral histories around our treaties need to be affirmed because they do say that we have water rights. Lake Winnipeg is dying. Hydro levels have dropped.
- Inherent rights are inherent and registering them with other governments tends to lead people to believe that the other government is the source of the power.
- Declare and assert our own interpretation of our treaties. We've been influenced by other people's interpretation of our treaties. We have to attend to the Spiritual values and those who are qualified as "traditional" people have to set the direction. Ceremony (Sundance) is critical. Then we created our model from Mother Earth up – our bloodline. We also looked at the underground Spirits. Then, we told the Creator, this is how we want to proceed. You listen with your eyes, ears, mind and heart.
- I went to England, to the House of Lords, to do [treaty] research and retrieve the documents.
- We are descendants of traditional leaders.
- We're taking up all the (land) assets in our territory.
- Leaders should be doing what the people entrust them to do – lead. And, leaders should entrust and instruct their technicians.
- We've separated our politics from our businesses.

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**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

Now we take ourselves to the Northwest Coast of BC to the land of the Haida Nation. They call their homeland Haida Gwaii meaning the "Islands of the People" but the rest of us know it as the Queen Charlotte Islands. Whoever Queen Charlotte was, I don't know! The Haida Nation seeks to confirm Aboriginal title to the lands and waters of Haida Gwaii.

**3.0 PLENARY SESSION: National Struggles**

**3.1 Terry Lyn Williams Davidson, EAGLE (Haida Nation)**

We call our land Haida Gwaii which translates to Islands out of concealment of the Supernatural beings. Haida Gwaii came out of the ocean. All the Haida ancestors (super natural beings) are women – Low Tide Woman, Creek Women. We've lived there for over 10 000 years – Ice Woman came with the ice age. Flood Tide Woman appears each time there is a flood. To balance the female energy there are male Super Natural beings on every point and outcropping of rocks on Haida Gwaii. We believe there are other realms that exist where other beings live. The Super Natural beings had a lot of power and if they had one thought, they could make that thought come to fruition. I believe this today. If we have a thought, I believe we can focus and make it come to fruition. Our land formations created by our Super Natural beings are documented in our oral history and must be respected.

How do we change from where we are as "band councils"? We formed the Council of the Haida Nation that is not a band council or a tribal council which is not involved in the negotiations. We are a new creation that reflects where we were and where we want to go into the future. Our Council of Hereditary Chiefs must sign off on any negotiated agreements.

The end result of our blockades [resistance] and partnerships with environmentalists was the Gwaii Hanis Agreement where the separate views of jurisdiction is recognized by asserting those titles on either side of a two column page. Canada could not do anything within Gwaii Hanis without our permission.

A 30 million trust fund was created for community development including all the people on Haida Gwaii, not just the Haida.

We created 14 protected areas. We identified and mapped those areas and have kept industrial development out of those areas till today. An area within the heart of Haida Gwaii was not within the protected area and was threatened by logging. We were concerned that Cedar would not remain because of the proposed and past clear cutting. Everything came from old growth Cedar – hunting implements, clothing, etc. We need trees at least 500 years old to make these things. They are logging the trees on a 90 year cycle.

So, we went to the courts to tell them of our Sacred relationship with the Cedar tree. We also talked about our whole landscape worldview. We hired an economist, a biologist and a forester to project the impact of the proposed logging and at the impact of past logging. We also looked at selective logging and value-added logging industry because the logging is done by multi-national companies where benefit does not come to the community.

We formed an "Islands Community Stability Initiative" which included everyone on the Islands that reached consensus with where there could be logging.

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So, we've gone to court to hear the province say that they are representing the public interest and there must be logging and then the non-Haida intervened and said the province did not represent their interests and that their interests were represented by the Haida.

We've been opposed by all the provincial governments, industry and the federal government that is supposed to be our fiduciary. The courts agreed with us that we have to be consulted and accommodated by governments and also imposed this duty onto the logging company.

We had informed the company that Canada did not have the right to issue the logging license so the court said that they were fully informed and would have to accommodate and pay substantial damage award should Haida title be proved.

Logging has been reduced to one quarter.

Delgamuukw said that we must not use the lands in a way that prevented future generations from using the land in the same way – that's sustainable development – and we have made the argument that the proposed logging is not sustainable.

We are bringing our children out on the land and reconnecting them back with the land.

We held a forum where we showed our evidence of our title and invited anyone interested in developing within our territory and gave them notice that they have to consult and accommodate our interests and negotiate interests with us.

Our title is a wholistic approach and does not focus solely on water. We look backward and forward and propose a remedy. We are working with traditional elders and scientists.

Bringing out of concealment what is important to Haida people – enough to engage the duty to consult and accommodate.

Haida believe "I am you and you are me" and our disrespect for others is a reflection of our disrespect for ourselves.

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**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

We are back in Ontario to the home of the Nishnawbe Aski Nation. We have with us just for today, their leader Grand chief Stan Beardy. He is just beginning another term of office. Stand not only handles the political and administrative work of the Tribal Council but earlier this year, accompanied Lieutenant Governor of Ontario Bartleman who visited many of their communities. Nishnawbe Aski represent up to 50 communities near the Thunder Bay area. As with other Indigenous communities, Nishnawbe Aski Chiefs confront forestry, mining, water development as well as addressing conflicts which arises from competitive electricity markets in Ontario. What do communities have to do to maintain safe drinking water? How do they monitor use of the waterways by sports fisherman and/or industry?

**3.2 Grand Chief Stan Beardy, Nishnawbe Aski Nation**

Give thanks to the Creator God for the beautiful day, for our health and for the opportunity to sit here today and talk about our struggles and the opportunities for the future. When I was a young boy I remember people in army clothing coming through our territory. They were on snow machines and snow shoes. It was the first time I saw a snow machine and the first time I

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saw someone wearing a pistol. About 15 years later another group of people came and stayed in our communities – US army and American anthropologists. They were there to study us and prove that it was ok to displace us from our environment. A man did his Ph. D. titled “The Adaptation of the Ojibway of the Boreal Forest” – in other words, it’s ok to flood the natives of northwestern Ontario.

Our territory covers 2/3rds of Ontario – Ojibways, Oji-Crees and Crees with 50 communities. North of the 50<sup>th</sup> parallel, it is fly-in and there is no development yet. 150 lakes and rivers cover approximately 17% of the province. The water continues to be utilized as we have done since time immemorial but this will soon change with the expansion to the north. We are forced to look to lands and resources to develop a means of economy, but are also conscious of [not taking too much]. Two thirds of our population is under 29 and we have a youth suicide problem and 90% of my young people don’t have jobs.

There is \$210 billion going into our country with very little coming to us. Sources of energy and clean water are no longer available in southern Ontario and most of the clean water is located in our territory. The government is looking to our territory to provide hydro and water which will mean the disruption of livelihood of our people. The government is proposing to export power from the Nelson River to Ontario. If we participate in the development what kind of benefits will there be?

The province has been developing policies without adequately consulting us. We have developed a consultation handbook that we provide as a standard for consultation when third party interests come to do business with us. They (government and industry) agree that they have to consult us, but have rejected our handbook.

