

**Indigenous Nations Roundtable
International Red River Watershed Board (IRRWB)
of the International Joint Commission (IJC)
January 16 and 17, 2023
Winnipeg, Manitoba**

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Introduction

The International Joint Commission (the IJC) has been tasked with responsibilities under the Boundary Waters Treaty. Recognizing that Indigenous Peoples are inherent rights-holders, the IJC is seeking to involve Indigenous Peoples in a more respectful, fulsome way.

Established in April 2005, the International Red River Watershed Board (the IRRWB) is a relatively new structure within the IJC that has the mandate to help avoid and resolve transboundary disputes regarding the waters and aquatic ecosystem of the Red River, its tributaries, and aquifers.

The purpose of the Indigenous Nations Roundtable was to provide an opportunity for First Nations, Red River Métis and Tribal Nations whose territories are located in the Red River Watershed Basin to come together to discuss their priorities related to the IRRWB, and the IJC more broadly.

The results of the Indigenous Nations Roundtable can inform opportunities for the IJC and the IRRWB to explore new models for partnership and collaboration with First Nations, Red River Métis, and Tribal Nations with rights in respect to the management of the Red River Watershed.

Roundtable Meeting Summary

This Roundtable brought together 38 participants, including representatives of Indigenous Nations from both sides of the Canada-United States border whose traditional territory is located within the Red River Watershed, including participants from the Southern Chiefs' Organization, the Manitoba Métis Federation – the National Government of the Red River Métis as well as Tribal Nations (Turtle Mountain Band of Chippewa Indians and the White Earth Nation). A Commissioner from the IJC and members of the IRRWB were also present.

A **Dawn Pipe Ceremony** was performed by Arion Poitra, a member of the Turtle Mountain Band of Chippewa Indians, offsite.

Opening Prayers were offered by Elders Norman Meade and Mary Maytwayashing. Elder Norman Meade welcomed participants to the homeland of the Red River Métis and offered a moment of silence, held in recognition of Joe Keeper, a Cree leader and advocate for water rights for decades.

Opening Remarks were provided by Grand Chief Jerry Daniels of the Southern Chiefs' Organization. He acknowledged water as a living being with rights and ceremonial significance that need to be respected. Grand Chief Daniels also spoke to the need to ensure broad public understanding of the science behind water treatment. Grand Chief Daniels outlined three priorities:

- The need for high trans-boundary water quality protection standards;
- The need to implement adaptive measures to address climate change impacts, including flooding; and
- The need to determine how best to guarantee meaningful collaboration going forward.

Chief Gordon Bluesky, Brokenhead Ojibway Nation, Treaty 1, welcomed participants to the Territory, and spoke to the significance of water within the Territory. He acknowledged Elder Meade's reference to Shoal Lake 40, who cannot practice their traditional livelihoods in their traditional waters because of how Winnipeg has been developed. The community's situation provides one example of why stronger water protections are needed. Chief Bluesky noted that since colonization Indigenous Peoples of Treaty 1 have faced water impacts. He acknowledged the International Joint Commission's efforts, but emphasized that more work is needed to acknowledge Treaty 1, and ensure meaningful solutions that make a difference, for the Nations immediately impacted by the US-Canada border, but also for those beyond since water continues to flow and travel elsewhere, for now and for future generations.

Introductory Remarks by IRRWB Board Members Annette Trimbee and April Walker

April Walker and Dr. Annette Trimbee, new Board members appointed in April 2021, noted their recent appointment as Indigenous representatives. Introductions were made and both shared their commitment to working with the Board, as well as their interest in understanding current needs and priorities of Indigenous Nations. They highlighted that they would like to hear how they can support the Board in taking a holistic approach to water management, centering the voices and differing experiences of Indigenous Peoples whose territory is located both upstream and downstream from the Red River Watershed.

Overview of the IRRWB and the IJC by Henry Lickers, Haudenosaunee, IJC Commissioner

Commissioner Henry Lickers spoke about Haudenosaunee cultural knowledge about water and how it aligns with what others have shared. He shared that as a biologist and as the first Indigenous IJC Commissioner, he is working as a Commissioner under his personal and professional expertise.

