



WATER DECLARATION OF THE FIRST NATIONS IN ONTARIO OCTOBER 2008

First Nations in Ontario walk to the future in the footsteps of our ancestor¹

Preamble

The First Nations Water Policy Forum hosted by the Chiefs of Ontario office in Garden River First Nation (October 15 - 17, 2008)

The First Nations in Ontario met in Garden River First Nation to discuss First Nations perspectives on the waters including water quality, water quantity, safe drinking water and models for a path forward. Central to the discussions were ceremony and spirituality as First Nations reflected upon their own inherent responsibilities and intimate relationship to the waters.

The Chiefs in Assembly at the 2008 Special Chiefs Assembly in Toronto passed resolution 08/87 Water Declaration by consensus adopting the water declaration.

RELATIONSHIP TO WATER

1. First Nations in Ontario are placed on Great Turtle Island by our Creator and;
2. First Nations in Ontario have our own territories that includes the waters which include the rain waters, waterfalls, rivers, streams, creeks, lakes, mountain springs, swamp springs, bedrock water veins, snow, oceans, icebergs and the seas and;
3. First Nations woman are the keepers of water as women bring babies into the world carried on by the breaking of the water and;
4. First Nations in Ontario through the teachings of women have the responsibility to care for the land and the waters by our Creator and;
5. First Nations in Ontario know that we need to respect, honour, and share the spirit of the waters in the ceremonies given to us by the Creator and;
6. First Nations in Ontario have a direct relationship with all water – fresh and salt that must be taken care of to ensure that water provides for humans on a daily basis and;

¹ Kari-Oca Declaration and the First Nations of Ontario: Earth Charter (May 1992)

7. First Nations in Ontario have the laws and the protocols to ensure clean waters for all living things and;
8. First Nations in Ontario have ceremonies from birth to death that related to the care of the waters and;
9. First Nations in Ontario have knowledge, laws and our own ways to teach our children about their relationship to the waters and;
10. First Nations in Ontario made treaties with the non-indigenous people based on the continuation of all life and;
11. First Nations in Ontario's treaty making with the Crown created a relationship of rights for all parties and;
12. First Nations in Ontario's treaty relationships make certain that decision-making processes related to use and care of the waters is a right maintained by the First Nations and not handed over with the making of Treaties and;
13. First Nations in Ontario's fundamental water rights is a social relationship based on an expression of a power relationship between ourselves and the Creator and;
14. First Nations in Ontario have rights to determine the key properties of the waters including distribution, contents and legitimacy of water rights to restore the balance and;
15. First Nations in Ontario have been able to make a review of the state of the waters within each of our territories and;
16. First Nations in Ontario have seen the need to declare, retain and assert our relationship with the waters to ensure that there is clean waters for the future generations and;
17. First Nations in Ontario are going to honour the spirit of the waters to begin a healing process which begins with men and women knowing their roles and responsibilities when it comes to the waters and;
18. First Nations in Ontario have met in Garden River First Nation to raise our voices in solidarity to speak for the waters and;
19. Our responsibility is to the future generations – for those children yet unborn is set out in this Water Declaration.
20. We announce and proclaim our role as the First peoples of Turtle Island – the original caretakers - with rights and responsibilities to defend and ensure the protection, availability and purity of freshwaters and oceans for the survival of the present and future generations.

CONDITIONS OF OUR WATERS

21. The ecosystems of the world have been under considerable stress from misuse and abuse. The waters are polluted with chemicals, pesticides, sewage, disease, radioactive waste, dumping of waste from mines, dumping from ships in complete violation of the laws of the Creator and;
22. The First Nations in Ontario have made a preliminary survey of the waters within our territories and found that the sensitive balance of the ecosystem has been compromised by the intervention of the non-indigenous people and;
23. The waste and destruction of entire water systems have lead to shortage of waters and the contamination of the waters and;
24. First Nations in Ontario have observed and heard the stories about the waters being polluted with chemicals, pesticides, sewage, disease, radioactive waste, dumping from mining, waste in waters that makes First Nation peoples sick, ocean going boats who drop shipping waste into the waters and;
25. The animals, fish and all living organisms are affected by pollution of the waters where we are told to eat one fish a week rather than following our own diet and;

26. First Nations in Ontario have been denied a role in the decision making which results in the contamination of this precious resource and;
27. First Nations in Ontario see the ground waters being disrupted by forestry and mining destroying ground waters and spring waters and;
28. The effects of global warming has been changing the amount of snow and rain to replenish the water systems and;
29. All living things are affected by this destruction of the waters from the forests, land, plants, marine life, air, fish, insects, birds, animals and;
30. The destruction of living beings have a direct relationship to the lives and health of First Nation peoples in Ontario and;
31. First Nations in Ontario have observed that waters are increasingly being subjected to review and governed by foreign economic values which further alienate the relationship between First Nations in Ontario and our relationship to all waters.

