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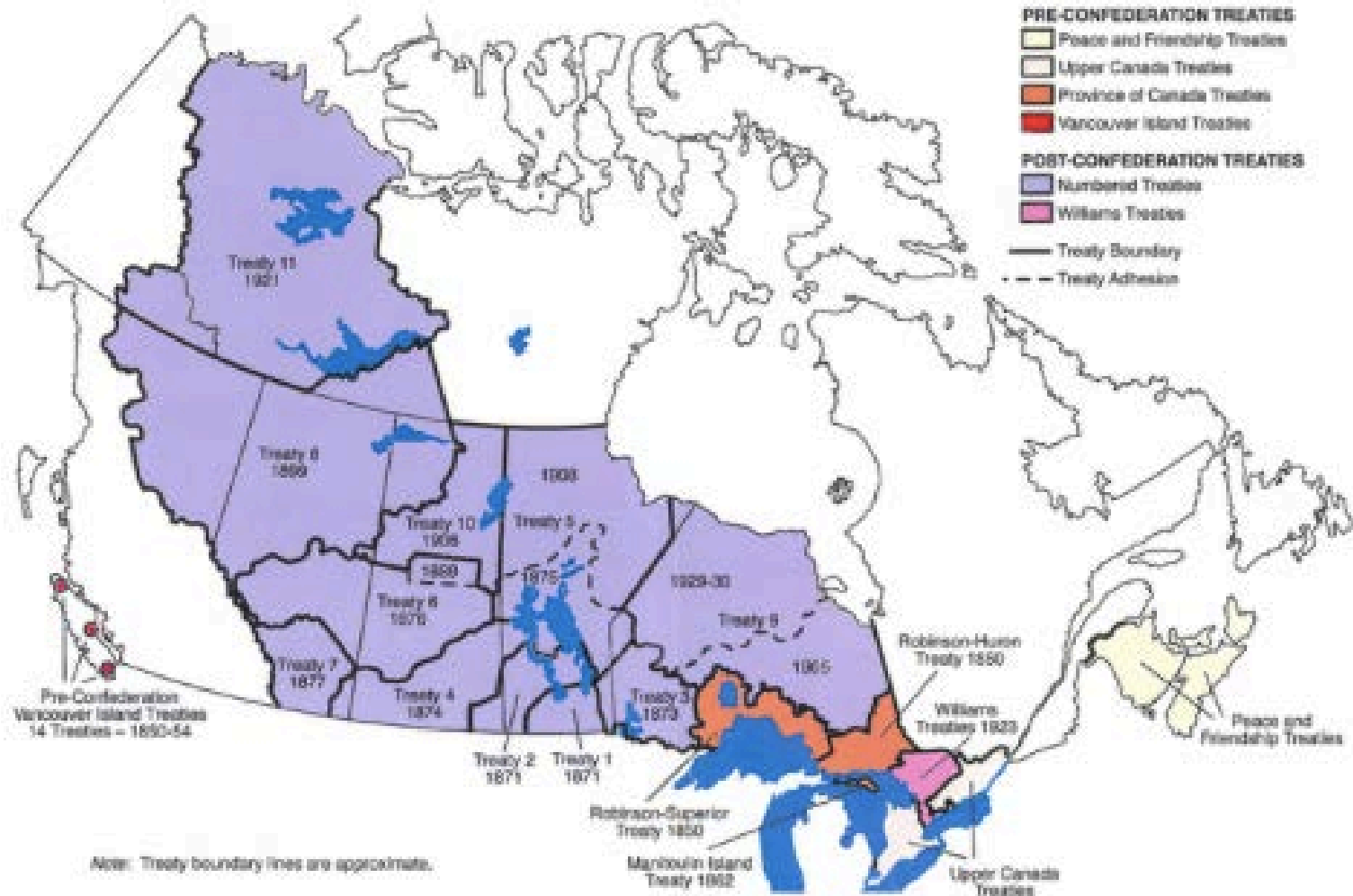
Living Water: Recognizing the Rights of the Lake

