



Keepers of the Water II

- GUIDING DOCUMENTS -

KEEPERS OF THE WATER DECLARATION › SEPTEMBER 7, 2006

We the peoples gathered in Liidlii Kue, Denendeh, from September 5-8th, 2006, having come together as Keepers of the Water, connected as peoples residing in the vast basin including Lake Athabasca, Nsededha (Slave river), Tucho/Tu'neda (Great Slave Lake), and Dehcho.

RECALLING THAT the Creator sent Zhambáhdézhá as a messenger to the Indigenous peoples who live on Mother Earth, bringing us sacred laws to live by. We have been taught that the land is our Mother, and the waters are her blood that sustain life for all peoples, lands and creation. We are born from our Mother Earth and we are inseparable from her.

AFFIRMING THAT water is essential to life, and the right to life constitutes a fundamental human right, recognized by all countries of the world.

FURTHER AFFIRMING that as Indigenous peoples, since time immemorial, have fundamental rights to live on our own lands and to survive as peoples. As a sacred trust we have been given responsibility from the Creator to ensure the integrity of all waters in our lands in all its many forms – from the aquifers deep underground, to the rich marshlands, rivers and lakes that connect and sustain our communities, to the glaciers on the high mountains, to the rains and snow that restore and replenish our Mother Earth in an unending cycle of renewal.

RESPECTING that our sacred laws have not been honoured and that our Mother Earth is being abused out of ignorance and greed.

CONVINCED that our fundamental human rights with respect to water must be acknowledged and respected by all others.

CONVINCED that climate change, together with the unprecedented impacts of oil and gas extraction, oil sands developments, land conversion, deforestation, hydroelectric development, mining activities, industrial discharges, atmospheric pollution and water withdrawals on our waters, are diminishing the quantity and quality of water in our basin, other present and any future activities that change our land.



Keepers of the Water II

- GUIDING DOCUMENTS -

BEARING WITNESS THAT we are seeing the impacts of these changes before our eyes. When we travel our lands and waterways we see receding shorelines and depleted populations of fish and wildlife. Exotic species of plants and animals are encroaching, while indigenous species are disappearing as conditions change too quickly for them to adapt. The land and wildlife are being poisoned by pollution and contaminants. The very rhythms of the seasons are no longer familiar to us.

RECOGNIZING that causes of these changes are many and complex, but they are all caused by human action, government and industry, and we as the peoples of the Basin all share a common fate.

ASSERTING our rights to defend and protect the body and blood of our Mother Earth according to our sacred laws. Demanding that immediate steps must be taken to ensure that the spirit of the water, which sustains all life within the Basin, be protected today for our ancestors and future generations.

WE PROCLAIM THE FOLLOWING PRINCIPLES:

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.

All peoples in the Basin have a fundamental human right to water that must be recognized nationally and internationally, and incorporated into domestic law and policy. Progress towards the realization of the right to water must be monitored, and appropriate institutional mechanisms developed to ensure that these rights are implemented.

These rights require water undiminished in quality, quantity or natural rate of flow, to access waterbodies for purposes of harvesting, travel and navigation, and to prevent or seek redress for any action that may affect these rights. These rights extend to water as part of a healthy environment, and recognize spiritual and cultural values, taking into consideration the needs of the most disadvantaged and of future generations.

The use of water for industrial and commercial purposes is fundamentally limited by the requirement to not substantially alter the quantity, quality or natural rate of flow of the water within the Basin. The full costs of such water use decisions must be internalized and assumed according to the principle that polluters must be held accountable. This principle includes environmental bonds that would be great enough to ensure full remediation and reclamation from potential damages.



Keepers of the Water II

- GUIDING DOCUMENTS -

All governments and industry have common responsibilities to protect and conserve water, and must sustain commitments to implement these responsibilities.

The precautionary approach must be widely applied in all decisions or actions that may affect the quality, quantity or natural rate of flow of water within the Basin.

Comprehensive watershed management and land use planning to safeguard water sources and maintain ecosystem integrity across the Basin must be implemented in advance of industrial allocations or development decisions.

The health and integrity of the Basin as a whole will only be achieved through integration and cooperation at all levels. Measures to protect and conserve water must be enacted and implemented by all levels of government.

Local communities have obligations to act decisively to protect the health and integrity of their water sources. All governments share responsibilities to take proactive steps to fund and sustain local capacity, training and infrastructure to improve and maintain the health and integrity of water and waterbodies throughout the Basin.

Indigenous and local communities play a vital role in water management because of their knowledge, traditional practices and relationships to the land. Formal mechanisms to improve scientific and traditional knowledge and understanding and to advance the effectiveness of measures to monitor, protect and conserve water must be undertaken by governments, industry, academic institutions and non-governmental organizations.

