

As translated from the French

**PROVINCE DE QUÉBEC
MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MINGANIE
Minganie County Regional Municipality (MRC de Minganie)**

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Résolution n°025-21

Reconnaissance de la personnalité juridique et des droits de la rivière Magpie – Mutehekau Shipu

Resolution number 025-21

Recognition of the legal personality and rights of the Magpie River - Mutehekau Shipu

Part 1: The Magpie River - Mutehekau Shipu

Whereas the Magpie River, or the Mutehekau Shipu River (Innu term which translates as: “the river where the water passes between square rocky cliffs” or “river with steep banks and pointed rocks”), with a length of approximately 290 km and whose watershed covers an area of 7650 square kilometers, constitutes an important river of the Côte-Nord, of Quebec and of Canada;

Whereas by the size of its watershed, the Magpie - Mutehekau Shipu River (hereafter named “Magpie River”) is one of the most important rivers in the territory of the MRC de Minganie;

Whereas more than 85% of the Magpie River is located on the territory of the MRC de Minganie, more precisely in the territory of the municipality of Rivière-Saint-Jean and on the unorganized territories of Lac-Jérôme;

Whereas the Magpie River is located in Nitassinan, the ancestral territory of Innu people of the Ekuanitshit community;

Whereas the Magpie River has exceptional potential for hosting expeditions in living water and is internationally renowned as a jewel of nature and as an adventure tourism and ecotourism destination, having been classified among the top ten rivers in the world for whitewater activities and rafting activities, as well as among the top ten rivers in North America for boating;

Whereas unlike many internationally renowned rivers possessing similar characteristics, the Magpie River does not currently benefit from protection status, apart from a tiny section of a few kilometers near Lake Magpie as well as the lake itself;

Whereas the Magpie River is home to a wide range of species of flora and fauna, including Atlantic salmon with a status of “special concern”, brook trout and the American eel whose status is “threatened”;

Whereas the Magpie River is facing a particular threat of hydroelectric development threat;

Whereas the aforementioned threat can affect various species of fauna and flora, and thus affect the culture, health and lifestyle of Minganie residents and future generations;

Whereas the Office of Public Hearings on the Environment noted that the Magpie River is of "very great ecological and landscape interest and recreational tourism" and recommended the legal protection of the Magpie River many times;

Whereas the Magpie River is the subject of several resolutions and official proposals aimed at its protection and enhancement;

Part 2: The link between the Magpie River and the MRC de Minganie

Whereas the MRC de Minganie considers that the Magpie River is of fundamental importance to environmental, social and economic well-being;

Whereas tourism is one of the main economic activities of Minganie and that the MRC wishes to ensure the sustainability and sustainability of this economic sector;

Whereas the Magpie River has a recognized potential for whitewater activities, and that these activities can be an important economic driver;

Whereas adventure tourism is a growing niche;

Whereas hunting, fishing, walking in the forest, picking wild berries and snowshoeing or cross-country skiing are important on the territory of the MRC de Minganie;

Part 3: The global movement to recognize rivers as entities that are subjects of rights

Whereas the recognition of the rights of Nature, complementary with the legal tools currently in place, promotes the protection of ecosystems by endowing them with a legal personality;

Whereas a paradigm shift must take place in order to conceive of Nature as a subject of law to be respected and preserved for future generations and for the benefit of other species;

Whereas the recognition of the rights of Nature in a context of legal pluralism, promotes the recognition of Indigenous legal traditions, as the legal norms enshrined in these traditions are based on a symbiotic relationship to the territory;

Whereas rivers are essential to all life by sustaining a rich diversity of species and ecosystems, feeding wetlands and other aquatic habitats in water, providing vital nutrients to coastal estuaries and oceans, transporting sediment to deltas and performing other essential ecological functions;

Whereas Quebec State has already recognized in the Civil Code of Quebec the biocentrist approach by virtue of which animals are no longer objects, but are considered as living beings, endowed with sensitivity with biological imperatives;

Whereas humans have caused widespread physical changes in rivers through dams and other infrastructure, including construction of more than 57,000 large dams (> 15m) worldwide which affect more than two-thirds of all rivers, as well as nearly 17 million reservoirs, resulting in the fragmentation of habitats, reduction of biodiversity, endangering fish populations, exacerbating climate change conditions and the retention of sediments and nutrients that are essential for health of downstream ecosystems;

Whereas the degradation and exploitation of watercourses are not only environmental issues, but also rights issues for indigenous peoples and other local communities, because the destruction of rivers threatens the very existence and way of life of those who depend on river systems for their well-being;

Whereas municipalities (e.g. Mexico City, Santa Monica, Crestone and San Francisco), provinces (e.g. Victoria, Australia and Colima, Mexico), countries (e.g. Ecuador, Bolivia and New Zealand) and other jurisdictions around the world recognized the legal status and rights of Nature;

Whereas indigenous communities around the world (notably the White Earth Band of Chippewa, Yurok Tribe, Passamaquoddy Tribe, Nez Perce Tribe and the Menominee Tribe) have taken steps to ensure that both human beings and ecosystems enjoy fundamental environmental rights;

Whereas many international tribunals (e.g. the Inter-American Court of Human Rights) and constitutional courts (e.g. Colombia, Ecuador, India and Bangladesh) have recognized nature as a legal personality;

Whereas the MRC de Minganie considers it urgent to take decisive measures to protect collective rights and the rights of future generations, to transform the structures and systems that cause climate change and environmental degradation, in order to ensure healthy and ecologically balanced environment for the survival of communities from Minganie;