*Lake Winnipeg: Where
Waters Meet*

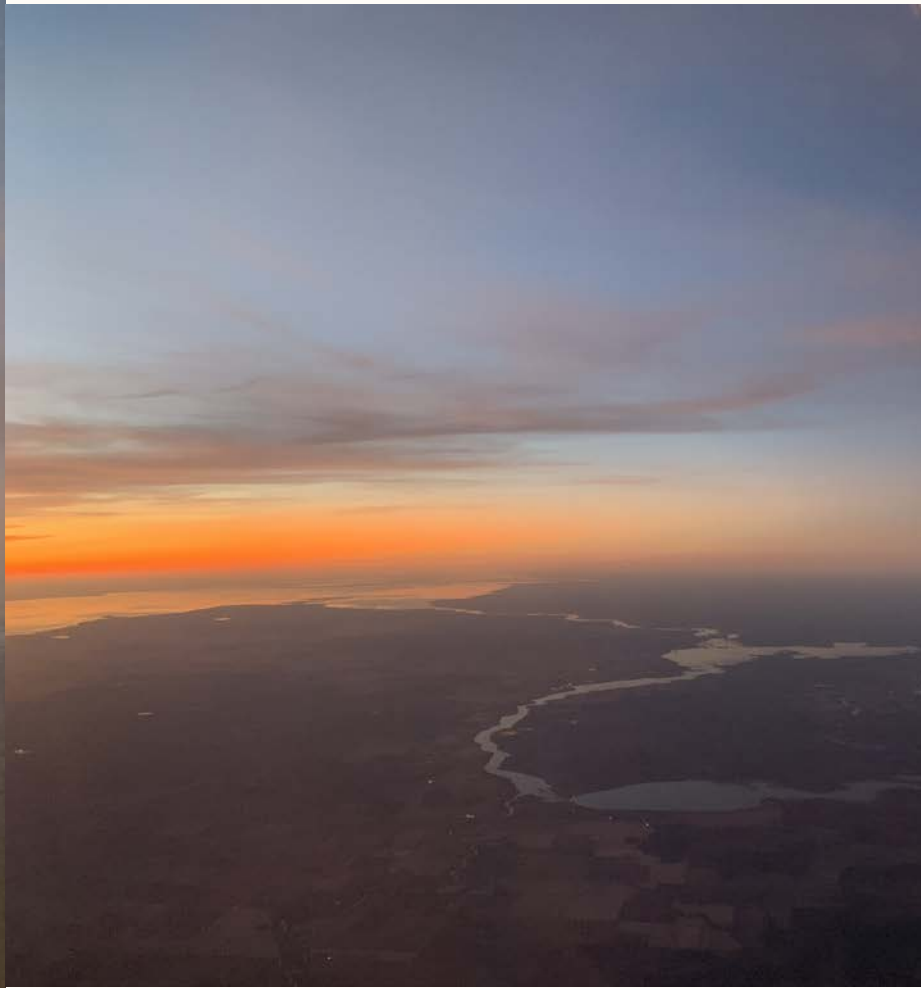
October 2, 2019 (Gimli)

—
Prof. Aimée Craft,
University of Ottawa
Faculty of Law

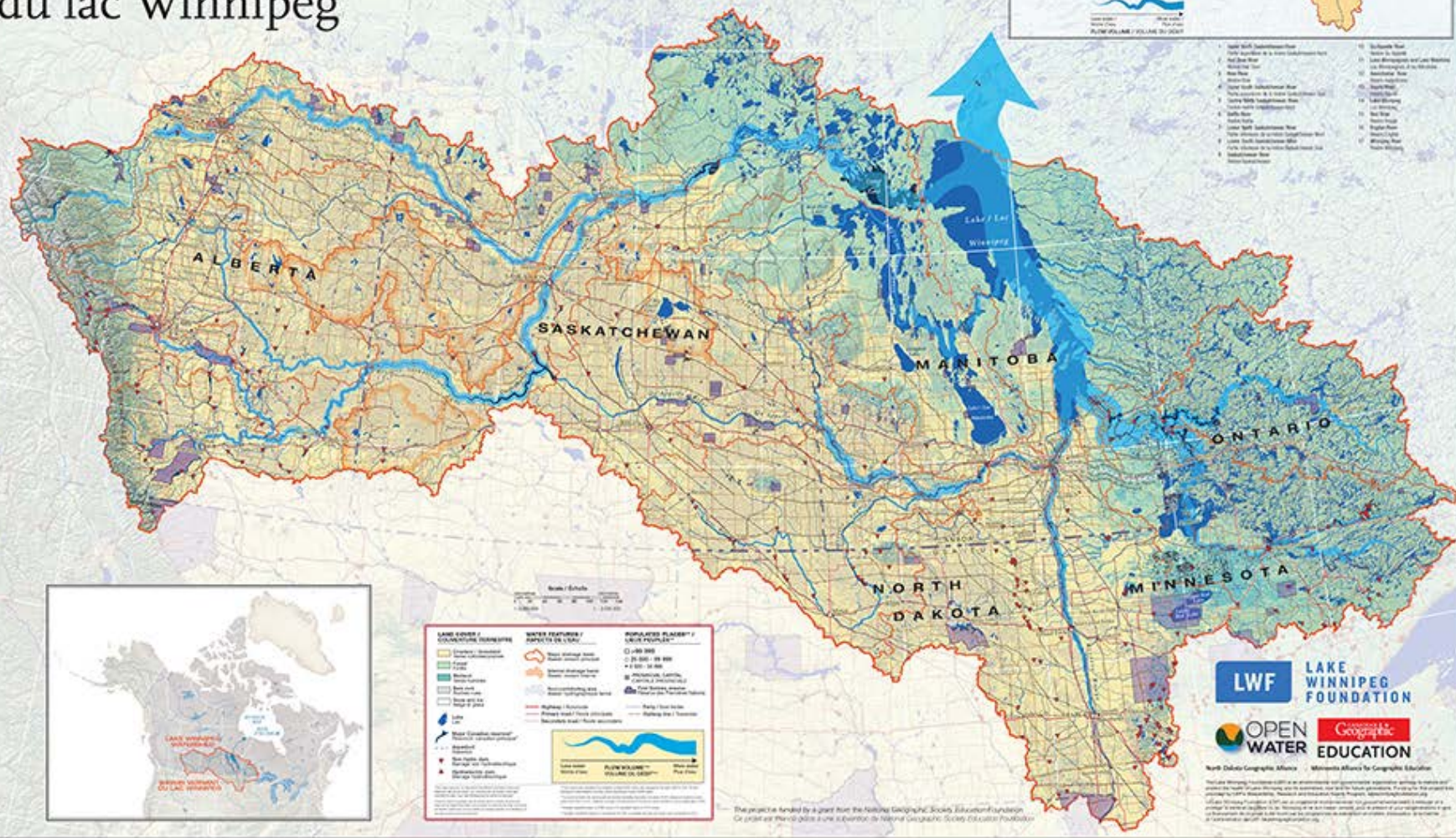
Location of Historical Treaty Boundaries in Canada



