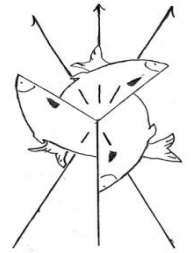


Kewatinoonk Fishers

Signatory's Treaty 5-1875

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Whether Manitoba Laws are applied of their own force or by reference from the Indian Act, s.88, Manitoba cannot meet burden of evidence required to justify its laws in accordance with the Sparrow Test under s.35 (1) of the Charter of Rights and Freedoms. Moreover, the delegation of federal powers over Indians and Indians Lands to allow Manitoba to apply provincial laws amounts to an invalid delegation of exclusive legislative powers. These exclusive powers of Canadian Parliament may only be used to carry out the promises made by Canada To Her Majesty's Government of Great Britain in December 1867 and made by Her Majesty's Government of Great Britain to the inhabitants of Rupert's Land . Accordingly , the only mutually binding relationship possible between Manitoba and the Kewatinoonk Fishers of Lake Winnipeg is a treaty of peace and friendship which respects Manitoba's important objectives, such as conservation, recreation and the other interests of non-Aboriginal citizens in a manner that respects the property and civil rights created by customs of Aboriginal citizens. These property and civil rights created by customs of Aboriginal citizens would best be discovered in negotiations, then given judicial notice by a court of competent jurisdiction, such as the Manitoba Court of Queen's Bench. In the absence of a dispute resolution mechanism included in such a treaty, the same court could be relied upon for resolving any disputes. Two Aboriginal customs of greatest importance to such a treaty of peace and friendship would be the custom of protecting the land and all living things dependent upon it, and the custom of sharing. If Manitoba Clean Environmental Commission is serious about improving its relationship with the Kewatinoonk Fishers of Lake Winnipeg it should recommend that necessary funding be available to allow KFLW to develop Comprehension Action Plan to protect and strengthen the rights, responsibilities and livelihood of Anishinaabe Fishers on Lake Winnipeg and related waters. In order to determine how such an agreement might be reached and what assurances it should include being satisfactory to the KFLW and Manitoba Water Stewardship Conservation, Manitoba Hydro.