Whereas the MRC de Minganie wishes to ensure a respectful relationship with Nature and highlight the cultural values associated with it;

Whereas the MRC de Minganie recognizes that to protect the Magpie River, its ecosystem, its species and its residents, it must ensure the protection of the Magpie River by granting it legal personality and rights;

Part 4: The legal foundations

Whereas the MRC de Minganie has jurisdiction over the Magpie River by virtue of the Law on municipal powers;

Whereas the MRC de Minganie has the competence to regulate on all matters of regional nature that is not otherwise regulated under the Act respecting municipal powers;

Whereas the MRC de Minganie can constitute an organization intended for the protection of the environment or entrust this responsibility to a non-profit corporation or legal person under the Municipal Powers Act;

Whereas the MRC de Minganie is responsible for implementing regional planning policies and development under the Act respecting development and town planning;

Whereas the Quebec Charter of Human Rights provides that any person has the right to live in a healthy environment that respects biodiversity;

Whereas the Environment Quality Act provides "that everyone has the right to a quality environment, its protection and the safeguard of species who live there";

Whereas the Sustainable Development Act provides that "human activities must respect the support capacity of ecosystems and ensure sustainability";

Whereas the Law affirming the collective character of water resources and aiming at strengthening their protection recognizes "an alteration of physical properties, chemical or biological, ecological functions or the quantitative state" of a water resource as damage;

Whereas the Law on the conservation of natural heritage aims to "facilitate the implementation of the place of a network of protected areas representative of biodiversity by establishing conservation measures for natural environments complementary to other existing means", and that the registration of the Magpie River in the register of protected areas under this law would strengthen recognition of the rights of the river by safeguarding diversity and its vital elements for present and future generations;

Whereas Canadian case law gives an important role to municipal governments authorities in environmental matters;

Whereas the MRC de Minganie and the Innu Council of Ekuanitshit have concluded a mutual agreement on the urgency of declaring the Magpie River as a subject of law, in order to better protect it as a living environment;

Consequently, it is proposed by Mr. John Pineault, seconded by Ms. Marie-Claude Vigneault and unanimously resolved that the MRC de Minganie joint agreement with the Innu Council of Ekuanitshit and by virtue of their powers that the national law recognizes to them concerning the protection of watercourses, and the protection of the environment, decide as follows:

➤ That for the benefit of the residents of the MRC de Minganie and future generations, as well as for the development of cultural activities and in line with its values and aspirations, the MRC de Minganie recognizes the legal personality of the Magpie River;

➤ That the MRC de Minganie declares that as a legal person, the Magpie River and its watershed have the following fundamental rights:

- the right to live, to exist and to flow;
- the right to respect for its natural cycles;
- the right to evolve naturally, to be preserved and to be protected;
- the right to maintain its natural biodiversity;
- the right to maintain its integrity;
- the right to perform essential ecosystem functions;
- the right to be free from pollution;
- the right to regeneration and restoration;
- the right to sue;

➤ That as a living entity with fundamental rights, the Magpie River will be represented by Guardians appointed by the MRC de Minganie and the Innu First Nation of Ekuanitshit, having the duty to act on behalf of the rights and interests of the river and to ensure the protection of its fundamental rights;

➤ That the Guardians appointed on both sides will be able to undertake legal actions on behalf of the Magpie River, to seek redress for damage suffered by the river and to receive compensation for the benefit of the river;

➤ That the best interests of the Magpie River, as determined by its Guardians, must be taken into account by governments and private entities in all actions or decisions that concern them;

➤ That the Riverkeepers will perform their functions in collaboration with the Planning and Development Department of the MRC de Minganie, as well as with the Innu Council of Ekuanitshit;

➤ That the Planning and Development Department of the MRC de Minganie ensures participation from the youth and elders of the MRC as part of its Guardians program related to this project;

➤ That the responsibilities and functions of the Guardians shall be aimed at the protection of rights of the river and will include in particular:

- research;
- inventories, surveying and surveillance;

- application and compilation of traditional Innu knowledge;
 - conservation planning;
 - awareness and education;
 - species protection, management and recovery;
 - reduction of threats to species and to their habitat;
 - habitat improvement;
 - habitat management for conservation and improvement of ecosystem services;
 - monitoring and involvement in development projects that may affect the river;
 - welcoming visitors to traditional territories;
 - participation in any consultation concerning authorization of projects that may affect the rights of the river to assert its best interests, as well as its rights;
 - maintenance of cultural sites;
 - the management of government (or other) funds, as well as the management of funds that are recovered in the event of damage to the Magpie River – on a fiduciary basis;
- That the MRC de Minganie strongly urges all governments to provide prompt and adequate funding to ensure the enjoyment and implementation work on fundamental rights of the Magpie River;
 - That the MRC de Minganie explores the possibility of concluding a co-management agreement recognizing the intrinsic rights of the Magpie River and guaranteeing the joint supervision of the ecosystem, with other governments;
 - That the above-mentioned intergovernmental co-management agreement will aim to establish an "indigenous protected and conservation area" surrounding the Magpie River, reflecting Innu laws and traditions, and ensuring that the Innu of Ekuanitshit can maintain their relationship with their ancestral lands;
 - That the Riverkeepers will ensure the protection of the rights of the Magpie River and permanent stewardship of the protected area and of indigenous conservation, in collaboration with the service planning and development of the MRC de Minganie and the Council of the Innu of Ekuanitshit.