*This map is based on information taken from the Geo Access Division maps.
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Bassin versant du lac Winnipeg



NEARLY
1 000 000 000

SQUARE
KILOMETRES

10TH

LARGEST FRESHWATER
LAKE IN THE WORLD

3RD

LARGEST HYDROELECTRIC
RESERVOIR IN THE WORLD

2ND

LARGEST WATERSHED
IN CANADA

MANITOBA

ALBERTA

SASKATCHEWAN

EDMONTON
1,159,889

RED DEER
90,564

CANIFF
7,584

CALGARY
1,214,839

MEDICINE HAT
72,807

LETHBRIDGE
105,999

SWIFT CURRENT
14,946

MOOSEJAW
33,274

REGINA
193,100

FLIN FLON
5,592

THE PAS
5,518

SWAN RIVER
3,907

DALPHIN
8,252

BRANDON
46,061

WINNIPEG
663,617

KENORA
15,348

STEINBACH
13,524

MINOT
43,746

GRAND FORKS
53,456

FARGO
109,779

ONTARIO

MONTANA

NORTH DAKOTA

MINNESOTA

SOUTH DAKOTA

4 + 4

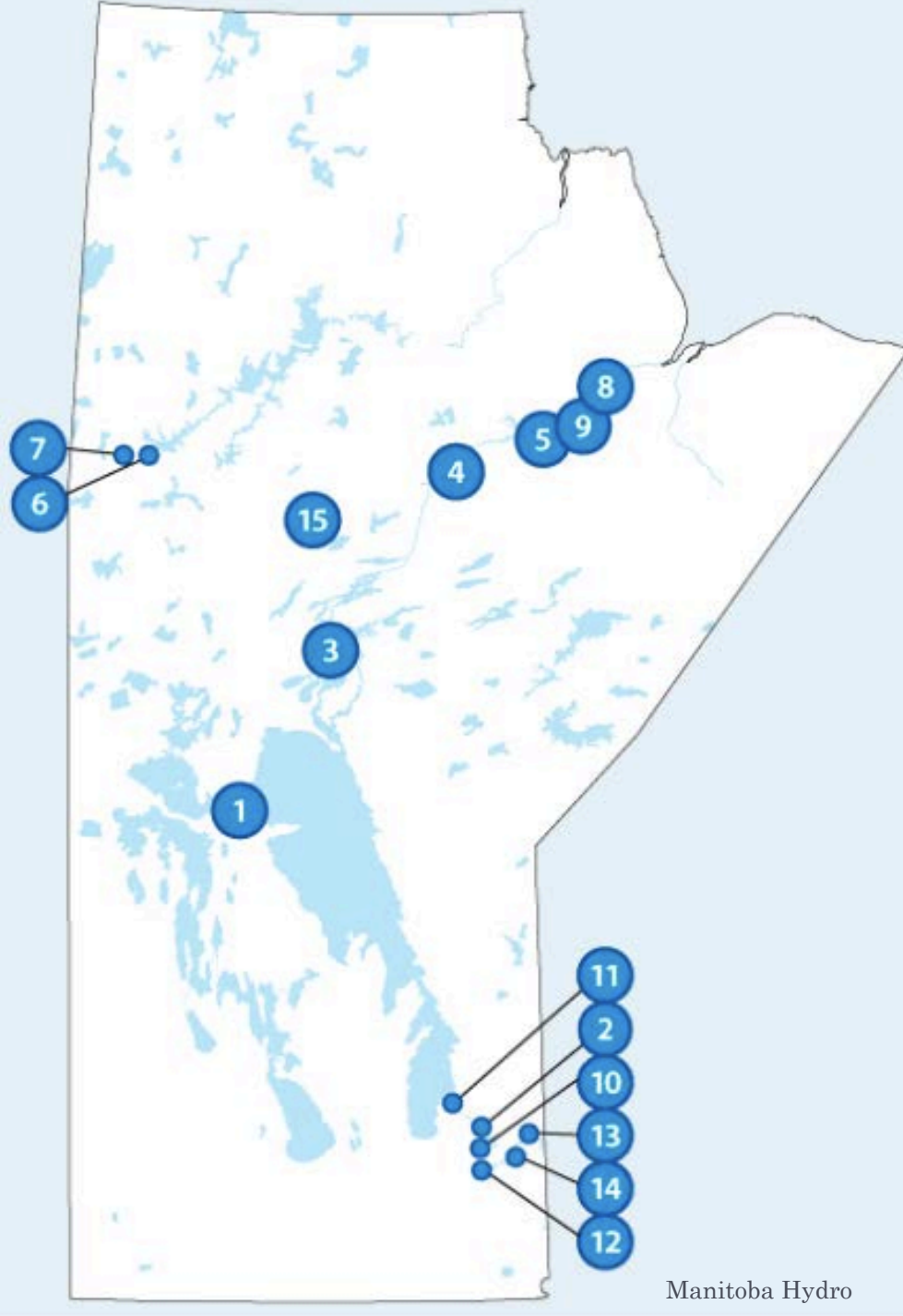
CANADIAN
PROVINCES

AMERICAN
STATES

(Map adapted by
Shawn Stankovich
from Lake Winnipeg
Foundation, and
Province of Manitoba)

Lake Winnipeg Watershed

Manitoba Hydro



- provincial Crown Corporation (owned by the Province of Manitoba)
- \$2.3 billion in annual revenue
- \$22 billion in assets
- 16 generating stations
- 3 control structures

- 1 Burntwood River -**
 Wuskwatim - 200 MW
 First Rapids - 210 MW
 Manasan - 270 MW
 Early Morning - 80 MW

- 2 Laurie River -**
 Laurie River 1 - 5 MW
 Laurie River 2 - 5 MW

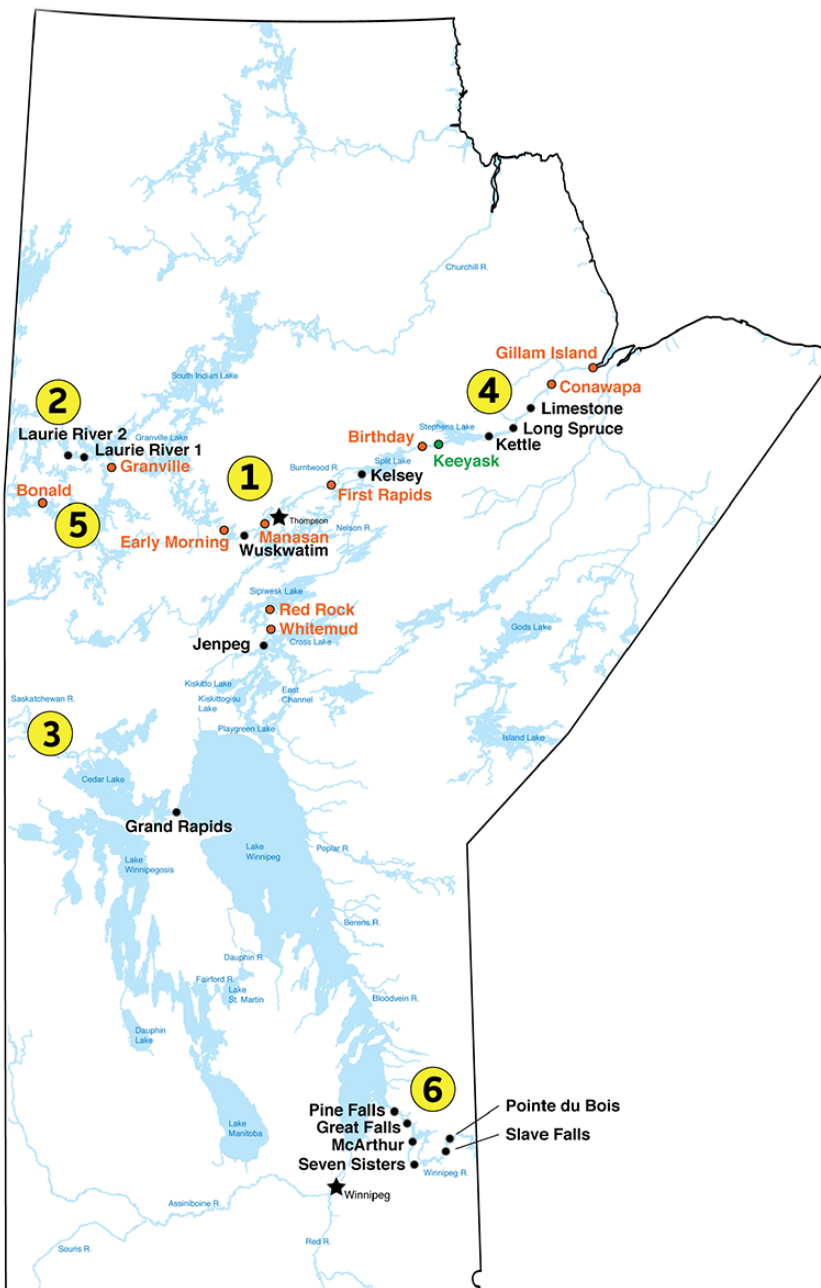
- 3 Saskatchewan River -**
 Grand Rapids - 480 MW

