



Canadian
Water
Network

#CWNSYP
Webinars

September 29, 2020

Insights for the Water Sector



Identify opportunities to catalyze progress and accelerate success



Frame what is known and unknown into useful, actionable insights

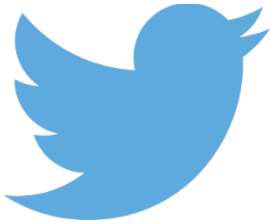


Shape important conversations on water policy and practice



#CWNSYP Webinars

Join the conversation! #CWNSYP



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Webinar Speakers



Leslee White-Eye

Former Chief, governance specialist
Chippewas of the Thames First Nation



Brandon Graham

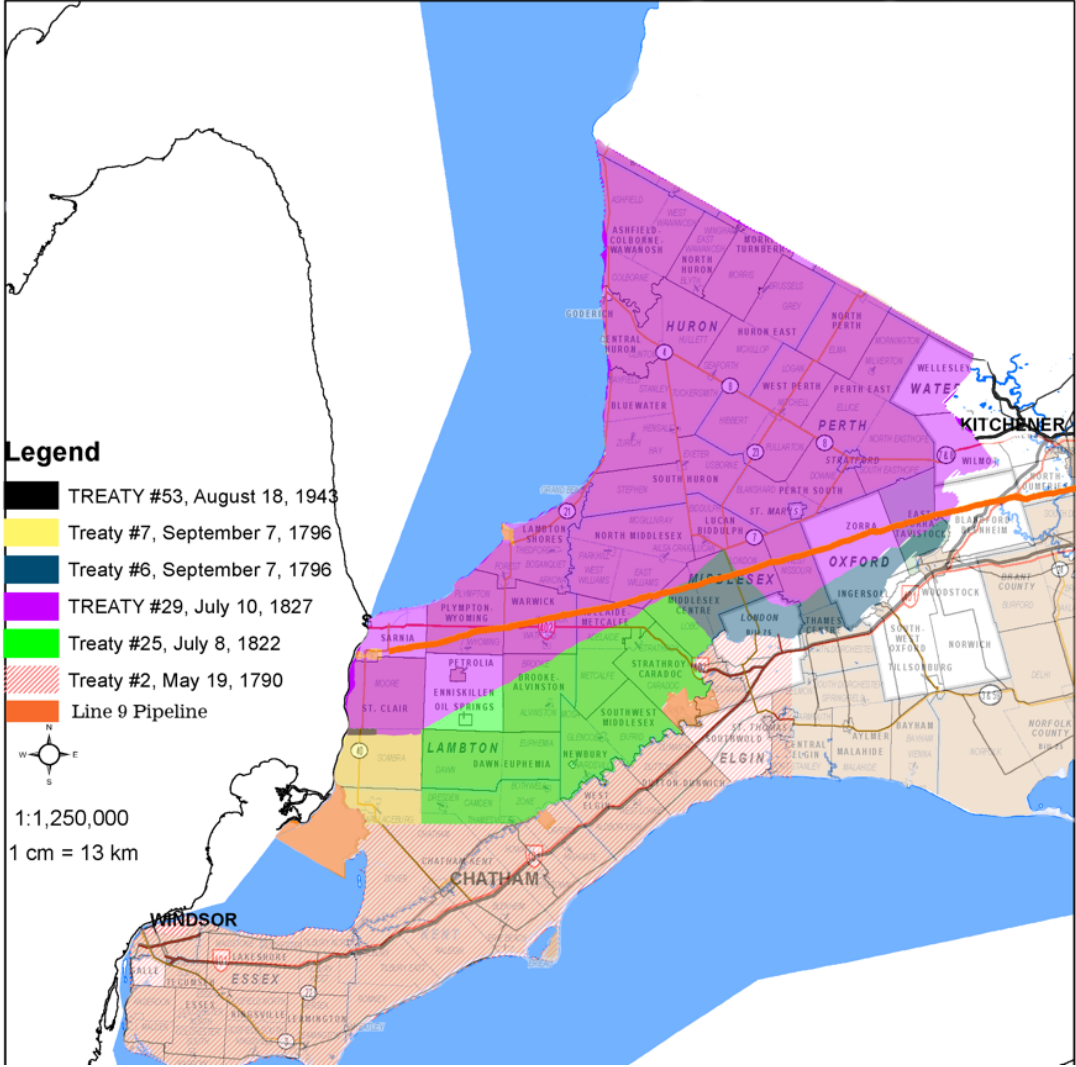
Treaty Research Coordinator
Chippewas of the Thames First Nation



