



# Manitoba Keewatinowi Okimakanak Inc.

Head Office  
Nisichawayasihk Cree Nation  
Nelson House, Manitoba  
R0B 1A0  
[www.mkonation.com](http://www.mkonation.com)

■Thompson Sub-Office  
206-55 Selkirk Avenue  
Thompson, Manitoba  
R8N 0M5

Winnipeg Sub-Office  
102-1700 Ellice Avenue  
Winnipeg, Manitoba  
R3H 0B1

December 15, 2022

The Hon. George J. Furey, Q.C.  
Speaker of the Senate  
Senate of Canada  
Ottawa, Ontario  
K1A 0A4

The Hon. Robert Black  
Chair  
Senate Standing Committee on  
Agriculture and Forestry  
Senate of Canada  
Ottawa, Ontario K1A 0A4

The Hon. Dan Vandal  
Minister responsible for  
Prairies Economic Development Canada  
25 Eddy Street  
Gatineau, Quebec K1A 0H4

The Hon. Marc Miller  
Minister of Crown-Indigenous Relations  
10 Wellington Street  
Gatineau, Quebec K1A 0H4

Honourable Senators  
Senate of Canada

The Hon. David Lametti  
Minister of Justice and Attorney General  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

**RE: Bill C-235, *An Act respecting the building of a green economy in the Prairies*  
Senate Committee Process Inconsistent with Ministerial Mandate Letters and  
the *United Nations Declaration on the Rights of Indigenous Peoples Act***

Dear Mr. Speaker, Honourable Senators and Ministers:

I am writing on behalf of the 65,000 Treaty First Nation citizens of the twenty-six First Nations in northern Manitoba which have entered into Treaty No. 4, Treaty No. 5, Treaty No. 6 and Treaty No. 10 and which are affiliated with the Manitoba Keewatinowi Okimakanak, Inc. (MKO) to express the deep concern and disappointment of MKO regarding the manner in which the Senate of Canada and the Senate Standing Committee on Agriculture and Forestry has rushed through consideration of Bill S-235, *An Act respecting the building of a green economy in the Prairies* without hearing the voices of any representatives of Treaty First Nations in the prairies.

The manner in which the Senate and the Senate Committee proceeded with Bill C-235 without hearing the voices of Treaty First Nations is inconsistent with Ministerial Mandate letters issued to the Minister responsible for Prairies Economic Development Canada and to the Minister of Crown-Indigenous Relations and is contrary to the *United Nations Declaration on the rights of Indigenous Peoples Act*.

The Senate gave second reading to Bill C-235 and referred Bill C-235 to Committee in the evening of December 13, 2022. In the morning of December 14, 2022, MKO submitted a request to appear before the Senate Standing Committee on Agriculture and Forestry (AGFO) regarding Bill C-235.

However, the AGFO Committee concluded its deliberations on December 14, 2022 without inviting MKO to appear. MKO first received from the AGFO Committee's confirmation of the receipt of MKO's request in the morning of December 15, 2022 and advised MKO at the same time that the Committee had concluded its deliberations.

As MKO advised the Committee in making our request to appear and as the Ministers and many Honourable Senators are aware, MKO has extensive experience regarding the entire scope of Bill C-235.

MKO has much to contribute regarding the consultation process that is contemplated at section 3(2) of Bill C-235. MKO directly participated in the negotiation of the first Consultation Protocol between the province of Manitoba and any Manitoba First Nation that was entered into on June 3, 2009 between Manitoba and the Northlands Denesuline First Nation (Treaty No. 10) to guide Crown-First Nation consultations regarding mineral exploration for uranium.

During the 2022 MKO Annual General Assembly, the MKO Chiefs in Assembly adopted the principles and processes of the Northlands Consultation Protocol through Resolution 2022-08-14 as the principles and processes to be applied to all consultation processes with MKO First Nations (Treaty No. 4, Treaty No. 5, Treaty No. 6 and Treaty No. 10). MKO has recently conveyed the MKO Resolution to the Manitoba Minister of Natural Resources and Northern Development and to the Minister of Indigenous Reconciliation and Northern Relations during a meeting between MKO and the Ministers.

