



GRAND COUNCIL TREATY #3



GCT#3 FEEDBACK ON THE ONSHORE PIPELINE REGULATIONS REVIEW DISCUSSION PAPER

JULY 29TH, 2022
PREPARED BY THE TERRITORIAL PLANNING UNIT

TABLE OF CONTENTS

THE ANISHINAABE NATION IN TREATY #3	3
PURPOSE OF ENGAGEMENT SESSION	4
BACKGROUND	5
FEEDBACK	7
MANITO AKI INAKONIGAAWIN	9
THE NIBI DECLARATION	13



THE ANISHINAABE NATION IN TREATY #3

Grand Council Treaty #3 (GCT#3) is the traditional government of the Anishinaabe Nation in Treaty #3. Grand Council represents 28 communities across the Territory. Grand Council's mandate is to protect the future of the Anishinaabe people by ensuring the protection, preservation and enhancement of inherent and treaty rights. The Territorial Planning Unit (TPU) is the department within Grand Council that works with the Treaty #3 Leadership to protect the lands, water and resources within the 55,000 square miles that make up Treaty #3 Territory. The TPU is guided by Anishinaabe Inakonigaawin (Anishinaabe Law), including Manito Aki Inakonigaawin (Great Earth Law) and the Treaty #3 Nibi (Water) Declaration.

Manito Aki Inakonigaawin represents respect, reciprocity and responsibilities with all relations of Mother Earth. The law signifies the duty to respect and protect lands that may be effected from over-usages, degradation and un-ethical and unsustainable processes. Manito Aki Inakonigaawin is unique to Treaty #3 Territory and passed on through our Elders and Knowledge Keepers.

The Nibi Declaration represents respect, love, and the sacred relationship with nibi (water) and the life that it brings. It is based on teachings about water, lands, other elements such as air and wind, and all of creation. The Declaration is meant to preserve and share knowledge with youth and future generations. The Declaration guides us in our relationship with nibi so we can take action individually, in our communities and as a Nation to help ensure healthy, living nibi for all of creation.

Read more about Manito Aki Inakonigaawin and the Nibi Declaration on page 9

To learn more about Manito Aki Inakonigaawin, visit: gct3.land/manito-aki-inakonigaawin/

To learn more about the Nibi Declaration, visit: gct3.caland/territorial-planning-unit/



PURPOSE OF THE ENGAGEMENT SESSIONS

The Canada Energy Regulator (CER) is seeking input and discussion in regards to the Onshore Pipeline Regulations (OPR) Regulations Review Discussion Paper.

Treaty #3 has the right to be informed and have equal say in any decisions in regards to the environment. Primary objectives of the engagement sessions were:

- Opportunity to implement processes within Manito Aki Inakonigaawin and the Nibi Declaration
- Gather feedback on the Onshore Pipeline Regulations Review Discussion Paper
- Opportunity to express questions, comments and concerns in regards to the Onshore Pipeline Regulations
- Write a report back to CER explaining Treaty #3 laws, history, comments and concerns.



BACKGROUND

The Anishinaabe Nation in Treaty #3 brings unique Anishinaabe Knowledge into the Onshore Pipeline Regulations discussion, including the understanding of how Manito Aki Inakonigaawin (Great Earth Law) applies in Treaty #3 Territory. The law is unique to Treaty #3 Territory and passed on through Elders; meaning no other Nation is able to incorporate the same knowledge into a process that is guided by Manito Aki Inakonigaawin. Understanding how Anishinaabe Knowledge is properly incorporated into all processes and decision-making, requires Canada to take next steps to understand Anishinaabe Inakonigaawin (law) and build relationships within Treaty #3.

This report is intended to provide feedback to CER in regards to Treaty #3 laws and values. Treaty #3 community members participated in the Onshore Pipeline Regulations engagement session on April 27th, 2022 via zoom. The concerns, considerations and recommendations portion of this Report are based on concerns and comments brought forth by Treaty #3 community members.