- 4 Nelson River -**
 Jenpeg - 129 MW
 Kelsey - 250 MW
 Kettle - 1,220 MW
 Long Spruce - 1,010 MW
 Limestone - 1,340 MW
 Keeyask - 695 MW
 Conawapa - 1,485 MW
 Gillam Island - 1,080 MW
 Birthday - 380 MW
 Redrock - 250 MW
 Whitemud - 310 MW

- 5 Upper Churchill River -**
 Granville - 120 MW
 Bonald - 110 MW

- 6 Winnipeg River -**
 Pine Falls - 89 MW
 Great Falls - 136 MW
 McArthur - 55 MW
 Seven Sisters - 165 MW
 Pointe du Bois - 77 MW
 Slave Falls - 67 MW

- **Current sites-** 5,228 MW
 • **Under development-** 695 MW
 • **Potential sites-** 4,295 MW





Reconciliation and Indigenous laws

Establishing respectful relationships also requires the revitalization of **Indigenous law and legal traditions**. It is important that all Canadians understand how traditional First Nations, Inuit, and Métis approaches to resolving conflict, repairing harm, and restoring relationships can inform the reconciliation process.

Legal traditions

Inaakonigewin

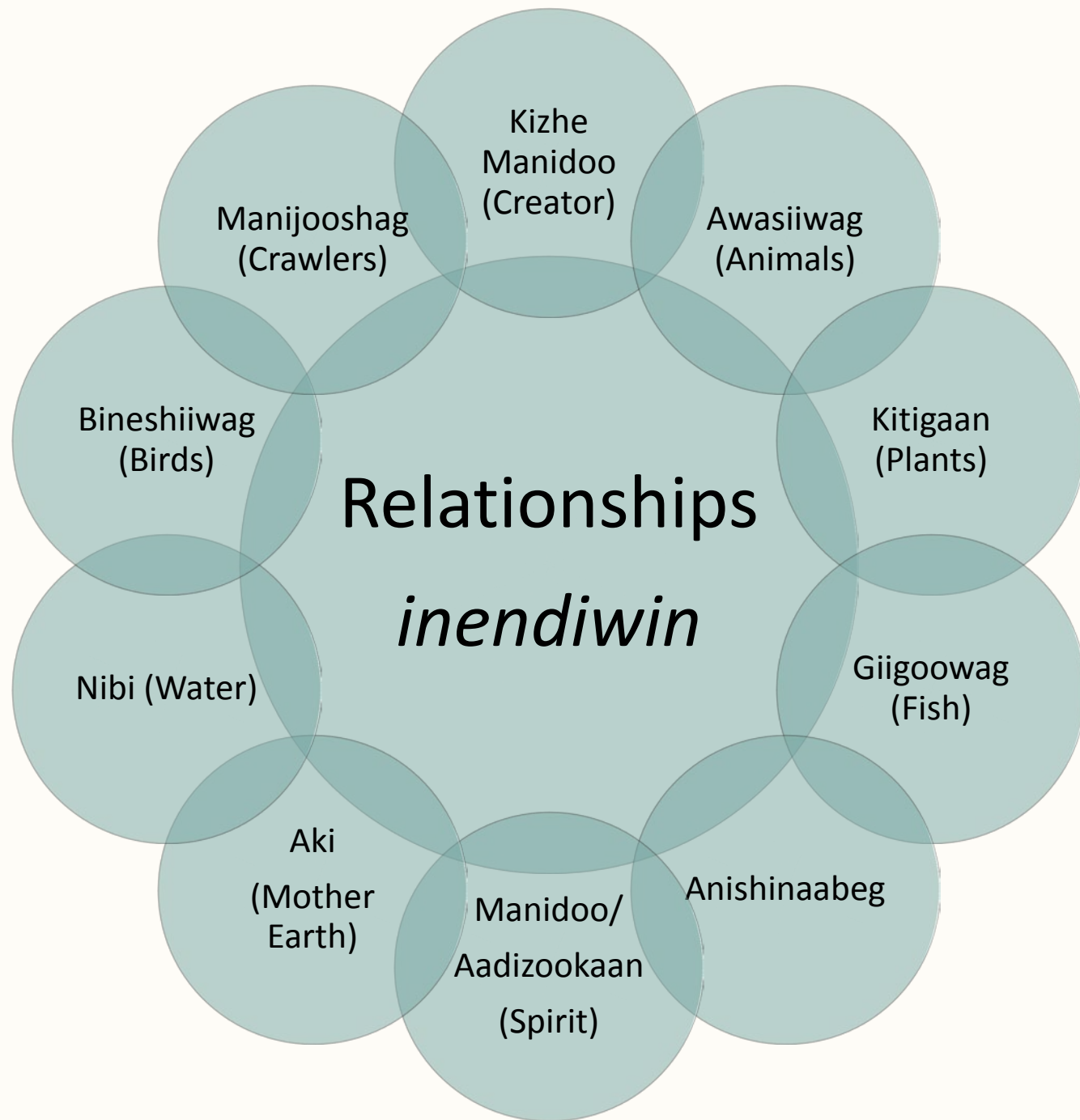
Relationships

Mino-bimaadiiziiwin

Western Law

Individualism

Property





Anishinaabe inaakonigewin





TRC & UNDRIP

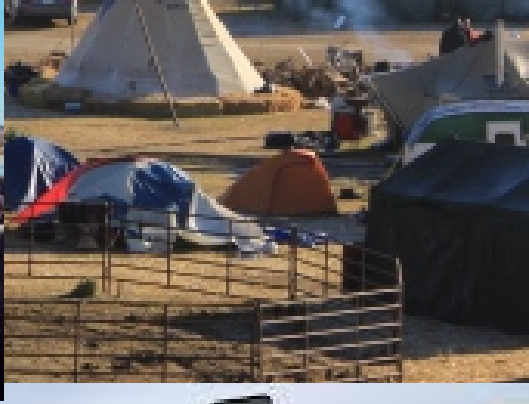
***The United Nations Declaration on the Rights of Indigenous Peoples* is the framework for reconciliation at all levels and across all sectors of Canadian society.**

TRC – What We Have Learned, p.3