Nick Nesbitt

Law and Sustainability Associate
Earth Law Center

SOUTHERN FIRST NATION TREATY TERRITORY



Welcome to
Waawayaanong Territory
September 29, 2020




Nibi



Biindigen

- Great Lakes is the Earth's largest fresh water system
- Home to the most highly bio diverse region in Canada with over 500 species now identified as rare
- Supported by a distinctive climate as a result of its proximity to the Great Lakes
- Forest cover in this region is reduced to 11%



Nin-dah-muh-
way-gunee-duk

All my Relations



Spirit

- Life force, energy
- Ancestral
- the role of prophecies
- Creation story
- Engage with the sacred
- Knowledge is gift
- life is gift
- Meditation, mindfulness, showing gratitude, prayer



Relational


- Law is you follow your father's clan – lesson in balance
- Meet you at the western door, all your relatives
- Everything seeks to be in harmony
- honouring
- Building your understanding of family - branching
- Acting like a family

- Requires activism, action



Creation Story

The image is a vertical composition. At the top, a bright sun is partially obscured by a lens flare, casting a warm glow. Below the sun, the horizon of the Earth is visible from space, showing a thin blue atmosphere and a layer of white clouds. The bottom portion of the image shows a terrestrial landscape with a winding river, green fields, and some trees, suggesting a natural world.



In the Anishinabek tradition,
Anishinaabek Kwe are the
water keepers... we are shown
this by our work in:

- Giving thanks
- Full moon ceremony
- In the caretaking of our
dead
- In the welcoming of new
life
- In the strawberry fast, the
rite of passage of our young
women
- Fasting
- Sweatlodge



Continuity of Life


- Genealogy
- Intergenerational
- Rites of passage
- 7 Generational thinking
- Anishinaabe Intelligence



The work ahead for FN leaders:

Cognitive Dissonance

- Build learner's stamina for the ambiguity
- Become more knowledgeable in culture
- Learn with the expectation you will teach
- Project a vision that everyone can buy into
- Place pressure when needed, let go when needed
- Resist
- Build Anishinaabe intelligence



“Describing
to fish what
water is”

- **The work ahead for settlers:**
- Settler Decolonization
- Build learner’s stamina for the ambiguity
- Respect the time that is needed to process
- Normalize how you are feeling, thinking, in response to settler decolonization
- Build resourcefulness
- Combat resistance
- Take chances
- Build your capacity to engage with Indigenous people

Miigwech for the invitation to share

Leslee White-Eye
Anishinaabe Ojibwe Kwe
Former Chief of the Chippewas of the Thames
First Nation

Chippewas of the Thames First Nation

Thames Riverbed Specific Claim

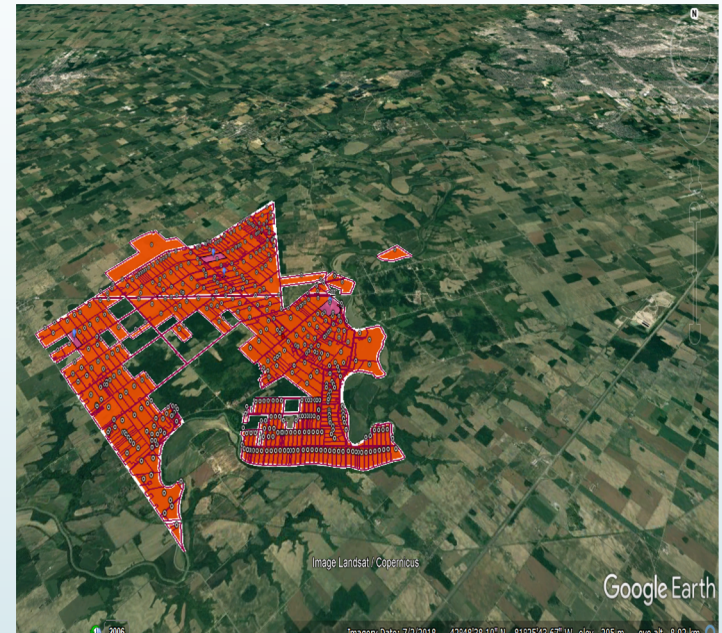


The Chippewas of the Thames First Nation (COTTFN)