The Nation is extremely rich with Anishinaabe Knowledge, which is completely unique to the region. This knowledge in our area is mostly unwritten and can only be learned through discussions with Elders and Knowledge Keepers.

One application of the traditional laws is Manito Aki Inakonigaawin, which is a guiding framework in the decision making process of the Anishinaabe Nation as it relates to activities impacting the Treaty #3 Territory. In this Anishinaabe framework, there is a both a community decision making process and a Nation based decision making process that is outlined which are: application, engagement/consultation, authorization, and compliance and monitoring. This significantly increases the value-added for Canada to continue to support and invest in the Nation of Treaty #3 as this information is not accessible through any other mechanism.

Treaty #3 communities have a right to meaningful consultation and engagement. During the COVID-19 pandemic there have been ongoing restrictions hindering the ability to have in-person engagement with Treaty #3 Communities. In this case as restrictions are continuing to be lifted Treaty #3 looks forward to moving ahead with meaningful in-person engagement. However, Treaty #3 does not support the notion that these engagement sessions fulfil the duty to consult.



Elders and Knowledge Keepers from across the territory were invited to join the sessions. During the engagement sessions, the Territorial Planning Unit presented information on the Onshore Pipeline Regulations Discussion Paper. The engagement session attendees gave feedback that was rooted in Anishinaabe Inakonigaawin and how it relates to the potential regulation development. The feedback was based around the following principles:

- **Anishinaabe rights** (Inherent and Treaty Rights, right to be healthy, right to have a healthy environment)
- **Anishinaabe responsibilities** (care for the land, educate all generations)
- **Reciprocity with Mother Earth** (living in mutuality)
- **Respect to all beings** (extending to mother earth, animals, plants, traditional ceremony, offerings)

The Relationship circle is a visual representation of the Anishinaabe Worldview in regards to relations with Niinkeminaan (Mother Earth).

Respect

- Respect for Niinkeminaan (Mother Earth)
- Make ceremony for her and everything we take from the land (do so by offering tobacco, sage, sweet grass, have feasts, gatherings and teaching)
- Take only what you need from Mother Earth

Responsibility

- Responsibility to not harm the land
- Respect for all relations
- Care for all our relations
- Responsibility to educate and share our teachings with children and one another

Rights

- Right to have freedom from poverty and exercise Treaty and Indigenous rights
- To be born, live and die on our land
- Right to make decisions about our lives and the land
- Right to have sustenance with the Land, ability to have a livelihood from the land, have economic well being and share what the land provides
- Right to live on traditional land with our ceremonial ways

Reciprocity

- All relations live in mutuality: live in mutual benefit and support
- We use to word relations rather than resources, as it reflects a relationship
- Acceptance, with deep gratitude and humility, we accept our sacred pace in Creation

Developed by Kaaren Dannenman, traditional trapper and knowledge keeper, Trout Lake.



FEEDBACK

• CONCERNS

- CER does not have a current understanding of Anishinaabe Inakonigaawin, such as Manito Aki Inakonigaawin and the Nibi Declaration
- The activities and implementation of OPR will impact Treaty #3 Anishinaabe rights
- CER must learn from Treaty #3 communities and put mechanisms in place, such as the support of Manito Aki Inakonigaawin and the Nibi Declaration to protect Anishinaabe rights

• CONSIDERATIONS

As agreed upon in the signing of Treaty #3, Treaty #3 resource issues must be discussed,

- approved, and/or refused/proceeded with under Manito Aki Inakonigaawin, not through government processes. Currently, Canada is not fulfilling this obligation, therefore not taking meaningful reconciliation critically

The guidelines must not conflict, but rather support Treaty #3 governance laws, which are

- guided by Treaty #3 Communities and Elders

Manito Aki Inakonigaawin and the Nibi Declaration can provide guidelines to better support

