



Submission to Manitoba's Expert Advisory Council for the Climate and Green Plan on the Water Management Strategy

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Introduction

Water is life. This simple expression is foundational to the understanding of water for Anishinaabe, Cree and numerous other Indigenous peoples in Manitoba. As life, water is critically important to all living things both in its power to foster life and to take it away. Each and every living being in Manitoba and around the world require water to live. The awesome power of water is certainly well understood by most people in Manitoba. What is sometimes lost is the realities of being denied access to water or having the water your community has relied upon for generations be diverted, contaminated or otherwise spoiled. Water management decisions in Manitoba over the past century have frequently been made without regard and even in spite of Indigenous peoples way of life or basic human dignity.

Many decisions of the past continue to harm First Nation people and their communities, some of the impacts have yet to be mitigated or compensated, and many more will likely never be properly addressed. As we look to a new Water Management Strategy for Manitoba, I urge all the contributors to consider that we do not continue to make these mistakes. We must respect the rights and responsibilities set forth in the numbered treaties, and affirmed in *Section 35 of the Charter and Rights and Freedoms*¹. We should be building trust and creating a foundation for a meaningful partnership between Indigenous peoples and Manitobans.

¹ Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.





Upon careful review of the engagement document for the Manitoba Water Strategy, I found a number of concerning areas that could result in unacceptable impacts to water and the rights of Indigenous peoples in Manitoba and/or will exacerbate relationships between the province and First Nation peoples.

1. The consultation process does not appear to have adequately engaged Indigenous peoples. To our knowledge this process was intended to reach stakeholders, but not necessarily Indigenous peoples. One of the principles is “Indigenous Participation” and the engagement document does reference the “need for meaningful participation with Indigenous communities and governments in the management of water”, but does not outline or provide evidence that Indigenous rightsholders or governments participated in any of the planning up to this point. The province’s own policy for crown consultations with First Nations² clearly states that “the Government of Manitoba recognizes it has a duty to consult in a meaningful way with First Nations, Metis Communities, and other Aboriginal Communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or aboriginal right.” The policy outlines guiding principles and process considerations that were not demonstrated. For the process to be meaningful, the province should be engaging with First Nation governments and rightsholders at the earliest possible point, prior to a coordinated stakeholder engagement. Ultimately, early consultations would save a lot of time and effort that results from having to revise the strategy.
2. The limited scope of the strategy suggests that this is not actually a Manitoba Water Management Strategy, but more aptly an agricultural strategy. At first the proposed goal appears to broadly include water sustainability for the entire province, but the numerous caveats and examples in each of the provincial priorities leave only agriculture and adjacent concerns on the table. Drinking water treatment, fisheries, aquatic invasive species and anything outside of southern Manitoba are excluded from consideration in the text. Having a strategy that addresses the challenges of water extremes for agriculture is valuable, but should not be considered a Manitoba Water Management Strategy. Instead the strategy should include all human uses of water and should include the entire province. Excluding the entire north and the topics of fisheries and drinking water is particularly frustrating for Indigenous

² Government of Manitoba. 2009. Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and other Aboriginal Communities. (Accessed on August 27, 2020) <https://www.gov.mb.ca/inr/resources/pubs/interim%20prov%20policy%20for%20crown%20consultation%20-%202009.pdf>



communities. There are many unresolved and urgent challenges related to water management that need action beyond agriculture in southern Manitoba. Continuing to ignore these topics puts First Nation people's health at risk, infringes on Indigenous rights, and is unfair to Indigenous businesses and communities.

3. The Manitoba Water Strategy misses the opportunity to introduce co-management of water with Indigenous peoples. As the province seeks to improve the quality of life, economic prosperity, advance reconciliation and build a sustainable future for all people in Manitoba, establishing a framework for co-management of water with First Nations people is a much-needed step. The strategy does reference "participation", "engagement", "reconciliation", and "partnership" with Indigenous people, but lacks anything concrete in ensuring these are meaningful. Co-management fulfills these principles and aspirations, and can help heal a historically fraught relationship. Article 32 of the *United Nations Declaration of Right of Indigenous Peoples*³ outlines the right to "determine and develop priorities and strategies for the development or use of their lands or territories and other resources" including water. Provincial priority one of the strategy should be to explore and develop a means to co-manage water in partnership with Indigenous peoples.
4. The commitment to "no net loss of water retention" in watersheds is a downgrade from commitments enshrined in the *Water Rights Act*. This should at the very least state "no-net loss of wetland benefits", but we would urge even stronger language and aim to increase the current wetland benefits to pre-1970 levels. Wetlands are critical when considering the potential impacts of climate change to mitigate both nutrient loading and moisture extremes. Increasing capacity across the province and in upstream provinces should be seen as essential to the long-term health of the agriculture industry, as well as lakes and rivers throughout the province. Measures taken by the province recently should also not be seen as complete and should not be accepted without more evidence that they are adequate. By some estimation the new regulations could help to accelerate permanent loss of wetlands, leaving more of the landscape vulnerable to more intense flooding, and loss of habitat for important bird, fish and animal species.

³ UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html> (accessed August 27, 2020)



About the Lake Winnipeg Indigenous Collective

The Lake Winnipeg Indigenous Collective works collaboratively to seek healthy and equitable solutions for our waters and people from the diverse communities who have a relationship with our sacred great lake. The collective was established in 2014 by fourteen First Nations in partnership with the Lake Winnipeg Foundation. Our vision is that our sacred waters are healthy, traditional livelihoods are restored and Indigenous perspectives are influential in leading the protection and sustainability of Lake Winnipeg as a source of life for all future generations. Our Creation stories speak of how our people were placed on Mother Earth by the Creator. Our ancestors have inhabited Lake Winnipeg basin since time immemorial, long before the current political boundaries were drawn. Our spiritual and cultural connections to our Mother Earth are evident by our willingness to embrace the responsibility of protecting and preserving the lands and waters.