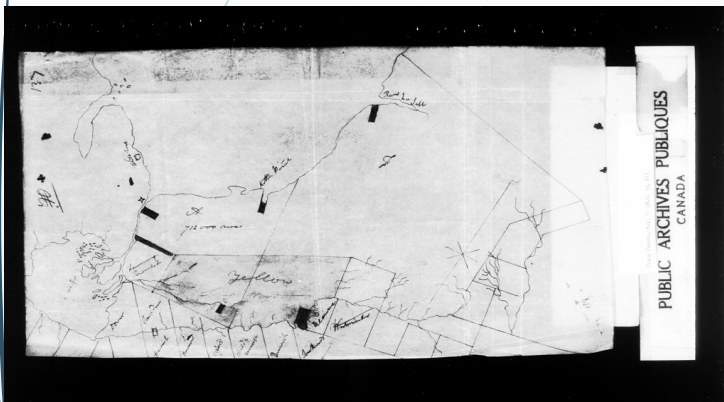
Chippewas of the Thames Reserve, 1851 (Archives of Ontario)



Chippewas of the Thames Reserve, 2020






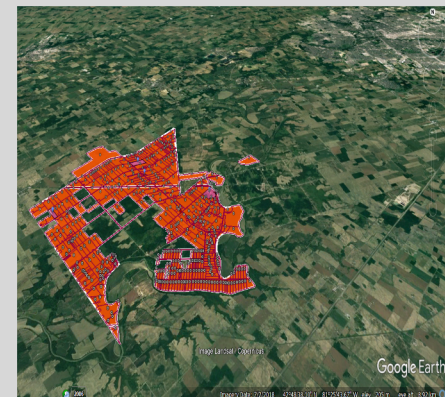
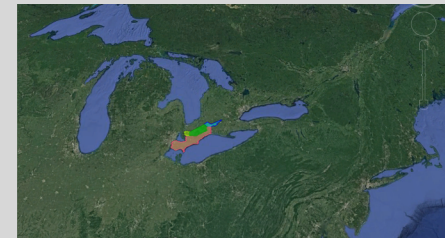
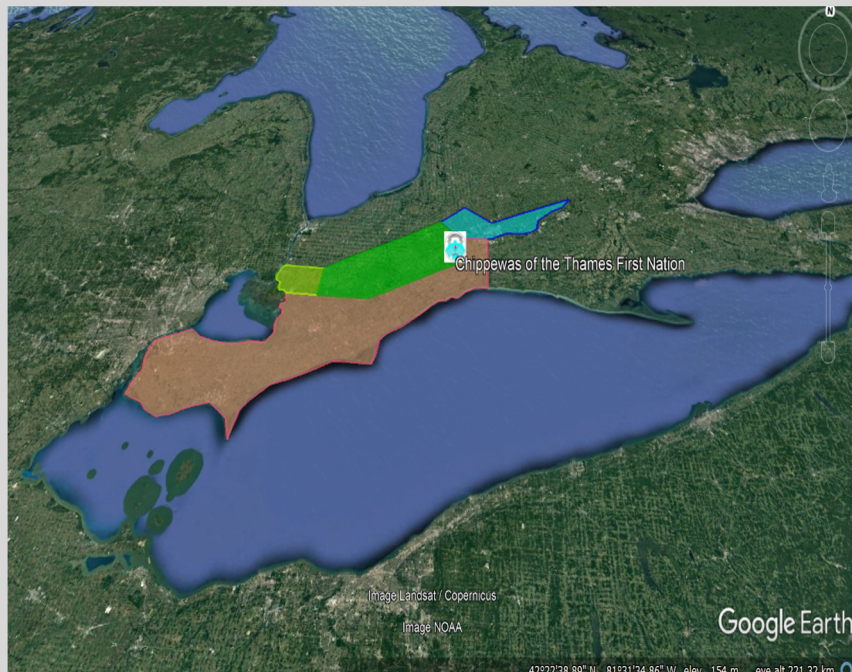
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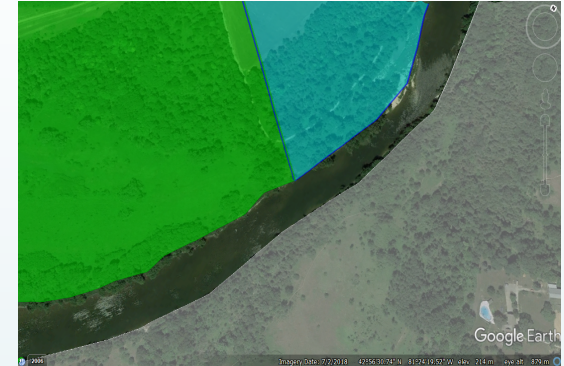
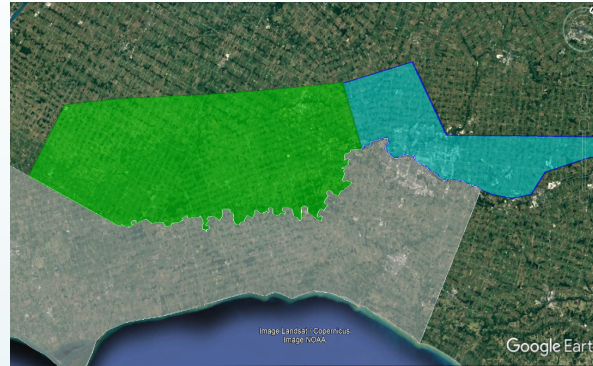
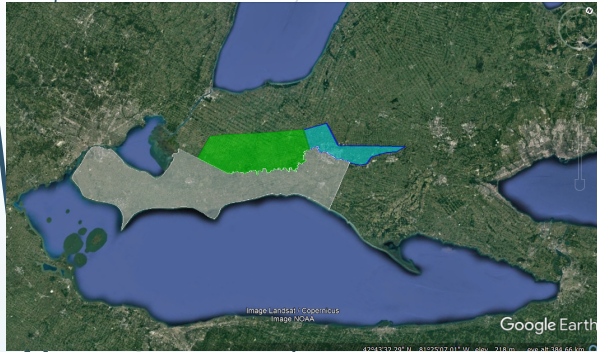
The Chippewas of the Thames First Nation (COTTFN)

