
Standing Committee on Legislative Affairs
Legislative Assembly of Manitoba

IN THE MATTER OF
BILL 6, The East Side Traditional Lands Planning and Special Protected Areas Act

Submission of the
Wabanong Nakaygum Okimawin, Cree Group
June 8, 2009

On December 1, 2008, Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act was introduced and given first reading in the Manitoba Legislative Assembly. Although Manitoba previously presented the purpose of any new law as implementing the April 3, 2007 Wabanong Nakaygum Okimawin (WNO) Council of Chiefs Accord, there are no references in Bill 6 to the WNO or to the WNO Accord or to the WNO planning process. Similarly, the December 1, 2008 Manitoba government press release highlights how Bill 6 will facilitate the designation of the proposed UNESCO World Heritage Site instead of how Bill 6 is intended to implement the WNO Accord.

The three Cree First Nations in the northern WNO planning area of the Bunibonibee Cree Nation, the Manto Sipi Cree Nation and the God's Lake First Nation are working together to establish a Resource Management Board. All three of the Cree WNO First Nations are also working together to develop a land use plan for our combined traditional territories.

The three Cree WNO First Nations are very concerned that Minister Struthers proceeded to develop the principles and processes of Bill 6 without working jointly with all WNO First Nations. Bill 6 was not developed on a "government-to-government basis" promised under Article 1.1 of the Accord or our "participation and approval" under Article 3.8 of the Accord.

The Cree WNO First Nations must reject Bill 6 on the principle that Bill 6 was not jointly developed between Manitoba and the WNO First Nations.

We are concerned that Manitoba has made a considerable investment in developing its own approach and legislative framework governing east side land use planning and has invested nothing in the joint regulatory development process called for under Article 3.8 of the WNO Accord.

The Minister has suggested that the opting-in provisions will remedy for Manitoba's failure to jointly develop a legislative framework as called for in the WNO Accord. The government has suggested that "better communications" might help Manitoba to gain acceptance by First Nations of Bill 6 in light of the opting-in provisions.

The Cree WNO First Nations take the position that the "opting in" provisions of Bill 6 do not remedy that Manitoba signed the Accord and then immediately proceeded to develop its own model for the planning and management of WNO First Nation lands in isolation from the WNO First Nations. The Accord was signed on April 3, 2007 and the Minister briefly showed us the outline of Bill 6 eleven months later on February 22, 2008.

Given the time frames typically associated with legislative development, it is likely that Bill 6 was under development by Manitoba (in isolation from the WNO First Nations) at the same time as the Accord was being finalized for signature and as of the date of signing.

The three Cree WNO First Nations asks the government and this Committee to ensure that further consideration of Bill 6 is at least deferred until fall to provide for the process of joint legislative development that is called for by the WNO Accord