- Onshore Pipeline Regulations

• RECOMENDATIONS

- It is recommended that CER learn and understand processes within Manito Aki Inakonigaawin and the Nibi Declaration and for CER to work closely with GCT#3 to ensure such recognition
- Traditional Knowledge/Anishinaabe Knowledge must be used equally alongside Western systems of knowledge, and not only taken into account or considered
- Companies must follow the Nation of Treaty #3's territorial requirements in regards to any activities taken place, as they supersede any federal or provincial requirements
- GCT#3 must be involved in the company planning for operations and maintenance activities that takes places on Treaty #3 territory. This involves two-way proactive communication when pipelines are being planned and designed
- OPR's Indigenous Advisory Committee is pan-Indigenous and will not express the needs and concerns for Treaty #3 accurately thus a Treaty #3 unique approach must be made
- Programs and Plans for Environment protection must include MAI and the Nibi principles
- For pipeline use and status, clearer and stricter guidelines must be made



- Anytime there are decisions being made with the land and/or water, it is Treaty #3's right to be aware and involved in the decision making therefore it is recommended that CER recognizes this in policies and procedures moving forward
- Since there is no requirement for a company to have an engagement program in place, it is recommended that one be put in place
- Prevention, planning and proactive communication are key to heritage resources and sites of significance and should be in place prior to emergency planning and mitigation approaches should be needed.



WHAT IS MANITO AKI INAKONIGAAWIN?

At the beginning of time, Saagima Manito gave the Anishinaabe duties and responsibilities to protect, care for and respect the land. These duties were to last forever, in spirit, in breath and in all of life, for all of eternity. The spirit and intent of Manito Aki Inakonigaawin signifies the duty to respect and protect lands that may be effected from over-usage, degradation and un-ethical processes. Saagima Manito explained the Great Earth Law as a manner of thought, a way of feeling and a way of living. As a teaching, the law is difficult to translate to English, as it is engraved into Anishinaabe ways of life.

Manito Aki Inakonigaawin was officially written and ratified by Elders of the Anishinaabe Nation in Treaty #3 in 1997. On April 22 and 23, and July 31, 1997, an Elders gathering was held in Kay-Nah-Chi-Wah-Nung at Manito Ochi-waan. The Elders brought the written law through ceremony, where the spirits approved this law and respectfully petitioned the National Assembly to adopt it as a temporal law of the Nation. In the spring of 1997, a traditional validation process was held through a shake-tent ceremony.

Although it is now written in English, the authoritative version of Manito Aki Inakonigaawin lives in ceremony. No human decision is greater than spirit, therefore ceremony is an integral process to following Manito Aki Inakonigaawin.

The Anishinaabe Nation in Treaty #3 has pre-existing jurisdiction that continues to be exercised by the Nation, Grand Council and Treaty #3 Communities. Treaty #3 established a shared control over some matters between the British and the Anishinaabe, therefore it is imperative to reconcile the pre-existing sovereignty of the Anishinaabe with the asserted sovereignty of the Queen and her divisional governments.

The Anishinaabe Nation in Treaty #3 exercises pre-existing jurisdiction which includes our powers and authority as proper stewards of the land.

Since time immemorial, Creator entrusted the Anishinaabe to care for lands and resources on Turtle Island. The Anishinaabe maintain a spiritual connection to the land and Mother Earth. The 28 communities in Treaty #3 support and guide Grand Council's



efforts to facilitate collective engagement respecting the land and waters, as guided by the principles set out by Manito Aki Inakonigaawin.

Manito Aki Inakonigaawin has been an inherent law to Anishinaabe in Treaty #3 Territory since time immemorial. The law governs relationships with the land and its inhabitants throughout daily life. This includes:

- Respecting the lands and waters
- Giving offerings to spirits and Creator when you benefit from Mother Earth's gifts such as hunting, fishing or transportation
- Knowing your inherent rights that Treaty #3 members are born with
- Understanding the responsibility as a steward of the land

Since the law was formally written in 1997, it has helped uphold inherent and Treaty rights, and create a Nation based law-making process in the territory.