There are five diamond mines in my territory. We’re having problems accessing appropriate employment, training and economic spin-offs. There is no revenue sharing. We are trying to negotiate some kind of legislation that will ensure benefits when development takes place in our areas.

We participate in international forums and collaborate with other groups. When we talk about our rights and the protection of our interests it is important that we make our position known on the international level.

After the Taku and Haida decisions, the Ontario government which is a signatory to our treaty expressed their position in terms of their fiduciary responsibility to us by saying that the decisions made in favor of Aboriginal people do not apply to them. We continue to be treated as stakeholders and we are referred to as an interest group by the province.

**3.3 Dean Jacobs, Walpole Island Heritage Centre – Three Fires Council**

Walpole Island is the southern most “reserve” in Canada, in quotes, because it has never been established or set aside as a reserve. We call our territory “Where the Waters Divide”. We also have an Aboriginal title court case but are still years away from trial.

Recently, the province and Canada filed a motion to strike our aboriginal title using Delgamuukw saying that aboriginal title could be exclusive and as such could prevent navigation of water and should not be allowed. Walpole Island has never been covered by a treaty.

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The island actually emerged out of the glacier waters about 5000 years ago and Aboriginal people started occupying the delta area continuously since. We have been on the mainland longer. Our oral histories validate the archeology studies about who we are.

The resources and the environment are not separate issues from an Aboriginal worldview because we believe that we should live in harmony and hold resources in trust for future generations. Consensus decision making is essential because of our belief that the resources exist for the common use of the community. Consensus gradually emerges.

Land is understood to encompass everything – the full range of entities that encompass nature and in return people must act as stewards. We do not believe that we have dominion over the land, we believe that we are subject to the lands dominion.

It is critical to develop baseline knowledge - We are conducting environmental monitoring, a life science inventory, our terrestrial inventory, and fish habitat studies. [They have identified their rare plants and animals.]

The banks of Lake Huron are eroding and sediments build up onto the delta picking up hitch-hikers that are contaminants that are coming downstream. The highest level of toxics is found on our shorelines on the St. Clair River. There are legal discharges being allowed everyday. We still rely on hunting and fishing and are very concerned about these chemicals. It is our heritage to hunt and fish, but it is also a multi-million dollar industry for us.

How is contamination up through the food chain affecting us?

We are surrounded by urban sprawl. I can see the sky scrapers of Detroit so it is remarkable that we can still hunt, fish and trap. Our second largest industry is agriculture. We farm. The Walpole Island Heritage Centre is the watch dog within our own territory to know what our farmers are doing.

Local community research is being done project by project building community knowledge. Funding has been coming from Environment Canada and are now the first FN in Canada to have an MOU with Environment Canada dealing with environmental issues of a FN – work on an annual joint workplan in relation to environmental issues affecting the FN. We have done an environmental audit and have done a FNs Environmental Management Strategy. We have also produced environmental guidelines for people/businesses wanting to do business in our territory – consultation guidelines. We have several Impacts & Benefits Agreements with businesses doing business within our territory.

We are developing a strategy to deal with global warming.

We have over 50 species at risk that require Recovery Plans and, instead, are taking an Eco-system approach instead of developing separate recovery plans. The Eco-system Plans will engage traditional knowledge. The SCC, in Delgamuukw, ruled that our oral history must be placed on equal footing, so Crown agencies are saying this as well. The National Energy Board has begun asking developers "How would the proposed pipeline affect the FNs in the area?" When the developers asked us, we responded that we'd be prepared to respond to that question but don't have the money to do so.

Traditional Ecological Studies on fishing, hunting and trapping were completed including GIS mapping showing we did have significant traditional activities in the proposed corridor. The

proponents got a summary and we retained all the personal information as a repository. The two proponents, for other reasons, decided not to proceed with the pipeline across Lake Erie. But, we were able to show that we could prepare our own studies if we had the resources.

[www.bkejwanong.com](http://www.bkejwanong.com)

**4.0 SMALL GROUP SESSION: Issues and Strategies at National Level  
(10 participants)**

What do you believe can/should be done to reach your vision of a rights based approach on the national level?

What would a rights based approach to your issues look like at a national level?

- Building coalitions – work with other interests, even those opposing your position
- Test cases – ensure that other rights are not jeopardized through weak cases. In the recent Taku/Haida case the various arguments between those taking the cases and those intervening were coordinated. But, the coordination is not on a provincial level, let alone national.
- Involvement of the Assembly of First Nations (AFN). The AFN has received funds, post-Delgamuukw,
- Why litigation and not negotiations through comprehensive claims? For some, the back log of claims negotiations has made litigation more appealing.
- Tri-partite negotiations are another option, but are not always successful.
- Environmental Issues attract foundation dollars.
- Reviving and asserting our own laws – guidelines for proponents
- Environmental Assessment processes involving the developers can lead to the negotiation of [Land Use] Protocols
- Nationhood [instead of Indian Act bands] is a difficult point to reach because we are different, but also because we are afraid of losing what we have.
- We have to ensure that we move one step at a time.
- Delgamuukw recognized that our rights and title arise out of the occupation of our territories and the ancient laws that we created. The question becomes: How do you take this decision and create power for the people? How do you take our governments at home to the point where they are passing law. Accommodation isn't sufficient because the SCC also told us that we have to do this reconciliation process. So, what does reconciliation mean to us? When you look at the resources on their side and look at the resources on our side, how do you reconcile that when you're looking at water?

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- Even if we loose at the SCC, we will not allow those forests to be cut no matter what. We are prepared to work with others in our territory to get what we need. It could be that we will negotiate a local treaty rather than a treaty with the federal and provincial governments.
- How do we reach the grassroots people? How can we educate our people about the dangers of industrial development? Start where they are – there is no magic answer to social change. Individuals won't change until they're motivated to change.
- Institute experiential land programs for children
- Video Education
- Involving youth [inclusion is always a question of resources and where resources are scarce it becomes about prioritizing resources].
- GREEN – Global Rivers Environmental Education Network – developed water curriculum for schools where children gathered water samples. At the end of the project the kids had a congress and the community attended in full force. Children were hooked up globally through the internet.
- Consensus requires people step up and take responsibility to be informed. Consensus is about having the opportunity to voice your opinion one way or another.
- People are left out because they don't know their rights. Even our own leadership do not hear us. Sometimes our leaders are doing deals that we don't support.
- There is a lack of resources to help us reconnect with our lands. We are stuck in urban centres and stuck on our reserves. [Government and private foundations do not want to spend money to help us reconnect; maybe the churches could help us with funding to reconnect.]

#### **5.0 PRESENTATION: Tataskweyak Cree Nation (Split Lake)**

When we talk about Indigenous communities and their responsibility for such critical resources as water, we are referring to the use of their whole territory over which they exercise their ideology: the belief that they have a Covenant with the Creator to care for and protect the land, the people and their laws. Five major dams were built on the Nelson River in Northern Manitoba. The Churchill River Hydroelectric project took place in all the Northern Manitoba Cree territories. We have a delegation from Split Lake with us. The Thompson and Nelson Rivers drain into Split Lake and so naturally, they found themselves in the heart of the hydroelectric project. An Agreement was designed to address negative impacts of the project. In exchange for producing power, Canada-Manitoba and Manitoba Hydro made comprehensive commitments to the Cree communities who signed the Agreement. It is called the Northern Flood Agreement. Has Split Lake noticed any changes in the water systems and the well-being of their people in terms of their health and employment? Are there still wildlife, fish and natural foods available to the people?