Commissioner Lickers provided an overview of the IJC, including its mandate, way of working, and recent work, including the international watersheds initiative, and work to collaborate with Indigenous Peoples. Commissioner Lickers emphasized that the IJC is still learning how to effectively communicate and work with Indigenous Peoples. He expressed an interest in hearing from participants about their priorities and ideas on how collaboration can best proceed.

In follow-up to Commissioner Lickers' presentation there was a discussion period where the following views were shared:

- In response to a question for clarification on how the IJC ensures consultation is not just a box-checking exercise, Commissioners Lickers noted that Commissioners are appointed by the Prime Minister of Canada or the US President. They are well-placed to push for response to concerns raised by Indigenous Peoples.
- In response to a question about the IJC's role in addressing longstanding difficulties for traditional land users to engage in land-based activities because of harassment and impacts from private land-owners, including agricultural run-off leading to algae blooms, Commissioner Lickers acknowledged the frustration. He further noted that the current Commissioners are passionate about water and its protection.

- In response to a question about whether there has been any push to give the IJC more “teeth”, Commissioner Lickers noted that more support is needed from the public. He noted the impact of past research groups established across the Great Lakes that have contributed to current water quality agreements, and the need for similar organizing and collaboration to create change.
- In response to a question about youth involvement with the IJC’s work, Commissioner Lickers emphasized the importance of sharing knowledge with youth and spoke to his plans to be a teacher when he retires from the IJC.

Roundtable Discussion: What relationships do the First Nations, the Red River Métis, and the Tribal Nations want to establish with the IRRWB? And the IJC?

Participants discussed the need for:

- Meaningful engagement and early consultation, as well as recognition of traditional laws, territories, sovereignty, hereditary responsibilities, and Treaty rights.
- Enforcement against people who are destroying the waters.

Noting that the IJC is a Canada-US exclusive relationship that subtly attaches Indigenous relations, participants expressed that the Board must make greater efforts to recognize Indigenous Peoples’ laws and knowledge. Participants also discussed the importance of avoiding pan-Indigeneity approaches to collaboration. Participants talked about moral versus legal responsibilities, noting that both are important.

The MMF clarified that they would prefer the IJC not to appear to advocate on their behalf. It is important that there be due recognition of the MMF as the official voice for any Red River Métis concerns.

Roundtable Discussion: What have been the barriers to past involvement with the IRRWB and the IJC? How can these barriers be removed?

Participants discussed challenges, alongside some solutions or approaches to these challenges. This included, for example: how colonized views could be addressed by bringing in traditional knowledge and centering Indigenous Peoples’ voices and expertise; how barriers to cross-cultural communication could be addressed by using two-way knowledge sharing; and how lack of youth involvement could be addressed by creating opportunities for youth.

Participants also noted the need to address and overcome the legacy of colonial research practices that have taken away data and testimony without transparency or accountability to communities. Participants suggested that where data-collection is needed, communities should be supported, or where necessary, trained, to undertake this work.

The need to work across many jurisdictions was also emphasized as a key challenge, and one that particularly impacted on enforceability when ensuring action to address Indigenous concerns. Participants also noted that the current approach to water management by working across provincial boundaries was ineffective, and that water basin boundaries offered a better approach for watershed management. Participants emphasized that the lack of funding for participation negatively impacts inclusion and the effectiveness of the functioning of both the IRRWB and the IJC.

Panel of Experts from the Tribal Nations, the Red River Métis, and the First Nations

Experts shared priorities and concerns of the First Nations, the Red River Métis and the Tribal Nations in respect to the protection and management of the Red River Watershed Basin.

Richard Monette, Turtle Mountain Band Chippewa Indians, spoke about the competing legal systems in the US that determine how water is allocated: prior appropriation and riparian systems. The former allocates water based on proximity of those who own land next to the water in question, and the latter is based on a first-use basis. Both systems fail to consider larger dynamics of shared use, and different states prioritize different systems. He emphasized the need to determine a balance between collective entities and the individual people who use or rely on a water system, while navigating different cultures of water use.

Connor Staub and Riley Bartel, the Manitoba Métis Federation, provided an overview of the Red River and the Red River Métis and their ongoing relationship to the environment. They shared the following Red River Métis priorities areas as follows:

- Capacity support to engage Red River Métis Citizens;
- Involvement in the IRRWB's ongoing work; and
- Flood and drought mitigation.

