At the Forks: Where Indigenous and Human Rights Intersect

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Present is the Past: Flowing into New Waters

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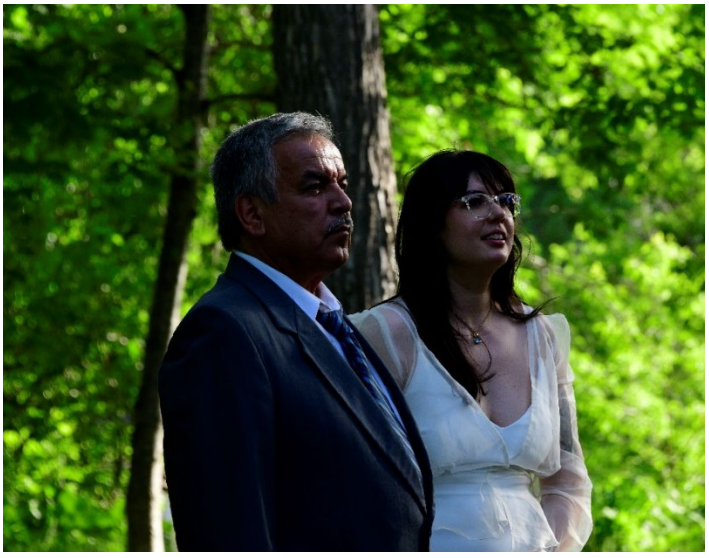
My name is Carlie Kane, and I am the grand daughter of Elizabeth Terry Southwind, a matriarch from Obishikokaang [Lac Seul First Nation] on Treaty 3 territory. As an intergenerational survivor of the Indian Residential School and the Indian Day school system, re-learning my Anishinaabe identity and reconnecting with the Land and Water is part of my journey. This is my story.



My dad and I
Photographer: Carlie kane

My identity has always been very important to me, especially growing up with so much confusion on who I was and where I was from. My journey has been emotionally challenging, and often met with bouts of depression when discovering the historical wrongs done to Indigenous peoples. However, my journey to identity has allowed me to discover some incredible things about my ancestors and family members.

My late grandmother was a Jingle Dress Dancer, a magistrate in Native Studies and fluent speaker in Ojibway. Growing up, I did not grow up around my Indigenous culture. My Indigenous family members did not talk about our culture. My family didn't share our culture with us out of protection.

Protection from racism and discrimination.

It was not until my first year of university that I started to learn about my Anishinaabe identity. It was September 2016, and it was the first day of classes. My first Indigenous Studies (formerly Native Studies) course was with the late Professor Fred Shore. This class forever changed my life in terms of re-claiming my Indigenous identity. The way Professor Shore taught this course was not just reading from a series of slides, but rather in the form of a continual conversation and storytelling. Professor Shore's class paved the way for my entire degree that would eventually be in Indigenous Studies.

I still felt out of my element learning about a culture I was never raised in but had ancestors of. I never really felt 'Indigenous' enough. However, I was persistent to learn more about my culture as it was hard to be proud of a culture you knew nothing about.

After I graduated in 2020 with an Advanced Bachelor of Arts in Indigenous Studies, still curious about my family and culture, I learned that my grandmother held a master's degree in Native Studies. It is a coincidental connection that I hold near and dear to my heart. I never knew that she had a degree in the same discipline that something in my heart was telling me to continue to pursue. I started to realize that learning Indigenous history takes more than education through a western institution. It was asking those difficult questions. At what point did we lose our connection to culture?

Something about finding out that my grandmother was persistent in keeping her identity, made me believe that I must not give up on learning mine.

My dad and his siblings were taken to McIntosh Indian Residential School, a school in Northwestern Ontario. Eventually, the residential school was destroyed by a fire and my dad was relocated to an Indian Day school in Winnipeg. To this day, we are unsure of the school's name, but it was on Taché Avenue, Winnipeg.

He doesn't talk much about his time at these schools.

Indigenous children were removed from their homes and forced into western educational institutions, none of which could be deemed as an educational institution today. Indigenous children were forced to become labourers for the church, as well as leave behind their families and abandon their culture.

The impacts of this system didn't stop when the last Indian Residential School closed in 1996. My youngest sister was born in 1996. It is not long ago. Our family continued to feel the effects of racism and discrimination. My mother was treated differently because she married an Indigenous man, and my dad constantly fights racism for the sake of his children. He has lost out on employment opportunities and experienced racism in his community from his neighbours, simply because of his Indigenous appearance.