**The Rev. Melvin Cook, Tataskweyak Cree Nation**

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Moses was called upon to lead his people out of bondage and the purpose of our presentation is to let you know who Tataskweyak Cree Nation are and some of our thoughts and concerns in regards to indigenous water rights and the rights to development.

We are 2600 Cree People and one White Man. Our traditional territory is situated in Northern Manitoba and we are members of the Anglican Church. We have lived in harmony making a living by fishing, gathering and hunting on our traditional lands – self-reliant and self-sustaining respecting nature's rhythms. We governed ourselves according to our laws, customs and beliefs.

In our Cree language Aski is our word for earth – alive and full of Spiritual meaning – all lands and waters belong to God – traditional and Christian belief – responsible for the care of Aski.

We agreed to share our traditional resources in exchange for the benefits of Treaty #5 and believed that the treaty would establish peaceful coexistence but instead became the vehicle of harm – hydro development without our consent. More than 35 water controlling systems sit within our lands and generate over 75% of the power Manitoba produces. Our world forever changed. We've suffered social and environmental devastation. Water became high in the winter and low in the summer. This has forever affected our ability to draw life from the Nelson River and the surrounding river. The impacts and the changes are permanent and irreversible. Power is produced for the benefit of others.

During our history, we have learned to adapt and change and have looked for ways to move beyond this catastrophe. We gathered the support of the churches and have challenged governments to look at the social and environmental impacts and have negotiated two major agreements: The 1977 Northern Framework Agreement (NFA) and the 1992 Split Lake Cree NFA Implementation Agreement. As a result we have received compensation lands and funds. The agreements also speak to any future hydro developments in that they are required to consult and identify any adverse affects.

We believe the projects need to meet the standards of responsible stewardship of Aski and must result in projects that are sustainable and our consent will only be given to those projects that are acceptable and in keeping with Cree values.

OWL – Overview of Water and Land – is a community process grounded in our understanding of Aski. The traditional wisdom of our people still preserved by our Elders is the basis for our Tataskweyak Mother Earth Ecosystem Model which reflects the inseparable relationship we have with Mother Earth.

We have a need for economic development. We suffer from a high rate of poverty and lack of opportunities. We cannot solely sustain ourselves through the pursuit of traditional activities. In developing OWL we considered – How can the earth – our lands and waters – continue to sustain us and sustain our traditional pursuits?

Partnerships have not been to our benefit, but we remain convinced that partnerships are required and are committed to exploring new partnerships with Manitoba Hydro and the Manitoba government.

Justice and true stewardship requires that we be meaningfully involved in all decisions that affect our people, land and water.

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We have a responsibility to protect our waters and also have a right and responsibility to pursue the responsible development of our waters to meet the economic and social needs of our people.

“The right to development is an inalienable human right.” United Nations

### **6.0 FORUM ROUNDTABLE – SMALL GROUP REPORTS**

We believe we have a covenant with the Creator who gave us our land – that is our oral Constitution. Mildred Poplar, Anglican Church, Old Crow - Yukon

#### ***Trade and Privatization Discussion Group***

- There should be no trade agreements on water – we must get water out of NAFTA
- We, as Aboriginal, have a Treaty right to the water
- We need to bridge the distance between the Aboriginal realm and policy
- Public Communication/Information/Direct Action Lobbying/Legal Strategies
- Aboriginal leadership needs to address International Trade Issues such as NAFTA

#### ***The Peoples Rights Discussion Group***

- Coordinate court cases
- Self-determination requires informing and involving our people at the grassroots
- Need to educate our youth, children and own people about rights and the impact of developments
- There is a need to reconnect with our own homelands to define who we are within our own laws and lands; our urban populations are especially disconnected
- Look beyond our reserve boundaries and look at entire ecosystems within our whole traditional territories
- To build alliances with others who support our stewardships and laws within our territories
- A refusal to accept this difference between people who are living in cities or within our territories and to make active efforts to work with our people in the cities to bring them home

#### ***Life and Livelihood Discussion Group***

- The distinction is artificial between life and livelihood because traditionally they would have been the same.
- Indigenous stock protection
- Fishing for a living vs. fishing for recreation
- Relationship to resources
- Reinvigorating traditions regarding relationships
- The environment has limits and respecting those limits will lead to long-term benefits
- Culture is the foundation of rights
- The introduction of technology affects lifestyle
- Can you maintain your indigenous culture in English?
- Cheap electricity vs. alternative sources
- Economic activity vs. livelihood (Ministers trying to sell power to Ontario while another tries to clean up Lake Winnipeg)
- We have a responsibility to protect the water and the environment

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- Traditional livelihood is not always a “no” to development, but rather a “yes” to a healthy environment
- Prayer for wisdom for what we can do for the water, animals and everything in relation with us

#### ***Education Discussion Group***

- Traditional education needs to be defined by the Elders, which requires listening, observing. Elders also decide the best “time” for teaching
- Too much emphasis on classroom education
- Modeling is very important
- Education is positive and can’t come from prejudice, anger and fear
- Every generation is different
- How would a fish answer the question: How would a “rights based” approach to education look like? Fish have rights too!
- A rights based approach to education would also include full participation at every level of government and should also engage at the international level
- A rights based approach to education should recognize different interpretations indigenous perspectives/non-native views – rights in either perspective may be very different.

## **PLENARY SESSION: Tensions/Opportunities/Principles in Working Together**

### **Mildred Poplar, Anglican Church, and Old Crow - Yukon**

There are times when our people take political action and do so because they have political rights. Politicians of the day and the police refer to them as a violent people. I know that many of you believe in direct action, political action. The politicians and police force say we are violent people when we stand up for our rights. You can just cooperate with the government just so long. Recently, one of the AFN leaders told us in a meeting “the days of demonstrations are over”. So how valuable is our lands, our way of life, and our Spiritual ties to water? Do we let the government, free trade, and industries like hydro corporations just waltz into our territories and build power lines, generators and dam? We have heard a lot about Grassy Narrows over the years. More recently, the people have been standing to shoulder in a battle for control over logging the forest in their area. The band is claiming 1.1 million hectares of forest that make up the Whiskey Jack Forest as traditional land and want control over how the area is managed. What is the condition of the waterbeds, lakes and rivers in Grassy Narrows territory? What is the health of the people like? And, are the natural resources thriving?

#### **7.1 Judy DaSilva, Grassy Narrow First Nation**

- I’m talking to you like an ancestor because I feel like sometimes we forget our ancestors. Look at us here, we’re not fighting [Aboriginal and non-Aboriginal]
- Grassy Narrows – near Manitoba border – 700 people – mercury poisoning came out in the 1970’s when fish starting popping up dead in the water. The Mennonite Community helped our people. Then hydro dam flooding which is a common story to our peoples where people are getting money for the water. We started a blockade in Grassy Narrows to do with logging, but it really has to do with the water – oxygen turns into water.