UNDRIP Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.



FURTHER RECOGNIZING that reconciliation is founded on respect for Indigenous nations and Indigenous peoples and their history, languages and cultures, and reconciliation is necessary to address colonization;

[...]

AND AFFIRMING that the Government of Manitoba is committed to reconciliation and will be guided by the calls to action of the Truth and Reconciliation Commission and the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples;

GIIZHAAKONIGAADEG AWASHIME ji-maamiinochigeng ji-manajiwindwaaban bebakaan Anishinaabeg zhigwa miinawaa odaanaamiwaan, odinwewiniwaan dago odizhitwaawiniwaan, zhigwa gaye onjida ji-dazhinjigaadeg gaa-gii-gagwe- waabishkiiwe'aawindwaa bebakaan Anishinaabeg;

DEBWECHIGAADEG GAYE Manitoba akiikaan Gichi-ogimaawin onjida ji-wijitood maamiinochigewin jibiminizha'igaadeg Maamiinochigewin Izhichigewin odoonaakonigewiniwaan imaa United Nations Declaration on the Rights of Indigenous Peoples onaakonigewining ezhising;



LAKE WINNIPEG
-INDIGENOUS COLLECTIVE-



NIBI
GATHERING



WANI SKA TAN
HYDRO ALLIANCE



ANI principles



NIBI
GATHERING

- Water has a spirit
- We do not own water
- Water is life
- Water can heal
- Women are responsible for water
- We must respect the water
- Water has a duality
- Water can suffer