Manito Aki Inakonigaawin is written within and throughout nature- its spirit is within all living things on earth- from you, to the animals, to the trees, and to the air that we breathe. It is the natural law that governs the natural cycles of life. Manito Aki Inakonigaawin has its own spirit, as it itself is also living.

The law is eco-centric, which means the law considers and acknowledges that it's not only human beings that live on this land, but ALL things on Earth possess spirit and life. Manito Aki Inakonigaawin is based not only on rights- but also on the responsibilities we have as a collective to care for Mother Earth. The law is guided by Treaty #3 Communities in Treaty #3 Territory and supports the collective rights of the Nation as a whole, while affirming jurisdiction of Anishinaabe laws and respecting the jurisdictions held by Treaty #3 Communities. Manito Aki Inakonigaawin helps to provide a law-making (regulatory decisions/approvals/certificates/permits) process and is centered on the inherent relationship to Mother Earth.

Although the law was given to the Anishinaabe at the beginning of time- it's important to understand that the responsibility to protect and respect Mother Earth doesn't solely depend on Anishinaabe people- the law represents the collective duty of us all to protect Mother Earth.



Manito Aki Inakonigaawin states that there is the right to meaningful engagements and respect for inherent and Treaty rights. It is therefore considered to be unlawful to proceed with developments within Treaty #3 Territory without the proper consent of the Anishinaabe Nation in Treaty #3. Any Crown or proponent development/activity that occurs, which may affect natural resources must abide by these rights and roles of the duty to engage with the Anishinaabe Nation in Treaty #3. The obligation lies on all stakeholders who wish to develop or manage resources within Treaty #3 Territory to abide by Manito Aki Inakonigaawin. As such, MAI is considered a foundational process of mutual respect. Following a process that is guided by Manito Aki Inakonigaawin, it is possible for development to occur with the least amount of uncertainty and conflict. It also allows for the Anishinaabe Nation in Treaty #3 to weigh the burdens and benefits of any proposed major developments in order to provide rigorous recommendations to Treaty #3 Leadership on whether or not to approve/authorize major developments in Treaty #3 Territory.

By treaty with Her Majesty in 1873, the Nation shared its duties, responsibilities and protected its rights respecting 55,000 square miles of territory. The Anishinaabe Nation in Treaty #3 did not surrender any inherent rights of self-government by signing of the Treaty, instead believed the signing to be a mutual respect and sharing of the lands and resources. The Government of the Anishinaabe Nation in Treaty #3 continue to exercise its powers and authority throughout Treaty #3 Territory.

Treaty #3 was not a valid surrender instrument and notwithstanding the language of Treaty #3, which was written by the Crown in English, it would be unconstitutional for Anishinaabe to “surrender” the 55,000 square miles of territory. The Anishinaabe Nation in Treaty # 3 maintains rights and title to all lands and water in the Treaty # 3 Territory commonly referred to Northwestern Ontario and south-eastern Manitoba. Accordingly, any development in the Treaty # 3 Territory such as, but not limited to, forestry, mining, nuclear waste storage, hydro, highways and pipeline systems that operate in the Treaty # 3 Territory require the consent, agreement and participation of the Anishinaabe Nation in Treaty # 3.

In exercising its authority, the Grand Council expresses concern with proponents (corporations, developers etc.) who carry out business activities that may result in destruction to the environment or interfere with the rights-based activities of individual or collective members of the Anishinaabe Nation in Treaty # 3.




Manito Aki Inakonigaawin states that all resource developments should be done in honor with Anishinaabe rights and in respect to the natural resources. Therefore, Grand Council recognizes the potential for adverse effects in regards to exercising inherent and treaty rights that may be impacted through certain business activities. In order to eliminate, minimize, mitigate or otherwise accommodate these adverse effects, the Grand Council is prepared to hold discussions, engagements and potential negotiations with proponents, governments and other industry.