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We started a contaminants study because there is a paper mill upstream that dumps into the water. The animals, otter are poisoned.

- My baby's here, my mothers here and we're still fighting. The native people that are really grassroots out there – we never said that we owned the water and the land – we always said that the water owned us and that land owned us. We never make a square and say that's my land and that's your land or that's my water and that's your water.
- A lot of consultants come to us and they put their kind of square on us – it's like a square thing and we can't fit in there because we're a circle and no matter what we'll always be a circle – we can't fit in there. I've fasted many times without water and the first thing I want to do coming off a fast is drink that water because I need water and my body is mostly water. We carry water as women, so we carry life.
- The other thing that remembered is that this guy was talking from Grassy was that the water was our roads.
- The waterways are the veins of Mother Earth
- A lot of environmental groups and church groups have come through Grassy and the Christian Peacemaker team as still there as a silent witness to what is happening to us. They are welcome because they are responsible for the earth too. And, we have committed to taking direct action to save our earth and I encourage others to take direct action.
- I hear about corporations that are stock piling water to run their industries when there are water shortages and that scares me.
- We need to keep working together.
- The technicality of everything because I don't understand a lot of the big words. So, always remember those people that are living off the land and are not educated in this paper work

**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

There are many organizations, worldwide, set up by segments of society who are taking responsibility for renewing Mother Earth and all the natural resources. They go the extra mile to confront state governments to clean up their act. Many of them run a bare bones operation because they are the ordinary men and women who want to change things for the good future health and prosperity of all people. But, our value systems have to change and that begins with each one of us taking the time to understand the Aboriginal perspective of the natural world and to support them. One such group is the Manitoba Wildlands of the Canadian Nature Federation.

**7.2 Gaile Whelan-Enns, Manitoba Wildlands – Canadian Nature Federation**

- "You can judge a persons character by the strength of their enemies" Dr. Peter Kulchyski
- Decisions need to me made with the consent of affected communities
- Listen and hear each other and tell stories
- Discard the dominant society stereo-types; and we're all victim to them
- Speak only for oneself
- Seek the other – we are all more than just appearances – look for the like minded and like Spirited
- Learn about and from each other
- Know your environment, know the histories of your lands
- Trade and share
- Agree when to speak and when to be quiet
- Respect consent or lack of consent

- Agree what is common and what is separate
- Think Ecologically – everything is connected and Aboriginal people are the leaders in reminding us to think ecologically
- Be ahead of the curve and what's happening in public opinion
- Use all that is shared with creativity and intuition
- Determine the agenda yourself
- Wuskwatim is the first of several dams that Manitoba Hydro intends to build

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**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

No matter what issue emerges in today's society, we presume that the Churches stand up for what is right. They are expected to be at the front line to protect human rights. They are expected to uphold the standards of how the peoples of the world are treated. How then do they support Indigenous peoples who maintain that their water rights are being jeopardized in the field of environmental damage such as from pollution and oil spills and sewer treatment plants? Is water not the basic of all needs? Where are we without water?

**7.3 Dr. David Hallman, United Church of Canada**

**7.3.1 Tensions**

- Building trust in the context of legacy of residential schools. We need to acknowledge this honestly and it's going to be generations before the reconciliation can be accomplished. This is going to be a source of unease for Aboriginal peoples working with the churches and rebuilding this relationship is going to take time.
  
- Limited public and political support for Indigenous People's rights in relationship to resources. A lack of support for Aboriginal peoples' titles, rights and justice due to systemic racism in our society. And, Canada is becoming an increasingly multi-cultural society and the "colonial powers" are being replaced with much more diversity than just English and French. The whole history that is not well known by the English and French is even less known by other people.
- Perceived conflicts between historic Indigenous Peoples' rights to water resources and conservation. A misconception that is often developed by media coverage where Aboriginal title is placed on one side of the debate with conservation on the other.

**7.3.2 Opportunities**

- In Canada – justice commitment of churches to work in solidarity with Indigenous Peoples. This is not universally shared by everyone within the churches, but there is strong support for working together – programs of solidarity.
- Internationally- working toward an International Freshwater Convention through the United Nations.
- Rising priority of water issues within various networks.

**7.3.3 Principles**

- Recognizing Indigenous and Christian spirituality, traditions and ethical frameworks e.g.:

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- Water as a gift of the Creator which creates gratitude rather than greed oriented value systems.
- Sacredness of water which engenders respect
- Foundation of life and creates the need to protect water
- Common good that should be available to all people so how can it be “owned” by corporations – you can’t own it, it belongs to God and should be shared equitably
- Water as a human right where humans are considered one element of the broader creation deserving of water
- Respecting historic Indigenous Peoples’ rights
- Approach within an ecological framework
- Community-based and community-initiated approaches because communities know their environments best
- Canadian struggles seen in global context – Water is part of the one earth community that is inter-related around the world.

Saturday, May 15, 2004

Opening Song – Indigenous Person from BC

**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

Indigenous peoples are not on Mother Earth to be pawns of any other nation. Surely there is someone out there who hears us – that is the cry of our people – to have a voice. Surely our suffering has to mean something. That is why we're here – to do something about our suffering. We come together to remind ourselves of our common philosophy and our common struggles and to share what is happening within our homelands to our resources. In our political struggles, we come very close to causing a bit of a conflict sometimes and that is where we ask for understanding and support. I keep hearing people refer to this forum as an Anglican forum when many others put money into this forum, the United Church, the Lutherans. We are here as Indigenous Peoples and are members of our nations first and Anglican second.

**1.0 PLENARY SESSION: International Struggles**

**Mildred Poplar, Anglican Church, and Old Crow - Yukon**

When we look at how far the Indigenous Peoples have come in the last decade, it makes one wonder how they were able to stand up to their government and world leaders in the United Nations forum. How many times have our people stood in the halls of justice, stood in political and international forums to be heard. The World knows who we are now. They know we have a different world view. Today you will find organizations established by Indigenous Peoples all over the world. There are so many issues affecting the rights of Indigenous Peoples that decisions have to be made on where to place our energies. The heart of the struggle for our rights is always with the people in the communities. They are the ones who are living out their ideology all over the land, exercising their Aboriginal [and Treaty] rights but they are also the last line of defense to protect their lands, waters, and natural resources. We are no longer isolated from the rest of the world and we find ourselves defending what is ours day after day. So who will run interference for the communities at the national and international level?

**1.1 Agnes Spence, Council Member, Nisichawayasihk First Nation (NCN)  
Nelson House**

This presentation was not on the agenda.

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We have been fully involved in the planning of Wuskwatim – minimal flooding – no further damage to the land – our traditional ecological knowledge was used – we must be responsible for our resources – hydro power important because if we don't make and store hydro power for the people of North America, how much of our land will be devastated? There would be no toilets, no heat, no air conditioners – people would die from the heat. There is a need for hydro electricity to sustain the lives of the people in hospital. Power provides power for production and protection. There should be no more us – it should be "we" as a people – all people of this land.

The Creator brings us together to discuss our responsibilities, beliefs, and strengths which is the basis of our identity as FN people. Our story of over five hundred years of oppression and injustice continues today throughout this sacred land. Our people continue to recover from colonial oppression, assimilation and many injustices that our ancestors had to endure. But if we are to honour what our ancestors when through, and prayed for and did for us, then we have a responsibility to want to exist as people and to carry on for the sake of our children.