The MMF shared further details on ongoing work to support intergenerational knowledge transfer, including identifying Elders and Knowledge Keepers who are able to work with youth out on the land during activities such as blueberry surveys and water sampling. The water testing work is still a pilot project, and there is interest in building Red River Métis water testing databases to ensure community data ownership and access.

Later in the day, Chief Gordon Bluesky spoke about the history of Treaty 1 and the long struggle to ensure community members can exercise their Treaty rights, including long struggles regarding water rights and sovereignty. He also spoke about his people's long history with the waters of Treaty 1, including predating the Treaty. Now, most of the Territory has been turned into farmland and municipalities, all changes made without Indigenous input, and all impacting on the ability to maintain the lands and waters and continue practicing traditional livelihoods. Chief Bluesky emphasized the importance of a role for Treaty 1 in working with the IJC to strategize and come up with solutions, but also asked for understanding as his community, and many others, work to simultaneously address other pressing issues such as housing, substance use, and suicide.

Participants discussed the restrictions and challenges to upholding Indigenous Peoples' water rights given current legal regimes in Canada and the US, at the federal and at the state/province level. Further, participants noted the historic role of the IJC in failing to uphold the rights of Indigenous

Peoples on both sides of the border, and the need for a firm commitment to address Indigenous Peoples' concerns.

Participants considered different strategies for promoting Indigenous Peoples' voices and rights in the context of international, trans-boundary water issues, including:

- Promoting consultation and consent requirements;
- Referencing historic Treaty promises; and
- Referencing the *UN Declaration on the Rights of Indigenous Peoples*, which underscores the rights of Indigenous Peoples to their traditional territories, as opposed to defining Indigenous Peoples' interests based solely on the areas to which they have been displaced.

Roundtable Discussion: What elements are necessary to make partnership with the IRRWB and the IJC effective on a long-term basis?

Participants discussed the need for respect and equity – to develop concepts and tools in a meaningful way and ensure the Board is listening to all parties, especially Indigenous groups and traditional knowledge holders. Indigenous knowledge and spirituality should be centered, not sidelined, and Indigenous Peoples should be involved in all aspects of work and research carried out on their land (e.g., data collection, data analysis, and communication). Of particular importance, work should be done to effectively communicate any findings back to communities to ensure accessibility of research findings, for example, through partnerships with Indigenous communicators.

The need for more representation of Indigenous women on Watershed Boards, as well as intergenerational representation from Indigenous Nations was also underscored in discussion. In terms of encouraging youth involvement, participants noted the need to create opportunities for youth through capacity building and improved access to education. Participants also flagged the need for increased funding to support access to international opportunities and grants.

Participants emphasized the importance of moving away from consultation toward meaningful inclusion in decision-making, and for engagement with Indigenous Peoples, to understand the unique and overlapping priorities within and across communities.

Participants also discussed the need to ensure the Board's gatherings are culturally appropriate, safe spaces, including by allocating adequate time for ceremony and discussion.

Closing Remarks – April Walker

April Walker expressed hope for a future of Indigenous people working with the IJC, of the creation of an Indigenous Peoples board that includes Elders and youth, as well as the guidance of women to ensure the work proceeds in right direction for water protection. She thanked all participants for sharing their perspectives during the rich discussion that took place.

Closing Prayers by Elders Meade and Maytwayashing from the Territory.

Conclusion and Key Findings

Water is important to everything in life and connected to many rights issues. Water also carries unique spiritual significance for many Indigenous Peoples. Indigenous water knowledge, as well as Indigenous Peoples' relationships to water have not historically been reflected in Canadian or US water governance, and instead have actively been harmed and suppressed. Indigenous Peoples have specific responsibilities as well as rights when it comes to water that also need to be recognized and respected. For example, the role of women as water protectors must be upheld.

The IJC itself has been an instrument of implementing colonial law and policy. Support for Indigenous Peoples' approaches to water management is needed.

Respect for Indigenous ways of knowing must include recognition of the importance of intergenerational knowledge transfer and support for youth involvement; an approach to water management based on river basins and the free movement of water across colonial borders; and measures to ensure research and data collection give back directly to communities instead of replicating extractive colonial dynamics.

This Roundtable is a first step in a new relationship based on mutual respect and partnership that must continue to be pursued.

Recommendations

The following recommendations to the IRRWB and the IJC have been identified based on the dialogue that took place:

- Reference historic Treaty promises; and the *UN Declaration on the Rights of Indigenous Peoples* (which underscores the rights of Indigenous Peoples to their traditional territories) on an ongoing basis to inform their work. This may involve specific raining on these legal obligations.
- Involve Indigenous peoples as partners during the development of studies and data collection efforts, making room for cultural practices in this process and ensuring a rights-based approach is taken. This could include the development of a data practices policy. It is imperative that consultation and consent requirements are upheld in all of IRRWB and IJC activities.
- Moving forward, the IRRWB and the IJC should be accountable for taking a new approach that respects the rights and knowledge of Indigenous Peoples. This includes seeking to receive the free, prior and informed consent of Indigenous Peoples at each stage, including adequate consultation and cooperation.
- Ensure there is adequate Indigenous representation on each committee of the IRRWB and the IJC. The IJC should mandate the IRRWB to appoint Red River Métis, First Nation and Tribal Nation representatives.

- Conduct additional outreach efforts with Indigenous communities, including participating in events sponsored by Indigenous communities themselves.

Appendix I: Agenda

JANUARY 16, 2023 (afternoon session)

DAY 1

- 6:00 am** **Dawn Ceremony** from a Tribal Nation (remotely – Nation TBC)
- 1:00 pm** **Opening Prayers** by Elders from the territory, Mary Maytwayashing and Norman Meade
- 1:15 pm** **Opening Remarks** Southern Chiefs Organization Grand Chief Daniels, Treaty 1 Chief Gord Bluesky
- 1:45 pm** **Introductory Remarks** by IRRWB board members Annette Trimbee and April Walker
- To set out the purpose of the workshop to participants, as well as an overview of the meeting and any necessary housekeeping tasks.
- 2:00 pm** **Overview of the IRRWB and the IJC** by Henry Lickers, Haudenosaunee, Commissioner, International Joint Commission
- 2:30 pm** **Question and Answer Period**
- 2:45 pm** Nutrition Break
- 3:00 pm** **Roundtable Discussion**
- Key Questions:**
- What relationship to First Nations, the Red River Métis and Tribal Nations want to establish with the IRRWB? And the IJC.
- What have been the barriers to past involvement with the IRRWB and the IJC?
How can these barriers be removed?
- 4:00 pm** **Summary of the day**
- 4:20 pm** **Closing Prayers**
- Adjournment**

JANUARY 17, 2023 (morning session)

DAY 2

8:30 am **Opening Prayer**

8:45 am **Panel of Experts from the Tribal Nations, the Red River Métis and the First Nations:** Chief Gord Bluesky (Brokenhead Ojibway Nation), Richard Monette TBC (Turtle Mountain Band of Chippewa) and Connor Staub and Riley Bartel (Red River Métis)

10:00 am **Question and Answer Period with Keynote Speakers**

10:30 am Health Break

10:45 am **Roundtable Discussion**

Key Questions:

What elements are necessary to make partnership with the IRRWB and the IJC effective on a long-term basis? Consider procedural and structural changes.

11:50 am **Closing Prayers** by Elders from the Territory

12:00 pm Adjournment

12:10 pm **Meet and Greet with IJC Commissioners and International Red River Watershed Board Members**

The Meet and Greet will take place in the Broadway Room, Fort Gary Hotel.

Appendix II: Participant List

IJC Representatives

Commissioner Henry Lickers
Melissa Hotain, IRRWB Member
Annette Trimbee, IRRWB Member
April Walker, IRRWB Member

SCO Delegates

Elder Mary Maytwayashing
Elder David Scott
Grand Chief Jerry Daniels
Chief Gordon Bluesky
Morgan Brightnose
Eric Cameron
Kenneth Courchene
Daniel Gladu
Cobina Hardisty
Rebecca Sinclair

MMF Delegates

Elder Norman Meade
Riley Bartel
Phoenix Combe
Eli Desuatels
Christian Goulet
Maddy Perry
Jenny Petrynko
Connor Staub

Indigenous Delegates from the US

Monica Hedstrom
Christa Monette
Richard Monette
Mary Morin
Jessica Tolifson

Facilitator

Celeste McKay