Information about the state of water within the Basin must be collected and be disseminated to communities in a timely and accessible way. This will be sustained by a network of Indigenous and local communities who will gather to share experiences, knowledge about how to sustainably develop, protect and conserve their watersheds.



Keepers of the Water II

- GUIDING DOCUMENTS -

ELDERS' MANDATE TO FIRST NATION ABORIGINAL GOVERNMENTS
"TU BETA TS'ENA" CONFERENCE ▸ AUGUST 20-23, 2007

A conference was held in Fort Smith, NWT, on the important topic of water. They engaged in discussion and made recommendations through conference workshops. In addition, a petition from conference participants "asked the elected leadership to take action now, to protect our water... follow up on our recommendations, and report back to us about your work".

Participants strongly encourage leadership from First Nation communities along the Slave, Mackenzie, Peace, and Athabasca Rivers to begin working together to implement the conference recommendations. Their ancestors traditionally used these water bodies as well as the lakes and streams flowing into and out of these rivers.

The Dene Nation National Chief has been tasked with leading this implementation and will report through a First Nation summit consisting of First Nations along these rivers.

This conference utilizes the following principles to start the process of engaging others:

- To discuss water, both in a historical-traditional use and modern context.
- Identification of and discussions of individual and common concerns regarding current and future uses
- Development of a working group that will formulate cohesive views and recommendations for Governments and Industry
- Establishment of a Technical Working Group to access data and/or develop and implement strategies to monitor water use and its effects
- To utilize the recommendations from the "Tu beta Ts'ena" Conference



Keepers of the Water II

- GUIDING DOCUMENTS -

ELDERS' RESOLUTIONS › PREAMBLE
"TU BETA TS'ENA" WATER IS LIFE › AUGUST 20-24, 2007
THEBACHA (FT. SMITH), DENENDEH (NWT)

Water is sacred, water is life; we are the water.

The rains and snow bless the land.

We give thanks for water in all its forms - ice, snow, rain and lakes, rivers, streams, wetlands, and bogs.

The water in the wombs of our mothers connects us with all the water of Mother Earth.

We think of our children and our future generations. We think of our responsibility to them and to the plants and animals.

This gives us strength. We must work together to protect our grandchildren and the environment they live in. To do this, we must form a coalition and work together in unity. We know it is important to get the facts out now. We must also ensure that in this time of rapid development the duty to consult and accommodate is upheld. We must take this issue further and not let what we say die. To make sure this happens we are developing our options/strategies and identifying current challenges and opportunities.

We all have Inherent Indigenous and Treaty Rights for our lands and waters for "as long as the sun shines, the grass grows, and the rivers flow."

We, the Indigenous peoples of the Mackenzie River Basin and all the peoples of the basin, from south to north, have gathered in Thebacha, Denendeh (Ft. Smith, NWT) for Tu Beta Ts'ena, the "Water is Life" conference, held from August 20th-23rd, 2007 to express our concerns about the quality and quantity of our waters: the lifeline of all beings.



Keepers of the Water II

- GUIDING DOCUMENTS -

The peoples, both here and others outside the basin, rely on the gifts from the Creator, which are the resources the Mackenzie River Basin provides. Our traditional land and water users tell us that the environment they know is changing. In the 1990's we fought the pulp and paper mills; we also faced the use of 2-4,5,D along the Mackenzie River. Today we also face large scale tar sands development. We know there are other developments in our basin: mining, agriculture, forestry, hydro development, municipal water and waste, long-range air contaminants, and climate change impacts. The increasing development in the Mackenzie River Basin is a growing threat not only here but to all who live on the lower reaches of the river. The basin habitat and its biological diversity are of central importance to the livelihood and socio-cultural integrity of the peoples of the Basin who use the area for hunting, trapping, fishing, gathering, transportation, teaching youth, and spiritual purposes.

Throughout the conference, people are saying that youth and Elders are talking to one another, and this must be encouraged.

In their meeting the Elders resolved:

- 1) To work together to protect the waters across our differences and to work with groups who have the same aims (i.e. environmental groups, NGOs).
- 2) That youth must be involved in all aspects of this effort.
- 3) That, before any future development occurs, governments (federal, provincial, territorial, and municipal) uphold their accountability and that our own leadership ensures that proper consultation and accommodation occurs.
- 4) That the Creator put us on this land as independent peoples, as our own nations, to use the land in a good way, and to carry out our responsibilities to each other and to the environment; that we work to ensure that our current and traditional knowledge is acknowledged and respected. Education of the public, industry, and government as well as our younger generation about our special Treaty and Aboriginal rights to water is essential.

We, as the Peoples of the Mackenzie River Basin, direct the Crown to conduct a Royal Commission on Water for the entire basin (which is known as the Mackenzie River Basin, and it includes the sub-basins of the Athabasca, Peace, Liard, Peel, Slave, Mackenzie, and Bear Rivers).