MAJOR THEMES

32. As a result of our work we have organized ourselves into major themes as a starting point to set up a plan for the future care of the waters:
The main themes were:
 1. First Nations Perspectives on Water
 2. Water Quality
 3. Water Quantity
 4. Safe Drinking Water
 5. Models for a Path Forward.
 6. Elders perspectives and knowledge on water issues and the importance of ceremony, songs and feasting and all aspects of First Nations spirituality in moving forward to protect the waters;
 7. The vital importance of the traditional role of First Nations women as water keepers and the need to ensure that youth are educated in all customs and spirituality related to the waters;
 8. The important role of First Nations collective knowledge systems in the protection of water sources and how our collective knowledge can complement and be superior to western science at times; the need for proper protocols to determine when and how to share this knowledge including a proposal from an elders workshop held a few months ago to establish a regional panel of elders in Ontario to provide advice to governments seeking traditional knowledge and relationship-building among First Nations communities;
 9. First Nations' lawmaking jurisdiction and sacred responsibilities to protect the waters in all its forms in all parts of First Nations territories;
 10. The importance of treaty making among First Nations as part of the collective work to protect the waters in Ontario and elsewhere;
 11. The impacts of past damage and First Nations' assessment of current threats arising from major development projects, industrial activity and urban life to the Great Lakes Water Basin, the St. Lawrence River system, the St. Clair River, the North French River and the James Bay region among others;
 12. Lessons learned from the international struggle leading to the adoption of the UN Declaration on the Rights of First Nations in Ontario, and how these lessons should be applied to First Nations strategies to work together to protect the waters;
 13. The healing properties of the waters – physically, emotionally and spiritually – especially natural spring waters and clean water sources compared to treated water;
 14. The inadequate resources available to ensure that First Nation peoples in all parts of Ontario and Canada have proper waste water management, and have access to safe drinking water and current attempts to offload the legal liability for this situation from the federal Crown to First Nations themselves.
 15. First Nations have a right to fully participate in decisions rather than having an input.
 16. First Nations are not stakeholders.
 17. Indigenous women are the holders of the rights to the waters.
 18. Each Indigenous child born comes with the breaking of the water which is a sacred obligation to the future generations.

RIGHT OF WATER AND SELF DETERMINATION

33. An international protected right within international law relates to the right of self-determination. Indigenous Peoples' right to self-determination was recognized by the General Assembly of the United Nations with the passage of the Declaration on the Rights of Indigenous Peoples. By virtue of the right of self-determination, we have the right to freely determine our political status and freely pursue our economic, social and cultural development. That means, we have the right to exercise full authority as well as the responsibility given to our ancestors by the Creator to care for our relatives (creation) including the waters.
34. Self-determination includes the right to control our institutions, territories, social order and cultures without external interference or domination.

RIGHT TO WATER AND TREATIES

35. When our First Nations negotiated and concluded treaties with the Crown, we were exercising our right of self-determination as nations. Our Treaties are recognized under international law and are a source of rights. As Treaty Nations, Canada has a legal obligation to engage us in a dialogue to determine their role in relation to the wellbeing of Mother Earth.
36. As the First Nations in Ontario, we are telling Canada and the province of Ontario who are not parties to the Treaty but entities who have inherited the obligations to implement the Treaties; we are going to make decisions related to the waters.
37. First Nations in Ontario have the authority and responsibility as given to us by the Creator. We are going to assert our authority. We have legal rights recognized by the laws given to us by the Creator, Constitution of Canada and international law.
38. The Crown has a duty to consult with Treaty Peoples and to accommodate our interests is grounded in the honour of the Crown.
39. The honour of the Crown requires it to consult with and reasonably accommodate the interests of the First Nations.
40. The purpose of the duty to consult is to protect the lands and resources critical to exercising of our treaty rights.
41. The Crown needs to engage in a process to determine how good faith consultation is going to take place in relation to our relationship to the waters.
42. The First Nations in Ontario are going to develop a consultation process related to our rights to indicate to government and industry the level that we need to be engaged in, when discussing our rights.