

**PRESENTATION TO THE CLEAN ENVIRONMENT COMMISSION  
BY CHIEF GLENN HUDSON OF THE PEGUIS FIRST NATION  
ON MANITOBA HYDRO'S BI-POLE 111 HEARINGS**

**GOOD AFTERNOON TO THE CHAIR OF THE CLEAN ENVIRONMENT COMMISSION AND THE CEC COMMISSIONERS, TO THE PROPONENT, MANITOBA HYDRO, TO THE CEC PARTICIPANTS AND LADIES AND GENTLEMEN.**

**ON BEHALF OF THE PEGUIS FIRST NATION AND THE 9800 MEMBERS OF THE PEGUIS NATION I WISH TO MAKE AN OVERVIEW OF THESE PROCEEDINGS THAT ARE FORTHRIGHT HAVE TO BE STATED TO ENSURE OUR POSITION IS NOT MISUNDERSTOOD. IT HAS BEEN OUR POSITION THAT THESE CEC HEARINGS ARE BASED ON FAULTY PARADIGMS THAT WILL ULTIMATELY RESULT IN FAULTY OUTCOMES.**

**THE PEGUIS FIRST NATION IS NOT CONVINCED THAT THE CLEAN ENVIRONMENT COMMISSION AS A COMMISSION IS NOT ENTIRELY AT 'ARMS LENGTH' WITH THE MINISTER OF CONSERVATION AND THE PROVINCIAL GOVERNMENT. THIS COMMISSION OUGHT TO BE AT ARMS LENGTH JUST LIKE THE HUMAN RIGHTS COMMISSION. IN THIS INSTANCE THERE IS TOO MUCH INVOLVEMENT BY THE MINISTER OF CONSERVATION IN THIS PROCESS THUS REDUCING THE PERCEPTION OF FAIRNESS AND NON-BIAS. THIS PERCEPTION OF BIAS AND UNFAIRNESS HAS AND WILL BRING THE CEC HEARINGS INTO DISREPUTE. THE PROVINCIAL GOVERNMENT AND THE DEPARTMENT OF CONSERVATION HAS MATERIALLY FAILED TO CONSULT AND ACCOMMODATE PEGUIS FIRST NATION ON ALL MATTERS THAT FALL WITHIN THE BI-POLE 111 ACTIVITY. THAT IS THE FIRST WRONG THAT WAS COMMITTED. UNDER GUIDELINES FROM THE SUPREME COURT OF CANADA IN 'HAIDA' THE PROVINCIAL GOVERNMENT HAD A DUTY TO CONSULT AND ACCOMMODATE BEFORE THE 'ENVIRONMENT IMPACT STATEMENTS' WERE ISSUED. THE COURT WAS VERY CLEAR ON THE PROCESS AND YET THE PROVINCIAL GOVERNMENT HAS FAILED IN THAT REGARD. THE CEC HAD MATERIAL KNOWLEDGE THAT THE PROVINCIAL GOVERNMENT HAD FAILED TO CONSULT AND ACCOMMODATE AND YET DECIDED TO PROCEED WITH ITS HEARINGS, THAT IN ITSELF MIGHT BE CONSIDERED NEGLIGENT OR FAILED TO CORRECT THIS REQUIRED PROCESS. THE PEGUIS POLICY ON THE DUTY TO CONSULT AND ACCOMMODATE WAS NOT FOLLOWED BY THE PROVINCE OR MATERIALLY FAILED TO ADDRESS THE POLICY. THE UNITED NATIONS DECLARATION ON RIGHTS OF INDIGENOUS PEOPLES AND**

**ITS PRINCIPLES AND HOW THEY APPLIED TO THE PEOPLES OF PEGUIS WERE LARGELY IGNORED OR CONTRAVENED. ANY CONTRAVENTION OF INDIGENOUS RIGHTS CRY OUT FOR JUSTICE.**

**IN PROVIDING FUNDING TO THE CEC PARTICIPANTS THE CEC HAS SHOWN 'DISPARATE TREATMENT' TO PEGUIS FIRST NATION AND AT LEAST ONE OTHER FIRST NATION. THIS DISPARATE TREATMENT CERTAINLY WILL PREJUDICE OUR ABILITY TO FULLY PARTICIPATE IN THE CEC HEARINGS. THE PREMIER AND THE MINISTER OF CONSERVATION WERE MADE AWARE OF THE DISPARATE TREATMENT AND NO REMEDY HAS BEEN FORTHCOMING, ACCORDINGLY, PEGUIS FIRST NATION WILL BE SUBMITTING A COMPLAINT TO THE MANITOBA HUMAN RIGHTS COMMISSION CITING AT LEAST FOUR SECTIONS WHERE THE MANITOBA HUMAN RIGHTS CODE HAS BEEN VIOLATED. THE HUMAN RIGHTS COMMISSION STATES THE PROTECTION FOR THE HUMAN RIGHTS OF ALL MANITOBANS IS OF SUCH FUNDAMENTAL IMPORTANCE THAT IT MERITS PARAMOUNT STATUS OVER ALL OTHER LAWS OF THE PROVINCE.**

**THE CLEAN ENVIRONMENT COMMISSION HAS FAILED TO APPRECIATE OR UNDERSTAND OUR SECTION 35 RIGHTS OF THE CONSTITUTION AND HAS FAILED TO APPRECIATE OUR TRADITIONAL TERRITORIES AND OUR TRADITIONAL RESOURCE SECTORS. WHILE THE HYDRO DAMS MAY BE CONSTRUCTED IN NORTHERN MANITOBA THE TRANSMISSION LINES AND THE CONVERTOR AND RELAY STATIONS ARE WITHIN OUR TERRITORY. EVERY LINK OF THE CHAIN IS JUST AS IMPORTANT AS THE OTHER LINKS. THE STRENGTH OF THE BI-POLE 111 CHAIN IS ONLY AS STRONG AS ITS WEAKEST LINK.**

**AS A RESULT OF THE FOREGOING OUR PARTICIPATION IN THE CEC PROCESS MIGHT BE CONSIDERED AS ONE OF DURESS. THE LACK OF FUNDING AND THE DISPARATE TREATMENT CERTAINLY PRECLUDES US OF FULL AND MEANINGFUL PARTICIPATION. OUR PARTICIPATION IN THE CEC HEARINGS IS NOT A FORM OF ACQUIESCENCE OF OUR RIGHTS. OUR RIGHTS ARE PARAMOUNT IN THIS PROCESS AND EVERY EFFORT WILL BE UTILIZED TO PROTECT AND MAINTAIN THOSE RIGHTS.**

**DISPARATE TREATMENT MAY RISE FROM THE SYSTEM ITSELF WHICH IS OFTEN CALLED SYSTEMIC DISCRIMINATION AND ANY FORM OF DISCRIMINATION IS NOT ACCEPTABLE.**

**IN CLOSING I DO WISH THE PROBLEMS IDENTIFIED HERE DO WORK THEMSELVES OUT RESULTING IN OUTCOMES THAT ARE FAIR, REASONABLE AND EQUITABLE.**

**MEEGWETCH      WINNIPEG, MANITOBA MONDAY OCTOBER 1, 2012**