In accordance with Manito Aki Inakonigaawin process, proponents in Treaty #3 are required to contact Grand Council to seek specific Treaty # 3 authorizations, which will provide clear authority to conduct their business ventures and create legal certainty to legitimize these developments in Treaty # 3 Territory. These processes do not infringe on the rights of individual communities and it is recognized they have their own authorization and engagement protocols. It is the goal of the Grand Council to establish strong working relationships with any proponent who respects Anishinaabe laws, values and principles on the environment.



WHAT IS THE NIBI DECLARATION?

The Nibi Declaration is a way for Treaty #3 to explain the Anishinaabe relationship to water. The Declaration can be a reflection of the sacred teachings of water held by Treaty #3 knowledge keepers/Gitiizii m-inaanik to be shared with communities and those outside of the Treaty #3 Nation. It can speak to the sacred relationship and responsibilities that the Anishinaabe have to water, water beings and the lakes and rivers around them.



NIBI
DECLARATION OF TREATY #3

NIBI (WATER) IS ALIVE AND HAS A SPIRIT. IT IS THE LIFEBLOOD OF OUR MOTHER (AKI) AND CONNECTS EVERYTHING. IT CAN GIVE, SUSTAIN AND TAKE LIFE.

NIBI CAN TAKE MANY FORMS INCLUDING SNOW, ICE, SPRING WATER, SALT WATER, RAIN, FRESH WATER, SWAMP WATER, AQUIFERS AND BIRTH WATER. EACH TYPE OF WATER HAS A ROLE TO PLAY IN OUR WELLNESS AND HEALING. NIBI IS CONNECTED TO OUR GRANDMOTHER, THE MOON.


EVEN THOUGH IT HAS SUFFERED, NIBI CONTINUES TO BRING FORWARD LIFE AND WE MUST WORK TO HEAL THE WATER AND OURSELVES.

NIBI HAS A SPIRIT AND SHARES ITS GIFT OF LIFE WITH ALL OF CREATION
Nibi has its own spirit. It cannot be owned or controlled. Nibi is shared across lands and territories, between people, with other nations and all other beings that are part of creation. Spirits and other beings in creation look after nibi and its wellbeing. Nibi and all beings and spirits that look after nibi must be feasted. All creation expresses love and respect for nibi through gestures of gratitude.

WE ALL HAVE A SACRED RELATIONSHIP WITH NIBI
Anishinaabe have been responsible for the care of the aki (land) and nibi since time immemorial. Women have a sacred relationship with nibi and a special responsibility to look after nibi because they carry birth water and have the ability to bring life into this world. Men have a role to play to protect the land and support the wellness of nibi and ikwewag. Our relationship with nibi is preserved through ceremony, teachings, education and knowledge shared through generations.

WE NEED NIBI IN ORDER TO LIVE A GOOD LIFE
All beings, including Anishinaabe, are born of nibi. We depend on nibi to live and our bodies are made of it. Nibi is the source of our wellbeing. It nourishes us, spiritually, physically, mentally and emotionally and provides cleansing and healing. Clean nibi for drinking is important to our health. We must respect our sacred relationship with nibi and all beings in creation to help protect nibi for our children and future generations.

NIBI UNITES US
Through its flow and movement, nibi cleanses itself and connects us all. It brings us together as families, communities and as a nation. Traditional governance and law, including the Manito Aki Inakonigaawin and Treaty #3 confirm our collective responsibility to take action, give back and protect nibi and the environment for our children and future generations.



NIBI HAS A SPIRIT · NIBI IS LIFE · NIBI IS SACRED · WE HONOUR RESPECT AND LOVE NIBI



GRAND COUNCIL TREATY #3

THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3



For more information or questions, please contact:

[Redacted]
Junior Policy Analyst, Territorial Planning Unit
[Redacted]
[Redacted]

