



# Shuswap Nation Tribal Council

680 ATHABASCA STREET W., KAMLOOPS, BC V2H 1C4

Phone: (778) 471-8200 Fax: (778) 471-5804 e-mail: [sntcadmn@shuswapnation.org](mailto:sntcadmn@shuswapnation.org)

November 15<sup>th</sup>, 2013

Ministry of Environment  
Water Protection and Sustainability Branch  
PO Box 9362, Stn Prov Govt  
Victoria, BC V8W 9M2

RE: Legislative Proposal for a new *Water Sustainability Act*

In light of the government's legislative proposal for a new *Water Sustainability Act*, it is important that we, the Secwepemc Chiefs of the Shuswap Nation Tribal Council (SNTC), make our position known. The current Water Act is outdated and insufficient. We applaud the effort of the government to engage in the development of new legislation and believe it is of critical importance to be working towards implementing a stronger act which will protect water, aquatic life, and support sustainable communities. As First Nations people, we reiterate the importance of these issues as it is our responsibility to speak for the protection of water and the life that stems from it, for all our future generations.

The Secwepemc Nation has never ceded, surrendered, or sold our Aboriginal rights and title and as such, we have the right to exercise our authority and control over our natural resources, including water. While government continues to deny our title to our land, we must insist that we are provided with the opportunity to co-manage the resources within our traditional territory. We expect that we be afforded active participation in all decision making. The Secwepemc Nation must be involved in the drafting and development of this legislation.

As stated in a Water Declaration (2010) by Simpcw First Nation, a member of the SNTC: "Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water. We stand united to follow and implement our knowledge and traditional laws and exercise our right of self-determination to preserve water, and to preserve life."

Secwepemcúlecw, our traditional territory, is vast and home to bodies of water critical to the livelihood of our peoples and customs. Therefore, all decisions made on water resources must include recognition of First Nations' priority and un-extinguished water rights. It is the legal and constitutional duty of the Crown to include First Nations in all decision-making works that impact our lands and resources. We eagerly anticipate the

release of the *Water Sustainability Act* and look forward to engagement in meaningful consultation on this legislation prior to its introduction in the legislature.

We refer you to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which, under Article 25, stipulates that “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”

Additionally, Article 32 of the UNDRIP makes clear that:

- 1) “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.”
- 2) “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”
- 3) “States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.”

The time has come for the Province of British Columbia, working with First Nations, to implement legislation which will secure our most important resource for generations to come. For too long we have watched industrial water use take precedent, pollution and contamination affect the health of this resource. The growing pressures of climate change and the inadequate legal protections over our water sources are of grave concern to our Nation. Now more than ever we must act in accordance with the highest of environmental standards to ensure we see the changes so desperately needed.

The draft legislation must be congruent with our Section 35 Aboriginal Rights protected under the Constitution, the United Nations Declaration on the Rights of Indigenous Peoples, the decree of the 61 Indigenous nations who endorsed the Save the Fraser Declaration in 2010, and the recommendations made in the 2012 Commission of the Inquiry into the Decline of Sockeye Salmon in the Fraser River (“Cohen Commission”) – specifically Recommendation 74 “Improving future sustainability by addressing the causes of warming waters”.

Without doubt, modernized legislation which will address these issues now and into the future is urgently needed. We look forward to continued discussions on this matter and an opportunity to review the proposed *Water Sustainability Act* once a complete draft is available to ensure it includes strong protections for our most sacred and fundamental resource. In closing, we would like to reiterate the wisdom of our ancestors who, in the Memorial to Sir Wilfrid Laurier in 1910, stated their vision which we continue to share:

“We must, therefore, be the same as brothers to them, and live as one family. We will share equally in everything—half and half—in land, water

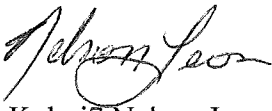


and timber, etc. What is ours will be theirs, and what is theirs will be ours.  
We will help each other to be great and good."

It is on this premise that we look forward to developing a cooperative arrangement into the drafting of the new legislation that will meet our respective governance responsibilities.

We would like to arrange a meeting with you to further discuss our participation in this process. Please contact Veronica Leonard, Executive Assistant at [ea@shuswapantion.org](mailto:ea@shuswapantion.org) and we can set a date.

Sincerely,



Kukpi7 Nelson Leon

On behalf of the Chiefs of the Shuswap Nation Tribal Council

