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HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the rights of indigenous peoples.

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 15/14.

In this connection, I would like to bring to the attention of your Excellency's Government the information received regarding **the situation of residents of the Lake St. Martin First Nation who were evacuated from their reserve by the province of Manitoba.**

According to the information received:

More than 1,400 residents of the Lake St. Martin First Nation, an Anishinabe indigenous community, were evacuated from their reserve in May 2011 by the province of Manitoba in order to divert flood waters that were headed to the city of Winnipeg. The flood waters were diverted into several indigenous communities including the Lake St. Martin reserve. The homes in the Lake St. Martin reserve were destroyed by the flood waters and are currently uninhabitable.

As a temporary solution, members of the Lake St. Martin First Nation were relocated by the province to hotel rooms in the city of Winnipeg. Since their relocation, representatives of this indigenous community have been negotiating with the Manitoba provincial government about the location of a new reserve. Shortly after the evacuation, the provincial government and Lake St. Martin First Nation representatives jointly examined various site options for the new reserve. The indigenous representatives, through their council, reportedly expressed their preference for a location known as Site 9 which is located several kilometers south from Lake St. Martin and which is located near a major highway at an elevation 30 meters higher than the previous reserve and would therefore be less vulnerable to flooding than the site of their former reserve. In addition, representatives of the Lake St. Martin First Nation believe that the location of Site 9 near a major highway would be more amenable to economic development

initiatives that could help them recover from the loss of lands and economic livelihood brought by the flooding of their former reserve.

The Chief of the Lake St. Martin First Nation and the provincial government reportedly agreed to a temporary housing solution until long-term plans would be developed for the building of the reserve at the location requested by community council members. According to the information, the province invested \$14 million to set temporary housing at a former Canadian Forces radar base north of the former reserve. The community leadership has reportedly not agreed to have the whole community move to the temporary site due to concerns that the provincial government has not taken concrete steps towards the permanent housing plans proposed by the community. The provincial government allegedly bought a parcel of land adjacent to the old reserve for \$1.5 million in December 2011, without the community's prior knowledge or consent, for the purpose of establishing the permanent reserve there. The community does not want to be moved to this parcel of land, however, because it sits at a low elevation and would be vulnerable to continued flooding.

In addition, reserve members have allegedly been unwilling to move in to the temporary housing due to reports of snake infestation in the area where the houses are located. It has been reported that only 13 of the 65 houses that have been built on this temporary site have been inhabited by Lake St. Martin reserve members since March 2012, when the housing units became available. Consequently, the majority of community members have continued to live in hotel rooms in Winnipeg refusing to move to the temporary housing or to the reserve site purchased by the provincial government.

The Lake St. Martin First Nation leadership has attempted to continue negotiating with the province of Manitoba to have their permanent homes be in Site 9. However it is alleged that neither the provincial government nor the federal government, which has ultimate decision-making power under Section 91 of the Constitution Act, 1867 to create indigenous reserves, have adequately considered the community's requests with respect to Site 9 being the location of their new permanent reserve.

In their former reserve, members of the Lake St. Martin First Nation were able to engage in hunting, fishing and other traditional activities which formed an integral part of their culture and economic livelihood. It has been alleged that the federal and Manitoba provincial governments have not provided adequate financial and other support to relocated members of the Lake St. Martin reserve in order to be able to adjust to living conditions and expenses in the city of Winnipeg. According to the information, reserve members were notified in November 2012 that the \$23 they received as daily allowance for food and expenses other than housing would be reduced to \$4.

It has also been alleged that Lake St. Martin reserve members have endured psychological and emotional distress due to their relocation from their traditional homelands. Reportedly, since their relocation to Winnipeg in May 2011, 17 community members have committed suicide, and serious concern exists this figure will continue to grow. Concern has also been expressed over the effects of gangs and sexual violence that youth from the community have been exposed to since being relocated to the city.

Further, in addition to Lake St. Martin First Nation, approximately 876 members of other First Nations communities in the Manitoba Interlake region were relocated during the May 2011 floods and still await final resolution of their housing situation. These communities include the Little Saskatchewan, Daulphin River, Peguis, Ebb & Flow and Pinaymootang First Nations.

In light of the information contained in this communication, I would be interested in knowing your Excellency's Government's views on the accuracy of the information contained in this letter, and I would be grateful to receive any additional information your Government may deem relevant. In particular, I would like to know about the specific measures that have been taken by federal and Manitoba provincial governments to address the Lake St. Martin First Nation members' requests regarding the location of their new permanent reserve, and specifically their request to move to Site 9. I would also be interested in information regarding any food, education, health and housing assistance programs, as well as culturally appropriate counseling services available to the First Nations communities in Manitoba that were evacuated in May 2011.

I would appreciate a response from your Excellency's Government within 60 days. I undertake to ensure that your Excellency's Government's response will be taken into account in my assessment of this situation and in developing any recommendations that I make for your Excellency's Government's consideration pursuant to the terms of my mandate.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples