







Alberta's Water for Life Strategy

- Assumes Crown ownership of water resources
- Does not recognize or affirm Aboriginal or treaty rights
- Considers First Nations "stakeholders" with equal rights to other stakeholders
- Expects stakeholders to form water policy and advisory councils (WPACs) on a volunteer basis
- WPACs are charged with the responsibility for formulating watershed management plans
- fails to recognize any proprietary rights to water and any First Nations jurisdiction over water



First Nations' fears: What will happen if...

- I attend WPAC meetings?
- I join a watershed stewardship group?
- I become a member of the Keepers of the Athabasca?
- I talk to someone from Alberta Environment about a water licence for my business?
- I stay silent?
- Our community/Nation makes its own watershed management plan?
- I demand a meeting between the Minister and the Chiefs?

We're afraid that our participation will be deemed consultation and our rights will be compromised.

Gov't/WPAC fear: What do we do if...

- No First Nations participate in the WPAC or RAC? Is our plan still valid?
- We can't access tradition ecological knowledge and it results in a flaw in our plan?
- We make progress in planning, and First Nations reject the plan?

We're afraid that our work will be stalled and we won't conserve and protect the environment as we should if we're delayed by consultation.

Getting past fear-based thinking and on to problem-solving:

- Clearly communicate and agree that interest-based dialogue used in watershed planning processes is not consultation and all communications in the planning process are without prejudice
- Develop a consultation agreements which define how, and under what circumstances consultation regarding water plans will take place

- Recognize and affirm that Aboriginal and treaty rights exist

- Agree to disagree about the nature and scope of Aboriginal and treaty rights

- Focus on common interests: eg. environmental conservation objectives, drinking water standards, etc.



Planning: WFPACs	Consultation
Set standards, objectives, and guidelines	reviews water policy and legislation for potential adverse effects Most likely to arise when regulatory authorizations of a proposed project are at issue
guided by Water for Life Strategy	Guided by Alberta's First Nations Consultation Guidelines on Land Management and Resource Development
Individuals participate	AB gov't consults with groups
Participation is voluntarily	Aboriginal groups must participate in consultations if they want to preserve their interests
Multi-stakeholder involvement	Consultation with Aboriginal groups are usually completely separate from other consultations
FN and Metis have seats	AB has a separation policy for Aboriginal consultation and has established when consultation will be required (p.8)
Director "considers" plan – not regulatory	AENV issues regulatory approval
RACs: Government appoints reps from sectors who do not necessarily represent or report to any constituents	

Getting stuck on rights:

AB will only recognize traditional uses of land. It does not recognize Aboriginal title or any right of self-determination or jurisdiction.

First Nations assert that Aboriginal rights, title, and self-government were not ceded under Treaty. Treaties affirmed Aboriginal rights and jurisdiction over territories



What can be done to assert
First Nations inherent jurisdiction?

- Define First Nations laws
- Assert First Nations laws
- Assert the terms of the treaties
- Create watershed management plans
- Demand involvement in all decisions relating to water
- Do your own environmental monitoring
- Gather and manage traditional ecological knowledge

Look what we miss if Aboriginal
people don't get involved:

- A wealth of traditional ecological knowledge that flows from multi-generational experience of the land
- Energy of people who are committed to the well-being of the land and have a strong connection to particular places
- Vision of people who are concerned their relationship with the land for the next seven generations