Treaty Legend

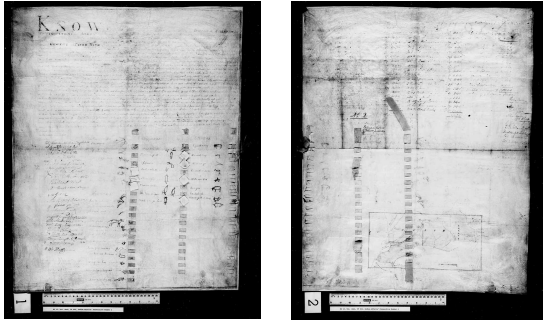
-  McKee Treaty (1790)
-  London Township Treaty (1796)
-  Sombra Township Treaty (1796)
-  Longwoods Treaty (1796)



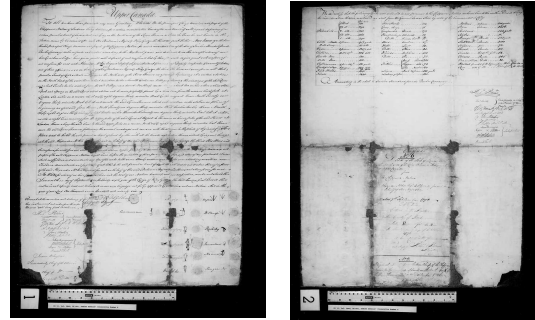
COTTFN Treaties Bordering Askunesippi



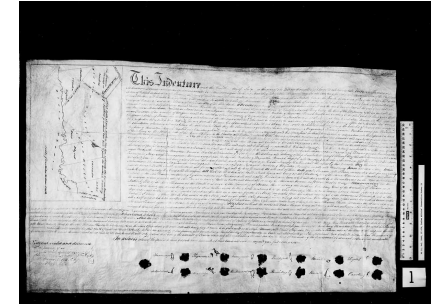
McKee Treaty No. 2 (1790)
Libraries and Archives Canada (LAC)