MKO also has extensive experience in all of the substantive matters that would be considered in the development of the content of a Framework for a Green Prairie Economy as set out at section 3(3)(a) through (f) of Bill C-235. For example, MKO directly participated in the negotiation of the *Wapusk National Park Establishment Agreement* (Treaty No. 5). The MKO Natural Resources Secretariat facilitated the incorporation of Indigenous Traditional Knowledge into the regulatory instruments related to the Wuskwatim Hydroelectric and Transmission Projects (Treaty 5) for which work Manitoba Hydro received an award from the Canadian Electricity Association. MKO also directly participated in the mediated settlement of a dispute between Manitoba Hydro and Indian and Northern Affairs Canada (as it then was) regarding the provision of electricity by diesel generators to four remote MKO First Nations and so is familiar with federal policies regarding Canada's "green energy" and diesel-replacement policies and objectives (Treaty No. 5 and Treaty No. 10).

More recently, MKO has supported the Sapotaweyak Cree Nation (Treaty No. 4) in the ongoing process to settle litigation initiated by First Nations related to the licencing of the Louisiana Pacific Forestry Operations at Swan River, Manitoba.

MKO is presently engaged with Natural Resources Canada in a process to share MKO's experiences in the negotiation, development and application of Indigenous procurement and employment preference policies, mechanisms to achieve the equitable sharing with Indigenous peoples of the benefits and revenues of resource development and similar measures.

MKO is also presently engaged with the Department of Justice Canada in the development of the Implementation and Action Plan arising from the *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

Of course, any Framework for a Green Prairie Economy contemplated by Bill C-235 must be founded on the promises and terms of Treaty No. 1, Treaty No. 2, Treaty No. 3, Treaty No. 4, Treaty No. 5, Treaty No. 6, Treaty No. 7 and Treaty No. 8, which increasingly affect the economy in the prairies.

It is simply inexplicable and unacceptable that the AGFO Committee did not hear from any representatives of the governments and representatives of Treaty First Nations in the prairies, including MKO, during the consideration of Bill C-235.

The Ministerial Mandate letter issued by the Prime Minister to the Minister responsible for Prairies Economic Development Canada on December 16, 2021, almost one year ago to the day, says:

*"We know that reconciliation cannot come without truth and our Government will continue to invest in that truth. As Ministers, each of us has a duty to further this work, both collectively and as individuals. Consequently, I am directing every Minister to implement the United Nations Declaration on the Rights of Indigenous Peoples and to work in partnership with Indigenous Peoples to advance their rights."*

MKO recognizes that the Minister responsible for Prairies Economic Development Canada is not the sponsor of Bill C-235 in the other place. However, the Minister is the designated Minister responsible for the implementation of *An Act respecting the building of a green economy in the Prairies* if Bill C-235 is enacted into law. It is MKO's submission that the Ministerial Mandate letters ought to apply to ensure the interventions of the Ministers during the consideration of legislation such as Bill C-235 through the Senate and in the other place.

The development of a Framework for a Green Prairie Economy pursuant to Bill C-235 clearly engages the *United Nations Declaration on the Rights of Indigenous Peoples Act*. Honourable Senators may recall that MKO appeared before both of the Senate Committee regarding what was then Bill C-15.

This is what the *United Nations Declaration on the Rights of Indigenous Peoples* says about these Ministerial directions and principles that applied and apply to consideration of Bill C-235:

*Article 19*

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*

*Article 46(3)*

*3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.*

MKO reiterates that the process in which the voices of Treaty First Nations in the prairies were excluded from the Senate Committee's consideration of Bill C-235 is contrary to the *United Nations Declaration on the rights of Indigenous Peoples Act* and suggests that Senate procedures be reformed to comply.

I ask that you and your officials communicate with Brennan Manoakesick, Chief of Staff, at (204) 794-0449 and [brennan.manoakesick@mkonorth.com](mailto:brennan.manoakesick@mkonorth.com) to arrange to further discuss these matters.

Respectfully,



Chief David Monias  
Pimicikamak Okimowin/ Cross Lake Band of Indians  
Vice-Chief  
MANITOBA KEEWATINOWI OKIMAKANAK INC.

cc: MKO First Nations