Keepers of the Water II

- GUIDING DOCUMENTS -

Regardless of jurisdiction and authority, including inherent rights, we are sovereign peoples with our own treaties, both traditional and modern, united in agreeing that the water is of the utmost importance. Along with youth, women must be involved in all of our activities and decisions in protecting the water. We have the tools and ability to develop community based monitoring, which will assist us in having local control over the resources and authority to make decisions and assess impacts. We will control our own monitoring and research.

We recommend a UN Reporter be invited to take this matter to the UN working group on Indigenous matters, the Arctic Athabaskan International Council, and the IUCN (International Union of Conservation of Nature) and other international Indigenous forums. We recommend inviting them to the next Keepers of the Water gathering and the next Water Conference. We recommend our women take this responsibility and further take this to the British Crown.

We propose a Constitutional challenge in order to have the human right, Aboriginal right, and Treaty right to water recognized and implemented.

We call all peoples to come together, to bridge our differences, to build unity and to be strong stewards of the land and water. While we will begin our work now, we will meet in Treaty 8 territory, Ft. St. John (B.C.) in September for the second Keepers of the Water gathering and again in Dene Thá territory in the summer of 2008.



Keepers of the Water II

- GUIDING DOCUMENTS -

ELDERS' MEETING › "TU BETA TS'ENA" WATER IS LIFE
AUGUST 20, 2007 › FT. SMITH, NWT

RESOLUTION 1

Whereas:

The Elders resolve that we need to work together, the Elders call for unity among all First Nations and other Aboriginal peoples from throughout the Peace, Athabasca, Slave, and Mackenzie River systems.

And whereas:

Other environmental groups are also working to protect the river systems, we resolve that we work together with them to protect our waters.

And whereas:

The water is sacred to us - it is what we need to survive and what mother earth needs to survive - we need to wake up and work together as one to protect the water for our children, grandchildren, and future generations.

Be it resolved that:

We work together in unity with First Nations, Aboriginal peoples, and environmental groups to protect our waters.

Be it further resolved that:

The Elders from this conference support this resolution for unity and ask the leadership to support our resolution.

RESOLUTION 2

Whereas:

Youth are the future of our people and will be the leaders of tomorrow with responsibility for future generations, and Elders have teachings and values to pass on to youth.

And whereas:

Environmental issues related to the land, waters, animals, and plants need to be addressed both today and in the future.



Keepers of the Water II

- GUIDING DOCUMENTS -

And whereas:

While we say we want youth involvement, it doesn't always happen, and youth and Elders no longer talk as much together as they once did.

Be it resolved that;

Youth must participate in conferences and other activities related to the environment, youth must learn the teachings from Elders, and youth must begin to take leadership in all efforts to protect our lands and waters.

And be it further resolved:

That the Elders from this conference support this resolution on the involvement of youth. Action must be taken today to ensure our future is protected and that youth are involved in all activities, conferences, and decisions regarding our environment. We ask the leadership to support this resolution.

RESOLUTION 3

Whereas:

Treaty 8 & 11 ensure the right to hunt and fish as long as the river flows, the sun shines, and the grass grows. The Supreme Court of Canada in the Mikisew Cree case confirmed the requirement, based in Treaty, of the duty to consult with First Nations about impacts on our lands and waters.

Whereas:

Consultation has not always been conducted in a complete and meaningful way, and currently large projects including the oil sands development and the Mackenzie Valley pipeline are being approved by governments. The health of our water, lands, animals, and plants is essential to the health of our people.

Be it resolved that:

Before any future development occurs we call for accountability from government, and for our leadership to ensure that proper consultation occurs in order to protect the environment and to ensure that no de facto extinguishment of our rights is caused.

And be it further resolved that:

The Elders from this conference support this resolution and duty to consult with First Nations and other Aboriginal peoples and ask the leadership to support this resolution.



Keepers of the Water II

- GUIDING DOCUMENTS -

RESOLUTION 4

Whereas:

The Creator put us on this land as independent people with our own nations to use this land in a good way and to carry out our responsibilities to each other and to the environment.

And Whereas:

The numbered Treaties between the Crown of England and various First Nations must be acknowledged as binding agreements negotiated on a self-governing Nation to Nation basis. We agreed to share the land in friendship with non-Aboriginal newcomers: we did not agree to give up our lands, waters and rights.

And Whereas:

There is widespread misunderstanding within governments, industry, and the general public about our rights as enshrined first in the Royal Proclamation of 1763, then in the Treaties, and fully protected in 1982 in the constitution. These misunderstandings often lead to stereotypes about our receiving unfair benefits, and may keep us from getting greater support for our rights.

Be it resolved that:

The Elders from this conference support this resolution to ensure that the current insufficient knowledge of our rights is corrected, and call on leadership to support this resolution.