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Even through, we've survived many adversities by governments and churches; we are still alive to talk about these issues and to decide upon our own destiny. We are still human beings and sovereign in our own rights.

We were confused by the various strips and shades of European Christianity who wanted to wipe out our cultural, spiritual, and economic values, these values which we practiced since time existed. Are you saying that our values, our sovereignty, and our beliefs are paganistic? Will the churches admit that it was them who disrupted and destroyed our culture and social life? The same churches who took First Nation children away from their families and the lands and water upon which they lived and taught them about God's love while at the same time physically, mentally and sexually abusing them. Will the churches admit that our people were threatened with cultural genocide?

Do they still think that our people are an inferior race and they still should be assimilated into a foreign society with different moral values? The churches achieved this goal only too well. Will the churches now turn their backs on paternalism and assimilation in favor of self-determination for our people?

As you may be aware, NCN is pursuing an opportunity to become self-sufficient and to exercise that sovereignty in the Wuskwatim project. The proposed project is unique in the history of the FNs in Manitoba. For the first time we have an opportunity to be a partner with a major resource developer, so we can share in the rich bounty of our lands and waters.

Will the churches now take a new approach and be our allies and support NCN on their path towards self-sufficiency and a better life? Will the churches go beyond religion and beyond the trappings in their support for NCN and Northern Development?

Our community has felt the brunt of the Churchill River Diversion (CRD) and we have paid the price with our lives. We have come to recognize that we can never be fully compensated for the damage caused by the CRD. Now it is time to move on, so that we can provide adequate socio-economic support for our fast growing population and the future generations. We need education, houses, jobs and services for our people. We want to stop being solely dependent on government handouts. This process has not been easy for us. But we have learned many things from this difficult experience and that has also helped to build and develop our own capacity.

We ask the churches to stand beside us morally and officially and to reestablish their credibility with our people for past wrongs and injustices.

Using a biblical parallel, like the prophet, Nathan in the Old Testament, NCN must stand up above and point a finger squarely at the churches and governments and say, "thou art the man". In other words, we can start aligning ourselves as allies in our pursuit of a better tomorrow or go home and hang our heads in shame.

Over the past few months, we have heard presentations (at the Clean Environment Hearings) against the proposed Wuskwatim project and these are more difficult to respond to, because they have very little to do with the integrity of the project and almost everything to do with unresolved grievances with Manitoba Hydro.

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Primarily, many of the presentations against the proposal are made on the basis that hydro should not be allowed to build another dam without first resolving all outstanding issues of compensation with affected communities.

While we respect and support other FNs in their pursuit for resolution, we don't support the current initiatives to halt or delay the Wuskwatim project, as leverage in their negotiations with Manitoba Hydro.

Will the churches, with a history which included paternalism, and attempted to wipe our culture, be our allies on this initiative? We have incorporated our culture and beliefs and shared all of this with Manitoba Hydro and the public of Manitoba so that we can build a project that will benefit our people and all the inhabitants of Turtle Island.

"Yes" there are a few in our community who don't support the project for different reasons and some reasons that are not their own. These few people have their own personal and political agenda's and they are using others including senior citizens to promote their hatred towards the elected NCN government. These few are also responding to the calls of others who oppose Wuskwatim for their own reasons, which have more to do with the past and not the future.

While we haven't forgotten the past, NCN is continually moving forward toward sovereignty. To understand sovereignty, one must understand that everything comes from the Creator. According to one elder, "Sovereignty is freedom and responsibility".

This responsibility affects every aspect of our individual lives. It then extends towards our families, communities, nation and the universe.

Do the churches understand aboriginal sovereignty or do they still think that we were born to be slaves under a superior race? Do the churches understand or realize the status quo of our community?

What we are trying to do is change the status quo and to bring issues, that are essential to our children's future, to the center of the political arena.

We are not prepared to allow governments to continue to treat us as minors under the federal guardianship. If we allow the situation to continue, it will be harmful to our society and to the rest of Canadian society. Our people would never be able to have the advantages other Canadians take for granted. Our people would be denied the opportunity to achieve their potential, and our people have much potential and much that they can share with all Canadians.

We want to heal the deep wounds caused by the past actions of our governments and churches.

We are willing to take charge of our own development and take responsibility of our situation instead of allowing a system which has failed us to continue to govern our lives. The move towards Wuskwatim is a giant step for our people. Will the churches support us in this initiative, because your support will send a signal that this is part of the movement toward our goal of self-sufficiency. Together we can present ourselves as a unified human family of God's love and hope. We can demonstrate to the world that we are indeed committed to self-sufficiency for FN people and that the reality is dawning.

Self-sufficiency is no longer a concept. The mistakes and injustices of the past should not be continued or repeated. We have to forgive and move on. We cannot let anger blind our plans for future generations. NCN is counting on our support

## **1.2 Eleanor Bang-oa, Tebtebba Foundation, Philippines**

Our situation is almost the same all over the world is the same as indigenous peoples. Tebtebba is in the process of collecting discourse to reach common action, consensus and affect processes. We refer to land which includes all the resources, including water which we consider sacred. Today's aggressive economic liberalization has negatively affected all aspects of life of indigenous peoples worldwide. People are being evicted from their areas.

*What is the most precious thing to man? Life! If life is threatened, what ought man to do? Fight! And this he must do otherwise he is dishonoured. That is worse than death. If we do not fight, we die anyway; if we fight, we die honourably . . . and because we are willing to fight now our children may win and keep our land. And, the land shall become ever more sacred then, nourished by our sweat and blood.*

It is up to us now to determine if our children will ever hear the rivers voice.

A complete transcript of this speaker's presentation is available upon request to Chris Hiller at: [chiller@national.anglican.ca](mailto:chiller@national.anglican.ca)

## **1.3 Dan Benoit, Métis Nation/Manitoba Métis Federation**

This presentation was not on the agenda  
Equality and equity in relation to resource development projects – water and resource allocations - I'm not against resource projects and resource allocations. Aboriginal rights are not absolute and can be infringed by large scale hydro dams, but proper consultation, accommodation and compensation is required. To me, accommodation means mitigation, compensation and Interest & Benefit Agreements.

The MMF fully supports FNs becoming partners in economic development, but what's happening here with Manitoba recognizing that FNs have rights leaves out two other groups of Aboriginal people – Métis and non-status Indians.

Humans leave footprints on the land, so when governments go out to develop they have to be aware who has rights within the proposed development area.

The FNs are rightly looking for opportunities to help their people out of the [social injustice]. So, when MB Hydro offers to partner, it's not surprising that these desperate FNs cease the opportunity to make these decisions.

There are two problems with that type of thinking. On the local level – who else has Aboriginal rights to use that traditional territory that you are planning to develop through the assertion of your own rights? Secondly, there is a larger community that's been affected by, for example, the Churchill River Diversion. The Grand Rapids Dam makes millions and millions for Manitoba

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Hydro. The carrot is we want to build a new hydro dam and we'll do this and that for you. But, what about those communities that have already been affected and not compensated by hydro – like Grand Rapids – how will they be compensated? Is there a larger social and moral issue at stake here?

