



by Gaile Whelan-Enns

Water is The Future

This year many First Nation communities are affected by more water than in many years. Manitoba First Nations are dealing with 200 to 300 year water levels in the interlake region, along the Assiniboine River, and in the west side of the province. Around Lake Winnipeg these flood waters are flowing through the rivers into the lake and hydro system, and then into Hudson's Bay. This water arrives from BC, Alberta, and Saskatchewan. Manitoba is the end of the pipe in a huge basin of First Nation traditional lands. Saskatchewan is seeing flooding unheard of since record keeping began. Quebec rivers have been flooding

since early spring. Elders and scientists are telling us that we are going to stay very wet –for the next several years.

Water Rights in Canada

The numbered treaties, that might be taken by the Crown as ceding land, do not mention water. The Royal Proclamation of 1763 clearly includes water in its identification of vast Indian lands across the continent – and when it forbids any purchase or taking up of Indian lands. Delgamuukw 1997 confirms Indian title, and includes water in a First Nation territory in its language. First Nations communities and individuals hold Aboriginal constitutional water rights. Don Marshall's supreme court wins regarding his Aboriginal right to harvest from the water and make a living supports Aboriginal rights. The Crowns' duty to consult and accommodate involves waterways, impacts on water and water uses.

First Nations have been sharing the waters and waterways with the rest of Canadians since first contact, since the first Europeans arrived. And the waters of Canada keep us all alive, Europeans and Aboriginal Peoples.

Water Rights – United Nations

In 2010 the United Nations General Assembly and the UN Human Rights Council both confirmed “the right to safe and clean drinking water and sanitation is a human right essential to the full enjoyment of life and all other human rights.”

The UN Declaration on the Rights of Indigenous Peoples, 2007, has now also been endorsed by the Canadian federal government. The Declaration affirms that Indigenous Peoples have entitlement to all international rights, including in binding convention.

Water on Reserves

Canada's auditor general keeps reporting the story of failure to provide basic water services in many reserve communities. Boil orders are rampant in First Nation communities, and many

families do not have plumbing or water service to their homes. The auditor general is correct – these services are a right for all Canadians. Between flooding, pollution from industrial development, and lack of basic water services First Nation communities' water rights are not being fulfilled.

Northern Flood Agreement – Manitoba

This agreement (NFA) is a modern day treaty between each of five First Nations, Canada, and Manitoba. It came into being as a result of the massive flooding, and damage to First Nations traditional lands, waterways, livelihoods, and culture during the 1970s. Each time it is changed a Bill has to go through the House of Commons and the Senate. It is odd, but true, that the NFA treaty was not made until after the flooding and damage from the new hydro system, and diversion of the Churchill River (CRD).

This means that no agreement or treaty, or compensation was discussed, or offered before the building of the hydro system, and diversion of rivers in northern Manitoba. It of course means that no meaningful consultation occurred either. The traditional areas affected cover one quarter of Manitoba. Many Manitoba First Nations also experience ongoing impacts from hydro developments.

This year the regulated level of water in Lake Winnipeg (which is a reservoir), is above the regulated level for the lake. The waters are moving through the dams, and across traditional territories at levels that are or will be above the allowed regulated levels within the northern flood agreement. A question to ask – what is the liability to the Crowns from this situation ?

Water for Canada, Water for First Nations

Canada holds the most fresh water of any nation in the world. Our rivers, lakes and water systems all flow through traditional territories. Most of the over 600 First Nation communities across Canada live on or near lakes or waterways. Every negotiation, consultation, treaty, benefits agreement or business agreement a tribal council or First Nation enters includes resources, and water.

Steps taken by Canada's First Nations today and in the future have the potential to protect waters for their peoples and the rest of Canada. With climate change and water over use likely to affect many US states, Canada's First Nations and their aboriginal water rights are the future of water in our country. Comprehensive lands claims, land selection, and other settlements also always include water.

Annual Mother Earth Water Walk

Aboriginal beliefs identify women as carriers of life giving water, and water as giving life to all. For six years Aboriginal grandmothers have been carrying pails of water as they walk around the Great Lakes, and the length of the St. Lawrence River. Other women's councils have carried water from their lakes to the buildings where the Crowns make law and policy.

This year water from the all the directions of Turtle Island were carried to Wisconsin to be combined during ceremony. Josephine Mandamin is a commissioner of the Union of Ontario Chiefs water commission, and among the water walkers.

“We are all related to the environment and we call the Earth our Mother because She gives us life, She gives us everything that we need,” Mandamin said. “The main element that She gives us is her blood, which is the water, and women, in the same context, are carriers of life.”

WATER GIVES US LIFE.

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Keepers of the Water – 2006-2011

The 2011 Keepers of the Water conference and gathering will be in Lac Brochet, Manitoba, August 11 – 14. Concerns about the state of water across our country and around the globe bring the Keepers of the Water together each summer. Starting in the north west territories, and moving west through watersheds and territories each year, the Keepers of the Water focus is for the future of rivers and lands that drain through the Arctic Basin. An Arctic water basin plan is reviewed each year. The gathering/conference is educational, political, and starts Keepers of the Water groups through the basin.



The Vision from 2006 holds:

“Water is a sacred gift, an essential element that sustains and connects all life. It is not a commodity to be bought or sold. All people share an obligation to cooperate to ensure that water in all of its forms is protected and conserved with regard to the needs of all living things today and for future generations tomorrow.” *Keepers of the Water Declaration, Sept. 7th, 2006*

Protecting Water, Protecting the Future

It is the hope of this writer that the words here are accurate and respectful. First Nations of Canada hold the water in their hands. The Keepers of the Water, and the Water Walkers are showing the way. Protecting the water will protect the future for us all.

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