London Township Treaty (1796)
LAC



Longwoods Treaty (1822)
LAC





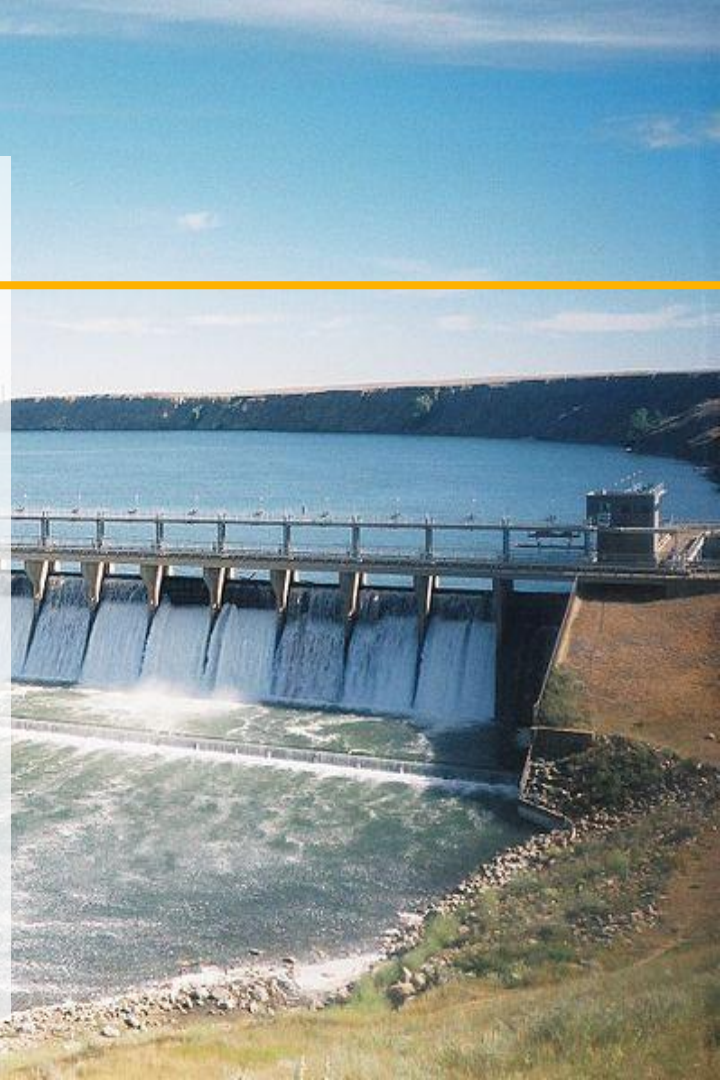
earth
LAW CENTER

The Rights of Nature

www.earthlawcenter.org

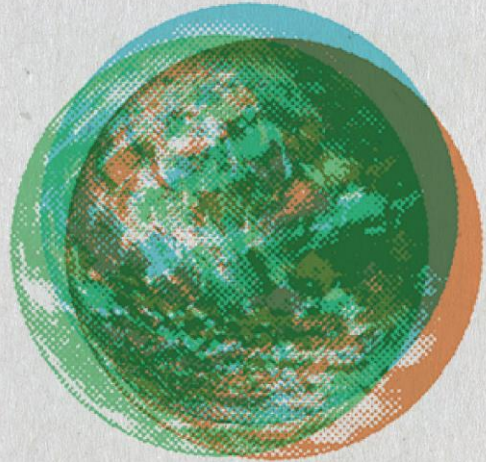
THE PROBLEM

- The environmental movement is losing.
- Fundamental driver: Nature is rightless property that we exploit for short-term economic profits.
- Environmental laws establish discretionary powers.