This brought confusion, anger, and violence within the home.

Despite all the confusion, anger, and violence this system has caused to my family, I am fortunate. I am fortunate to not have been taken from my family and forced to attend Indian Residential Schools; I am fortunate that my dad and my grandmother both made it home alive from these schools; and I am fortunate that I am given the opportunity today to break the cycle of colonial oppression and re-learn my culture. The Land was never thought of in the same way that settlers used it. The Land was not *owned* by Indigenous peoples, it was and is a sacred gift from Creator. "The land, waters and all life-giving forces in North America were, and are, an integral part of a sacred relationship with the Creator. The land and water could never be sold or given away by their Nations" (Cardinal and Hildebrandt, 2000). Indigenous peoples used the Land in ways that helped their communities but also took care of it for the Earth, never polluting and making it sick.

My connection to the Land and Water run deep through my blood all the way to my ancestors.

Lac Seul First Nation people canoeing before the 1929 flood
Image credit: Library and Archives Canada

In 1929, Lac Seul First Nation had been flooded and surrendered by the Canadian government without consent. In the *Southwind v. Canada* decision, the government breached their fiduciary duty to Lac Seul members by not obtaining prior and informed consent before performing construction of a hydro dam and failing to award equitable compensation to members for the loss of lands.

Many First Nation families were forced to relocate. Gravesites were damaged by the flooding, and many were left exposed and lost.

> "Canada has always ignored consent when it comes to resource extraction and they have always undermined our self-determination and paternalistically decided what is best for our communities and our lands" —Simpson, 2020

Not only is the government's ignorance towards Indigenous self-determination witnessed historically, but it is also continuing to present itself in modern day.

The British Columbia Coastal Gas Link pipeline caused a stir within the Indigenous community. The Canadian government had approved for the pipeline to be built on Wet'suwet'en Land. "The construction of the 670km pipeline through unceded Wet'suwet'en territory – land never signed away to the Canadian government – has sparked nationwide protests in recent years. The pipeline has also exacerbated complex divisions within the Wet'suwet'en First Nation, some of whom favor the economic opportunities promised by the project" (McCool and Lewton, 2022). The media's stance on this issue was destructive, constantly dividing the nation and its members by stating that some members had been siding with the government. I think what matters here is the overall theme of this issue of people were protecting their lands and Canada came at them with the force and violence.

Winnipeggers gathering at Portage and Main to protest the B.C. Pipeline
Image credit: Carlie Kane

Historically, the Land was much more than something to be purchased and sold. It was and continues to be the life blood of Indigenous peoples, the foundation of culture, language, and traditions. Indigenous peoples were strategic in how they used the Land. Understanding seasonal growth and migration patterns were necessary. Indigenous peoples knew the amount of resources they could comfortably hunt or gather to preserve enough for the following year.

My great grandfather Peter Southwind was a medicine man/shaman in his community. He was a healer to his people. I have never met Peter, but I feel a strong connection to him through my journey of healing. The way my dad talks about Peter, it is very clear that he admired him. My dad would often spend lots of time with Peter, and recalls being curious around his medicines. Medicines, laws, education that would eventually be banned along with several other traditions by way of the *Indian Act*. The *Indian Act* contributed largely to the assimilation and dispossession of Indigenous culture.

Colonization worked to dispossess Indigenous peoples from the Land, and in this process would dispossess Indigenous peoples from who they are. A tactic used by the Canadian government to assimilate and erase Indigenous identity.

To put this into a metaphor, picture a tree with many connecting branches. The Land is the tree trunk, and the branches are the Indigenous Ways of Being which could include livelihood, culture, language, traditions, knowledges, kinship, and other customs. When the tree trunk is damaged, the branches fall with the tree. As you see, the Land is connected to the preservation of Indigenous culture.

> "We are always in relationship with water. From before we are conceived, through birth, in our everyday lives and even into our next life. Water is everything. We have a responsibility to uphold that sacred relationship" —Craft, n.d.

Water is powerful. It can give life and it can take life.

I went camping on Lake Wahtopanah, a small reservoir off Little Saskatchewan River in Manitoba. We were camping near the water and saw an Indigenous family bathing their small children in the lake. I heard comments of "that's so weird" and "I don't want to see that." Something so natural and human had been seen as weird and perverted. All I could think of was that this how Indigenous people use the

water, as a necessary survival tool. The children needed a bath, and it was their parents' instinct to clean them in the freshwater lake.