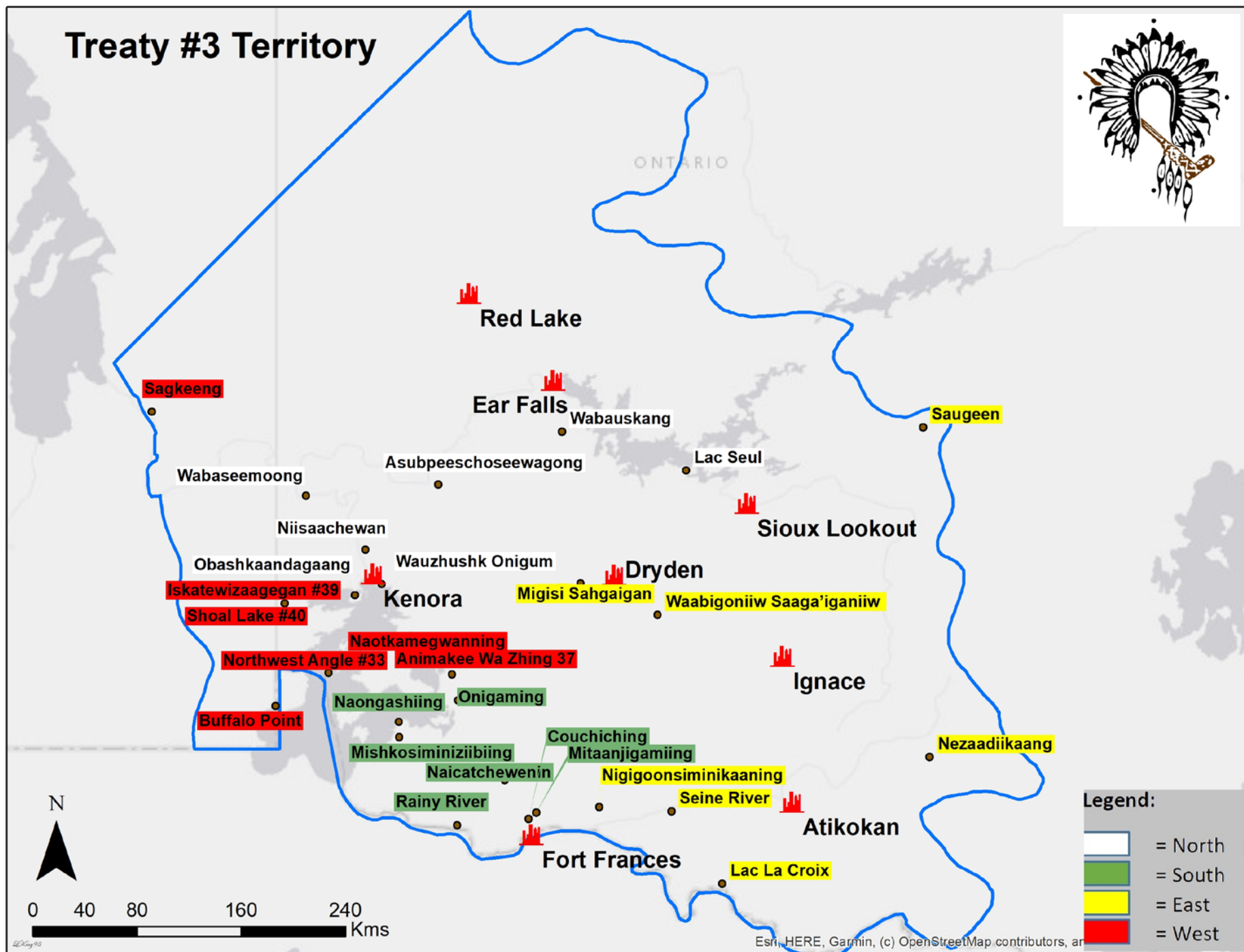
http://chrr.info/images/stories/ANI_Gathering_Report_-_June24.pdf



Photos by: Renata Menconse



Treaty #3 Territory





NIBI

DECLARATION OF TREATY #3

**NIBI (WATER) IS ALIVE AND HAS A SPIRIT. IT IS THE
LIFEBLOOD OF OUR MOTHER (AKI) AND CONNECTS
EVERYTHING. IT CAN GIVE, SUSTAIN AND TAKE LIFE.**

**NIBI CAN TAKE MANY FORMS INCLUDING SNOW, ICE, SPRING
WATER, SALT WATER, RAIN, FRESH WATER, SWAMP WATER,
AQUIFERS AND BIRTH WATER. EACH TYPE OF WATER HAS A
ROLE TO PLAY IN OUR WELLNESS AND HEALING. NIBI IS
CONNECTED TO OUR GRANDMOTHER, THE MOON.**

**EVEN THOUGH IT HAS SUFFERED, NIBI CONTINUES TO
BRING FORWARD LIFE AND WE MUST WORK TO HEAL THE
WATER AND OURSELVES.**

NIBI HAS A SPIRIT AND SHARES ITS GIFT OF LIFE WITH ALL OF CREATION

Nibi has its own spirit. It cannot be owned or controlled. Nibi is shared across lands and territories, between people, with other nations and all other beings that are part of creation. Spirits and other beings in creation look after nibi and its wellbeing. Nibi and all beings and spirits that look after nibi must be feasted. All creation expresses love and respect for nibi through gestures of gratitude.