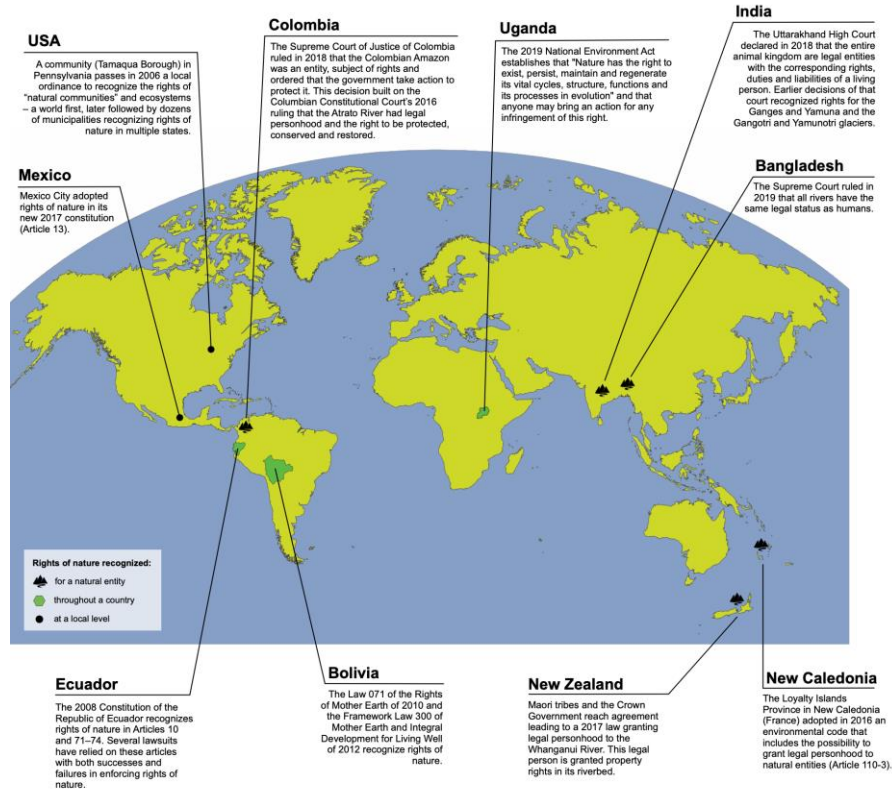
RIGHTS OF NATURE

- Nature has legal, inalienable rights to operate naturally.
- Customary Indigenous jurisprudence and modern substantive and procedural legal theory
- Nature's right to health enforced through science-based metrics.



A Global Movement

- Constitutional amendments
- Court decisions
- Local ordinances
- Indigenous law



STATUS QUO

RIGHTS OF RIVERS

Rivers over-diverted.

Rivers have a right to flow.

Corporations “pay to pollute”
via discharge permit.

No “right to pollute.”

Destructive dams encouraged
(e.g., renewable energy
targets).

Hydropower no longer
“renewable” energy.

Ecosystems represented
indirectly in the legal system.

Rivers and other ecosystems
have a seat at the table.

ELC's MODEL

- Draft model laws giving rights to nature.
- Train legislative champions in each country.
- Pass and implement laws.



UNIVERSAL DECLARATION OF THE
RIGHTS
OF
RIVERS



SCOPE OF WORK

- Rights of rivers, oceans, coral reefs, forests, etc.
- Work all over the world (including Canada).
- Educating new generation of Earth lawyers.



Southern Resident Orcas LEGAL RIGHTS

PROTECTED WITHOUT RIGHTS
= human interests outweigh the Orca's right to life

WHAT RIGHTS DO THE ORCAS HAVE NOW?

- ✗ No legal right to life
- ✗ Not considered a party or stakeholder in policy decisions that may affect their health and life

75 remaining Southern Resident Orcas

2.5x average brain size
Researchers believe they are capable of mixing emotional and cognitive thinking

WHAT RIGHTS SHOULD THEY HAVE?

- ✓ Life
- ✓ Autonomy
- ✓ Free and safe passage
- ✓ Adequate food supply from naturally occurring sources
- ✓ Freedom from conditions causing physical, emotional or mental harm, including a habitat degraded by noise, pollution and contamination

WHAT WOULD RECOGNIZING THE ORCA'S INHERENT RIGHTS MEAN?

- ✓ Giving them the same basic rights as people and corporations
- ✓ Enable the defense of the Orcas in courts
- ✓ Representation in decisions that affect their health and the health of the Salish Sea

Just as children and the disabled have guardians to act on their behalf, we need to ensure the same for the orcas

PHOTO: JACQUELINE ALLEN/ISTOCK



RIGHTS OF NATURE IN Canada



APPROACHES

Go for constitutional amendments

Example: Colima, Mexico

But you need to start somewhere

Example: Forests as living entities

Appeal directly to judges

Example: Amicus briefs in Latin America

Create replicable models

Example: UDRR & Earth Law Society

Support Indigenous rights

Example: Rights of the Snake River



“ The drive to recognize the Rights of Nature is absolutely critical if we are to again find a balance with the world that supports us.”

- David Suzuki

Thank you!

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