Co-proponents are responsible to make sure that the proponents they are getting into bed with have treated other Aboriginal people equitably. Along with rights comes responsibility and you have to make sure other peoples rights are not affected.

**1.4 Justice Seekers of Norway House – Glen Francois**

This presentation was not on the agenda

The JSNH was formed last year in June and involved 24 Elders, youth and middle aged people. Elder direction is very important to us because they are the root system to our community. We do not move unless we are directed by them. Water quality is a very strong issue to our Elders that has gone unnoticed. Children go out swimming and break out in scabs and sores – asked for a swimming pool and nothing. Debris in the water also prevents swimming. Our drinking water comes from out of town. We want proof now, not just promises. A lot of promises that hydro made have been broken. Our election code developed by the people was broken. We had an appeal committee set up but stepped right over. We also had Elders speaking on behalf of what they were believe in but were stepped over also. We went to court and it cost us \$30 000 and most of us didn't have jobs so our resources were slim. There are far too many loop holes for our Chief and Council to weave in and out. We still can't believe in a government that breaks its own rules. We want our rights to be respected and consultation must be meaningful with full consent of everyone in the membership. Where our Aboriginal rights are infringed, compensation is due.

**1.5 Pimicikamak Cree Nation – Elder Gideon McKay, Cross Lake**

This presentation was not on the agenda – spoke through translator Rev. Melvin Cook

Good morning. I greet each and every one of you and give thanks for this opportunity to speak and thank the committee for the time. I thank the young people for being here and the Elders. I am very happy to hear what you have to say and it tells me the hardship that you are going through and we are going through similar hardships.

I would like to mention that the PCN recognizes the Creator and the gifts that have been given to us – the water and the medicine. And, it hurts us that the water and medicines around the shore and under the water are being destroyed.

In gathering here and recognizing that the waters are being destroyed and must be spoken for [is good – implied approval].

Secondly, I would like to point out that this book contains the treaties and the treaty rights and none of them are the same. And, if you would like to look at it - it will be here and this represents the federal government being responsible forever. Promises being made by the federal government are here in this book and they have to be looked at.

The Northern Flood Agreement (NFA) between the five bands, Nelson House, Norway House, Split Lake and Cross Lake – in the agreement they would be receiving things, but nothing has been fulfilled and is just a document.

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And, I was given both these documents, both these promises, to carry and to bring and share with you. If you would like to look at these documents, they are here. We know that the Creator given us responsibility to look after what we've been given.

And so, the documents are here and if you wish to look at them, then we can look at them. Also, to remember our Creator and to have that hope and always turn to our Creator for assistance and help.

Water is important. I find water important. When we take a child to church, it is water that we use to baptize. Even our lord used water in baptism.

That's why it's important to recognize the importance of water, the sacredness of water and we are saying the waters are being destroyed. The waters are being destroyed and we have to say something.

Yesterday I took the time to speak to our Creator and asked to help us that we could have clean water. It's not a difficult act to stand before your Creator and ask for that help in getting good water.

In response to talking to our Creator, he responded back and provided for our people good water and you can't cook oil, gas. You can't make tea or cook your food with oil and gas. You can't do the things you need to do for yourself with the oil and gasoline that flows in our water.

So, in asking for good water to come, the ways are being found so that good water flows into our community – let those ways be used. This is what I've asked for from the Creator.

One of my hopes is that we all speak in one voice. We be one body. That is my hope. This is what I'm asking you. The meetings are good. We have to stand together [helping each other] voicing one voice being in one body.

These things were bothering me in my heart, these things were troubling me and being provided time to let you know, now I feel a little bit better for having said what I have to say and I thank the Chairman for allowing me to speak.

I'd like to thank you for taking the time to listen and God will Bless you.

**1.6 Don Ryan, Gitksan**

This presentation was not on the agenda.

I wanted to first express my gratitude to the churches for the support they gave us through the whole Delgamuukw experience. Please give them a hand. And, please give yourselves all a hand for the work you are doing today for without you the Delgamuukw decision is meaningless.

Delgamuukw is an internationally known decision. We have to take that decision and make something out of it. We can't rely on the courts [or government] to make something out of that decision.

The decision wasn't what we wanted. But, there are parts of the decision that we can raise up. You could see what they said about consultation and accommodation. But, you have to remember to really put the heat on the government when it comes to accommodation. You have

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to force the issue of informed consent. No one else is responsible for ensuring informed consent so you have to get people involved.

Our salmon have been destroyed. We're left with plants where we have to rebuild those salmon stocks. The salmon enhancement program that's sponsored by this country has destroyed the salmon in our territory because they have concentrated on the most valuable species – sockeye. Single species salmon enhancement is taking over through a misguided programming that has had a detrimental effect. The water is at issue here. Without clean water we will have no salmon at all.

We have no more saw logs on our territory. That means we cannot make viable business arrangements across the territory because there are no saw logs left. The forests that are left have no value for the commercial people. Tree plantations are not going to work. We already see this in Gitksan territory because they are being destroyed by different viruses. You are going to see them plow those plantations under.

I spent many years traveling around the world and have seen where all of this has been played out and people have had to bulldoze these plantations down. So, why are they doing this here in the is country?

The big issue we face now is oil and gas and we have to learn from all of the different tribes that have had oil and gas on their territory. So the Gitksan just sent a notice into the government of BC saying that the province and federal governments do not have any jurisdiction to deal with oil and gas. Our House groupings and Clan are now coming up with an internal policy on oil and gas that can guide the Gitksan. We've also drafted a statute that has been turned over to the Crown because consultation is a two way street and when we do something we have to consult with the Crown.

In terms of governments, we did the Delgamuukw case and the plaintiffs were the House groups within the Gitksan and Wetsuwet'an area. The House groups are the traditional form of how we organize ourselves. We then have different Clans with which the houses are affiliated. In terms of the Gitksan there are four clans.

We are forcing the issue of consultation right [through the Clans] to the House groups because the SCC said that our rights and title flowed from our occupation of our land and from the laws that we created. You are a law making entity. Don't let anyone say that you can't make law. Our laws will be passed in assembly by the House groups. We've created a new institution where we bring our Houses together. We have used the canoe for centuries and in the canoe there are two key people. The one that stands in the front and guides (and this is the law making assembly) and one who stands at the back to steer. The Executive are at the back of the canoe and made up of the different clans. We're hoping the province will say to our face that we don't have the right to pass law or to form assemblies.

The court also said that there is a process for reconciliation and the Gitksan are the only one working on reconciliation by passing their own laws.

I also work for Treaty #8 and as lead negotiator for Treaty #8, the province wanted to take a look at how they could buy off Treaty #8 leadership by looking at revenue sharing. The province said they would give money just to show good will. They said they will give 3.7 million as good will, but in receiving that money you have to be really good Indians for a year and a half – don't

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blockade, don't litigate, don't bother industry and don't bad mouth us around the world. To be really cynical about the whole thing they said they would give another 2.3 million that would be tied to the approval of oil and gas in the territory. They offered a thousand dollars as an incentive payment per oil well approved. People struggled with this offer and really scratched their heads. On the one hand, there is this offer and on the other hand there is 2.3 billion dollars in royalties alone is being made from land in BC.