WE NEED NIBI IN ORDER TO LIVE A GOOD LIFE

All beings, including Anishinaabe, are born of nibi. We depend on nibi to live and our bodies are made of it. Nibi is the source of our wellbeing. It nourishes us, spiritually, physically, mentally and emotionally and provides cleansing and healing. Clean nibi for drinking is important to our health. We must respect our sacred relationship with nibi and all beings in creation to help protect nibi for our children and future generations.

WE ALL HAVE A SACRED RELATIONSHIP WITH NIBI

Anishinaabe have been responsible for the care of the aki (land) and nibi since time immemorial. Women have a sacred relationship with nibi and a special responsibility to look after nibi because they carry birth water and have the ability to bring life into this world. Men have a role to play to protect the land and support the wellbeing of nibi and ikwewag. Our relationship with nibi is preserved through ceremony, teachings, education and knowledge shared through generations.

NIBI UNITES US

Through its flow and movement, nibi cleanses itself and connects us all. It brings us together as families, communities and as a nation. Traditional governance and law, including the Manito Aki Inakonigaawin and Treaty #3 confirm our collective responsibility to take action, give back and protect nibi and the environment for our children and future generations.



NIBI HAS A SPIRIT • NIBI IS LIFE • NIBI IS SACRED • WE HONOUR RESPECT AND LOVE NIBI

Declarations

- Declarations made by nations act as a **formal statement or announcement** or an affirmation of a statement of truth
- Declarations have been used by communities and organizations as a way to create **principles that help guide decision making**.
- Not legally binding but they can be used as a way to affirm or recognize Indigenous legal principles.
 - Once declarations are recognized and affirmed by a nation, they then can be implemented on an individual, familial and communal level to help guide decision making.

The Nibi Declaration is a way for Treaty #3 to explain the Anishinaabe relationship to water. The Declaration can be a reflection of the sacred teachings of water held by Treaty #3 knowledge keepers/ Gitiizii m-inaanik to be shared with communities and those outside of the Treaty #3 Nation. It speaks to the sacred relationship and responsibilities that Anishinaabe have to water, water beings and the lakes and rivers around them.

Once formally recognized through assembly and ceremony by Treaty #3, communities can use the Nibi Declaration to ensure that any future policy decision, or any potential development projects that impact water respect the collective understanding of Treaty #3 Anishinaabe Nibi Inaakonigewin.

Nibi Declaration Artwork



Danielle Morrison (Anishinaabe of Naoongashing)

The artwork, done in the Woodlands style of Treaty #3, overall captures the essence of the interconnectedness between water, fish, animals, plants and finally, humans. There are two human figures, representing two generations and the responsibility we have to protect water and life for the present and for the next generation. The duality of these figures also represents the responsibility we have to pass along the teachings of being a protector. Night and day are reflected in both the sun and the stars. Water in various forms is presented in a flowing river or body of water, the rain, and the snow. All of this embodied in a single drop of water, which can hold life, knowledge, and memory.





Photos: Alyssa Bird

Waazhish'ke - Clay



Legal Personhood & Agency

- Whanganui River, Aotearoa (New Zealand) – Act of Parliament (2017)
- Ganges and Yamuna Rivers (India) – High Court ruling (2017)
- Atrato River (Colombia) - Constitutional Court (2016)
- Colorado River – claim in Colorado District Court (USA) (Fall 2017)
- Colombian Amazon – Colombia Supreme Court (January 2018)
- Rights of Nature in Constitution (Ecuador) (2008)
- Rights of Mother Earth Law (Bolivia) (2010)
- Te Urewera (2014)
- Bangladesh – Supreme Court (2019)
- Lake Erie – city of Toledo vote (2019)
- Klamath River – Yurok Tribe resolution (2019)
- Colombian Amazon – Colombia Supreme Court (January 2018)













Reconciliation (TRC)

... an ongoing process of **establishing and maintaining respectful relationships**. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate **real societal change...**

(TRC Executive summary at p.16)

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SSHRC  CRSH