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
Join the conversation! #CWNSYP

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cwn-rce.ca
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
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
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
The Chippewas of the Thames First Nation (COTTFN)
The Chippewas of the Thames First Nation (COTTFN)
COTTFN Treaties Bordering Askunesippi

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

- London Township Treaty (1796)
  LAC

- Longwoods Treaty (1822)
  LAC
The Rights of Nature

www.earthlawcenter.org
THE PROBLEM

• The environmental movement is losing.

• Fundamental driver: Nature is rightful 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
<table>
<thead>
<tr>
<th>STATUS QUO</th>
<th>RIGHTS OF RIVERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rivers over-diverted.</td>
<td>Rivers have a right to flow.</td>
</tr>
<tr>
<td>Corporations “pay to pollute” via discharge permit.</td>
<td>No “right to pollute.”</td>
</tr>
<tr>
<td>Destructive dams encouraged (e.g., renewable energy targets).</td>
<td>Hydropower no longer “renewable” energy.</td>
</tr>
<tr>
<td>Ecosystems represented indirectly in the legal system.</td>
<td>Rivers and other ecosystems have a seat at the table.</td>
</tr>
</tbody>
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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.
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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