Treaty #8 rejected their offer. We have a protocol agreement in Treaty #8 and the province is prepared to deal with us in the management of renewable resources. And, we are looking for new ways to look at managing the resources within their territories. Let's talk about revenue generation, rather than revenue sharing. We're also looking at cumulative impacts within the territory.

The other issue is compensation. I don't believe that we should be talking about compensation because those resources belong to us. They should be paying us because those resources belong to us. Within Treaty #8 they are prepared to talk about past and present infringements.

Another area is when the province creates rights for another nation within another nation's territory through the creation of agreements.

I am also considering alternative energy sources and believe that the FNs have to lead in this area – solar, wind, geo thermal, low impact hydro development. We have to show people that there are alternatives. Why do we allow people to force us to buy the oil and gas and very expensive electricity when we don't need it? Why are we paying for all of this? We can do self-sufficient communities. We can produce very cheap electricity.

This forum has given me promise.

### **1.7 Arthur Manuel, Indigenous Network on Economies and Trade (INET)**

#### **“International Level Recognition – Breaking Out of the Domestic Box – Being an International Nation”**

Canada does play a very active role in indigenous issues and sometimes sends up to thirty delegates to international meetings. Even in tough economic times, Canada budgets a lot of money on indigenous issues and speak up saying how much they are doing for the Indian people and that the Indian people are happy. They present themselves as the nation state that should lead the way on indigenous issues. I say that Canada is an underdeveloped nation because Canadians are at level one in accordance with the Human Development Index, but when the same criteria is applied to us on reserve we are at level 47 or 63. So, level one only applies if you're a settler.

Canada could change tomorrow but they won't because they have given away the store to the big countries. It's like a wife who has an abusive husband and everyone says why don't you get out of the house? So, we need to get out of the house and that's where international politics comes in – we need to break out of the house.

Our Indian Act bands actually make up nations. First Nations are not nations, they are Indian Act bands.

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Last year I took a trip to Grassy Narrows to deliver food from the Skwelkwé'welt Protection Center (dried fish) at Sun Peaks. International work begins at the local level. I thank the people who are fighting to protect their land – to preserve it and save it. I really don't like those corporate Indians who say there are no reasons for demonstrations because one time I met with the Attorney General of BC who said we were embarrassing him. Told him we were protecting our rights because if we don't say anything they will accuse us of "sleeping on our rights" and that is actually a legal defense. [Silence equals consent at common law]

Rodolfo Stavenhagen is the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples Commission for Human Rights.

United Nations Working Group at Geneva, Switzerland meets annually in July where you can make two or three minute presentations. It is an opportunity for good networking. Tribal people don't follow the vertical ladder of corporate globalization. Tribal people operate by circular concepts. The American "shop until you drop" is going to destroy this world. In Europe, where they have learned after devastating their land, they close the stores at 2 pm on Saturday and don't open until Monday – simply to stop the consumption.

We are involved internationally because we can't get justice here in Canada. People need to understand that the courts are only one half of justice, the other half is governments implementing justice.

The Convention on Biological Diversity is an International Treaty that Canada has signed. Article 8(j) speaks to indigenous people's involvement and they are trying to set up guidelines for our involvement. Canada is fighting "prior informed consent". Canada couldn't get it pulled up so they wanted it watered down. The next conference of the parties is going to be in Brazil in 2006.

Some indigenous people are soft on the other side and we need to send more women from Canada to do international work, especially those who know about traditional knowledge, because that's where Canada is fighting us and winning us on the end run. International trade law can set aside SCC decisions in our favour.

The other issue is the World Trade Organization (WTO) and we don't want the WTO to get involved in water. The WTO is there to take down all trade barriers globally. The Canadian governments non-recognition of Aboriginal and Treaty rights amounts to a subsidy to the softwood lumber industry because if, for example, Canada was paying us royalties for all our trees, America would not be getting such cheap lumber. Submissions have been made to NAFTA putting forth our position.

Free Trade Area of Americas (FTAA) – is an international free trade agreement between all countries of North, Central and South America and they will be using the same kind of force (army/police) to implement this agreement as we defend our water and other resources. In Bolivia, people even have to pay for the rain water they have collected!!

As indigenous peoples, we have a lot to say about globalization and we don't want corporate leaders leading globalization. Because we have Aboriginal and Treaty rights we have a big job to square off with the corporations to protect our rights.

"Globalization and Its Discontents" and "The Roaring Nineties" by Joseph Stiglitz, Economist who has won a Nobel Prize – Aboriginal rights and treaty rights must be considered as an economic component of development.

Standard & Poor's is an international credit rating monitor and agency – establishes credit ratings for countries and businesses. Canada is hiding substantive hidden costs – pushing the extinguishment of Aboriginal title and treaty rights because they owe us so much money.

Our World is Not for Sale – is an international solidarity movement of major non-government organizations (Council of Canadians, Polaris & INET) – this group is working on providing information to the community level on the effects of globalization.

## **2.0 SMALL GROUP SESSION: Issues and Strategies at international Level**

- 2.1 Education – we need to educate our communities, Canadians and the international community regarding our Aboriginal and Treaty water rights;
- 2.2 Coordination of Legal Cases – we need to coordinate our litigation regionally, nationally and internationally and further recommend that an Indigenous legal institution similar to EAGLE and/or the Native American Rights Fund be created at the national level.
- 2.3 Self-Determination means involving our people in decision making at all levels.
- 2.4 Heal and Strengthen our Land Connections – we need to heal and strengthen our land connections through direct action at all levels with a particular focus on our urban populations.
- 2.5 Build Alliances with those who support our jurisdiction over our lands, including our waters, and recommend an international Indigenous Conference on Water.

## **3.0 FORUM ROUNDTABLE: Pulling it all Together**

Thanks to the Walter, Duncan, Gordon Foundation, churches and other organizations that funded this event. Thanks to the owner and staff of the facility. Thanks to volunteers and the conference Steering Committee.

### ***Trade and Privatization Discussion Group Report***

- Assertion of Aboriginal Title, Rights and jurisdiction over resources on the ground and always incorporate Spiritual dimension – be prepared to defend by creating strategies in relation to: legal, media, communication, direct action tied to legal strategies and legal consequences of direct action – “The politics are the people” and when your people are in court you should be there to support them. Hostility can erupt through racism – racism is real in Canada and becomes evident when we try to change the status quo. (The level one leaders put pressure on the level 47 leaders to settle down.)
- Influence Canadian government through the strategic use of vote
- Connect efforts to community people – especially youth
- Support Indigenous Network on Economies and Trade – equality economic analysis of local issues – there is a need for community based economic analysis
- Continued church support (public education because it is difficult to educate the general public about our way of life)