When Water is no longer seen as a necessary resource and treated as a commodity for water sports, swimming, etc., we are blinded to the fact that these basic human needs still need to exist to solidify Indigenous connection to the Water. We need Water to survive, so why is it not treated as something crucial and necessary for survival?

The Canadian government continues to further oppress, alienate, and erase Indigenous communities by not ensuring safe, clean drinking water. The forces of colonization and the lack of resources and services to sustain Indigenous space, relationships, and governance had led to a disconnect in the intergenerational transfer of knowledge surrounding water. "Water is fundamental for our individual and community health, well-being, and sustainability as well as for ecological integrity and function" (Cave & McKay, 2016).

Since 2015, the Canadian government pledged more than $2 billion dollars to address the water crisis in First Nation communities. The treatment of First Nations is unacceptable, the unusable water systems being sent to communities, the lack of resources and funding make it impossible for First Nation communities to have clean water and pose serious health consequences. Federal Indigenous Services Minister stated, "It's unacceptable in a country that is financially one of the wealthiest in the world, and water rich, and the reality is that many communities don't have access to clean water" (Cecco, 2021).

Water Sample from Lake Winnipeg on Dakota Tipi First Nation
Photographer: Carlie Kane
Courtesy of Carlie Kane for Lake Winnipeg Indigenous Collective

The lack of clean drinking water on First Nation reserves and territories should be concerning to everyone. The mentality that if it doesn't impact you, it doesn't matter is dangerous and detrimental to the future of Indigenous nations. It should bother you that there are communities in this country without safe, clean drinking water.

> "Many Indigenous communities across Canada have ongoing water challenges, such as boil-water advisories or no access to running water or sewage; these have associated effects on health and wellbeing. Historical inequalities have repeatedly inhibited Indigenous communities' access to secure water and the capacity to co-govern their resource. Water issues in Indigenous communities are not only Indigenous problems; rather they must be solved in relationship with the Canadian state."
> —Askew, et. al., 2017.

I acknowledge my privilege that I grew up very comfortable in terms of Water access and reliability. I always had access to clean water. This is a human right. We take so many things for granted, but never consider Water, a basic human necessity, one that would be considered a 'luxury' or 'privilege.' As I come to learn more about my identity, I learn more about the feeling of interconnectedness. "Water is part of a greater, interconnected whole; therefore, a focus on just drinking water is misguided. One must consider all that to which water is connected. In keeping with this traditional perspective, water is not about "use" but rather about proper relationships. Because water is recognized as a living spiritual force, one's relationship with water should be based on respect and an ethics of thanksgiving and should fulfill specific responsibilities" (McGregor, 2012).

My grandfather's dock on Bug River on Treaty 3 Territory in Northwestern Ontario
Photographer: Carlie Kane

The time to honour the sacredness of Water is now.

In conclusion, to understand the fundamental human rights owed to Indigenous peoples, one must understand the historical impacts of colonialism and how these implications continue to damage our society today. To acknowledge these disparities is to challenge the systems and attitudes that have perpetuated oppression and realize the full potential of Indigenous rights.

My journey to reclaim my Indigenous identity has allowed me a deeper view into the importance of Land and Water rights to Indigenous peoples. How it is necessary for the survival and sustainability of Mother Earth.

Notes

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About the Author

Carlie Kane

Carlie's dedication to Indigenous Peoples stems through the reclamation and reconnection to her Anishinaabe culture. Carlie is an Anishinaabekwe (Anishinaabe woman) with community ties to Obishkokaang (Lac Seul First Nation). Although her familial connections were suppressed through racism and discrimination due to colonialism, ultimately her ties to culture to and community have remained resilient and strong.

Carlie currently holds an Advanced Bachelor of Arts in Indigenous Studies from the University of Manitoba and is currently going into her third year of law school at the University of Manitoba. Some of her past community experience includes positions as Vice President for the Manitoba Indigenous Law Students Association and National Executive for the Circle of First Nations, Metis, and Inuit Students in Canada. Carlie has also worked with the Centre for Human Rights Research, where she researched the intersection between Indigenous peoples and human rights. Most recently, Carlie is a summer law student at First Peoples Law LLP in Vancouver.

Outside her endeavors you can find her making art, eating vegan food, enjoying nature, travelling, cuddling animals, and staying active.