***Education Discussion Group Report***

- Indigenous people have tremendous respect for the Sacredness of Water
- Recommendations:
- Encourage capacity building for Indigenous peoples water monitoring relying on our traditional teachings embodied in our language and cultures focusing on involving young people in the water quality protecting, preserving and testing
  - Campaign to proclaim Indigenous Water Awareness Week – focusing on traditional knowledge of water, origin stories involving water, sacredness of water, conservation, clean energy sources. Churches could have a one day Water Festival
  - An Elders Conference on Water, locally, during Water Awareness week or could be a national initiative, or in combination with an existing Elders Conference
  - There should be an International Convention on Water and we could prepare by collecting our stories
  - A World Indigenous Peoples Forum on Water
  - Is there a role for the Churches in Creating a Space for Dialogue where there is conflict within Communities regarding water?
  - Creation of local Water Centres
  - Capitalize on the upcoming expansion/creation of the Smithsonian American Indian Institution
  - The commodification of water has to be examined
  - The scarcity of resources produces conflict amongst neighbors
  - ***Life & Livelihood or Life Style or Way of Life Discussion Group Report***

What we're talking about here is the most powerful medicine and that's our water – the power of life. It is our cultural responsibility that the voice of the women where things are not shelved. We need to give direction for this forum to continue on. We as Nations, it is the responsibility of the women and we're asking the support and partnership of the men to help us with our voice. When we looked at specific directions:

- This conference was a **preliminary** step
- This is about **partnerships**, nation to nation and within and amongst nations – partnerships not based on money, but based on beliefs. People have a responsibility to educate themselves
- **Positives** – instead of saying we're against dams; say we are in favor of the flow of water honouring traditional wisdom and way of life that is chosen. So one asks how does what I do enrich our nation? What you are for empowers you and what you are against weakens you. Bringing back the life relationships with the environment is what will restore all of us and our rivers/water.
- **Patience and persistence** – the very long haul because this is about sacredness, the sacredness of water and women's sacred relationship with water

"Equality and justice are not guaranteed by law, but by friendship". Governments will implement things when people are friends and willing to work together.

***People's Rights Discussion Group Report***

- **Education** – create opportunities to educate our communities, Canadians and the international community regarding our Aboriginal and Treaty water rights; We have a duty to help non-Aboriginal people understand certain things about the world because

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European people have also been colonized and lost their knowledge of these things [inter-connectedness].

- **Coordination of Legal Cases** – we need to coordinate our litigation regionally, nationally and internationally and further recommend that an Indigenous legal institution similar to EAGLE and/or the Native American Rights Fund be created at the national level.
- **Self-Determination** means involving our people in decision making at all levels.
- **Heal and Strengthen our Land Connections** – we have a duty to heal and strengthen our land connections through direct action at all levels with a particular focus on our urban populations.
- **Build Alliances** with those who support our jurisdiction over our lands, including our waters, and recommend an international Indigenous Conference on Water.

## **CLOSING COMMENTS**

- **Pimicikamak Cree Nation – Elder Gideon McKay, Cross Lake**

I'd like to say there are two important parts to knowledge. The one thing I wish to talk about is traditional Indian knowledge. The other thing I would say is White man's knowledge – they are two separate things. Right now in our communities, Norway house, Cross Lake and The Pas, we are working at educating our young people in the Indian knowledge. In our communities because of the impact of the Whiteman's' school many children don't really have any awareness of Indian knowledge and beliefs.

That's one thing this Indian awareness, beliefs and knowledge and I've been listening to you white people talk about the content of Whiteman's knowledge. One of the things as Indian people when we use the Whiteman's language we are in effect we are foregoing a lot of our own knowledge by not using our own knowledge. That's all I would like to do is make that point.

At Norway House they have a festival at Treaty Days they use the York Boats and that helps them hold onto their Indianess. At Cross Lake we have our festival and we use the canoes and row and paddle in contests as we used to do in the old days. Those are things from the past that we are holding onto and help us hold onto our identity as Cree people. That's all I'd like to say, thank you very much.

- **Elder Joe Keeper**

The focus of this forum was Indigenous Water Rights, but we've talked about everything that affects us and our dialogue is a reflection of our wholistic way of looking at life. Water is important, but it is inseparable from our total life. We don't put one thing here and one thing here. It's a relationship. We don't isolate things as western science and measure them. It's a relationship of one thing to the other. And, for me this has been a very, very positive experience.

- The land is (fighting back) with all the storms, etc.
- "If they don't hear us, the land will speak for itself", I quoted and acknowledged my husbands wisdom - Watsait/Bryan Jack, Taku River Tlingit First Nation

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- Our futures and our lives are bound together and as White people we are also tied to the Treaty and there were three parties present with God being the third party. We are all in this together and we need to find solutions.

- **Elder Representative Closing Comments**

Misplaced salmon, political agendas, cedar, exploitation, starvation, unemployment, suicide, chemical pools, our rights, litigation, skills – words fell like teardrops onto the ground and fell in.

Those words fertilized the ground and what grew was - youth, environmental audits, studies, excellent speakers, ability to speak and to say what you have to say, communication skills, laughter in your stories, policy guidelines, migration of groups into the cities and across the country, story tellers, sanctuaries, recovery strategies, lawyers, educated people, graduate, exploitation of resources, the knowledge is here in this room – that's the good ground – the teardrops fell on good ground.

It's time to share, it's time to change our negative attitudes and it's time to be together. They wanted me to share some wisdom, so I will:

- When you're a caregiver, don't ever leave a handi-capped person by a galvanized tub. [laughter]
  - Make sure you check the springs of your bed when you get home, especially when your kids are in the next room. [more laughter]
  - Never buy your overweight wife one of those shrinking suits.
  - Don't ever teach "naughty words" to White people from your language because they'll use them in the bingo hall.
- Youth Representative Closing Comments

Being young is a big responsibility, especially like the young people because they are real close to the earth and don't know anything about rights, but they need a healthy environment to be everything that we want them to be. We do everything in our culture for those young people. So, I'm really happy to be here today to have these discussions. We've got a lot of work to do help out those young people.

I live in the city and someone mentioned for me to talk about the urbanization of our people. I believe we can't talk about the connection with our land and many of our children are born in the cities. You hear stories and I talk with young people. I see them with the drugs, violence, death and suicide. So, we need to fight hard and strong and stay committed to who we are as a people and work with our Mother Earth.

Work in the inner-connected relationship. When we talk about water I remember Judy was saying that when we breath it goes into water and we see that cycle all the time – it's finite – there's no more – butterflies, frogs dying, islands disappearing, fish not being able to go where they need to go. We need to utilize the right at all levels of the institutions that are out there for us and we continue to open those doors.

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But we need to educate our youth and have them come to these events and tell their stories. I was talking to those young guys from Grassy Narrows talk about going out there building camps and protesting to protect their land. At fourteen, they are strategizing to help deal with issues of global concern because what's affecting them here is affecting them in the Philippines. There was a conference in the Philippines to talk about militarization, sexual exploitation . . . and created a declaration. We have young people who are taking those declarations to the UN.

I want people to go home into their communities and tell your young people about the truth of the land, the history of it – if you don't know your history you have no future. Show them how to live that history today. I'm really glad to be here in the presence of educated and smart people and being the presence of Elders and hear the teachings and the babies too – they have contributed to and will remember this forever. Meegwetch

**CLOSING WATER CEREMONY:** The people were blessed with the sacred water had been carried from their territories and poured their water into bowls where it mingled.

Songs were sung with drumming, the people danced and closed with the Round Dance Handshake.