



**WATER RITES:**  
**Reimagining Water in the West**  
Edited by Jim Ellis

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## ***appendix a:***

**Resolution adopted by the General Assembly on 28 July 2010**

*[without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1)]*

64/292

# **UN declaration on the human right to water & sanitation**

### ***the general assembly,***

***recalling*** its resolutions 54/175 of 17 December 1999 on the right to development, 55/196 of 20 December 2000, by which it proclaimed 2003 the International Year of Freshwater, 58/217 of 23 December 2003, by which it proclaimed the International Decade for Action, “Water for Life”, 2005–2015, 59/228 of 22 December 2004, 61/192 of 20 December 2006, by which it proclaimed 2008 the International Year of Sanitation, and 64/198 of 21 December 2009 regarding the midterm comprehensive review of the implementation of the International Decade for Action, “Water for Life”; Agenda 21 of June 1992;<sup>1</sup> the Habitat Agenda of 1996;<sup>2</sup> the Mar del Plata Action Plan of 1977 adopted by the United Nations Water Conference;<sup>3</sup> and the Rio Declaration on Environment and Development of June 1992,<sup>4</sup>

***recalling also*** the Universal Declaration of Human Rights,<sup>5</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>6</sup> the International Covenant on Civil and Political Rights,<sup>6</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>7</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>8</sup> the Convention on the Rights of the Child,<sup>9</sup> the Convention on the Rights of Persons with Disabilities<sup>10</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>11</sup>

*Recalling further* all previous resolutions of the Human Rights Council on human rights and access to safe drinking water and sanitation, including Council resolutions 7/22 of 28 March 2008<sup>12</sup> and 12/8 of 1 October 2009,<sup>13</sup> related to the human right to safe and clean drinking water and sanitation, general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights, on the right to water (articles 11 and 12 of the International Covenant on Economic, Social<sup>14</sup> and Cultural Rights)<sup>13F</sup> and the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international<sup>15</sup> human rights instruments, <sup>14F</sup> as well as the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation,<sup>16</sup>

*deeply concerned* that approximately 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost each year as a result of water and sanitation-related diseases,

*acknowledging* the importance of equitable access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights,

*reaffirming* the responsibility of States for the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Bearing in mind* the commitment made by the international community to fully achieve the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations<sup>17</sup> Millennium Declaration, <sup>16F</sup> to halve, by 2015, the proportion of people who are unable to reach or afford safe drinking water and, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg”<sup>18</sup> Plan of Implementation”),<sup>17F</sup> to halve the proportion of people without access to basic sanitation,

**1. recognizes** the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

**2. calls upon** States and international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and coopera-

tion, in particular to developing countries, in order to scale up efforts to provide safe, clean, accessible and affordable drinking water and sanitation for all;

**3. welcomes** the decision by the Human Rights Council to request that the independent expert on human rights obligations related to access to safe drinking water and sanitation submit an annual report to the General Assembly, 13 and encourages her to continue working on all aspects of her mandate and, in consultation with all relevant United Nations agencies, funds and programmes, to include in her report to the Assembly, at its sixty-sixth session, the principal challenges related to the realization of the human right to safe and clean drinking water and sanitation and their impact on the achievement of the Millennium Development Goals.

*108th plenary meeting, 28 July 2010*

## notes

1. *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II
2. *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.
3. *Report of the United Nations Water Conference, Mar del Plata, 14-25 March 1977* (United Nations publication, Sales No. E.77.II.A.12), chap. I.
4. *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.
5. Resolution 217 A (III).
6. See resolution 2200 A (XXI), annex.
7. United Nations, *Treaty Series*, vol. 660, No. 9464.
8. *Ibid.*, vol. 1249, No. 20378.
9. *Ibid.*, vol. 1577, No. 27531.
10. Resolution 61/106, annex I.
11. United Nations, *Treaty Series*, vol. 75, No. 973.
12. See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. II.
13. See A/HRC/12/50 and Corr.1, part one, chap. I.
14. See *Official Records of the Economic and Social Council, 2003, Supplement No. 2 (E/2003/22)*, annex IV.
15. A/HRC/6/3.
16. A/HRC/12/24.
17. See resolution 55/2.
18. See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

## *appendix b:*

excerpts from: **UN declaration  
on the rights of  
Indigenous peoples**

[107 Plenary Meeting, 13 December 2007]

### ***the general assembly,***

***guided*** by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

***affirming*** that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

***affirming also*** that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

• • •

***concerned*** that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

• • •

*welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

• • •

*recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

## **article 1**

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

## **article 2**

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

## **article 3**

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

## **article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

## **article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

## **article 7**

- 1.** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- 2.** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

## **article 9**

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

## article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

## article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

## article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

## article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.



## **article 20**

- 1.** Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- 2.** Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

## **article 21**

- 1.** Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- 2.** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

## **article 23**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

## **article 24**

- 1.** Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- 2.** Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

## **article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

## **article 26**

- 1.** Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- 2.** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- 3.** States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

## **article 29**

- 1.** Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- 2.** States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- 3.** States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

## **article 31**

- 1.** Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

## **article 32**

- 1.** Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- 2.** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- 3.** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

## **article 37**

- 1.** Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- 2.** Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

## **article 38**

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

## **article 39**

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

## **article 40**

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

### **article 43**

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

### **article 44**

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

### **article 45**

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

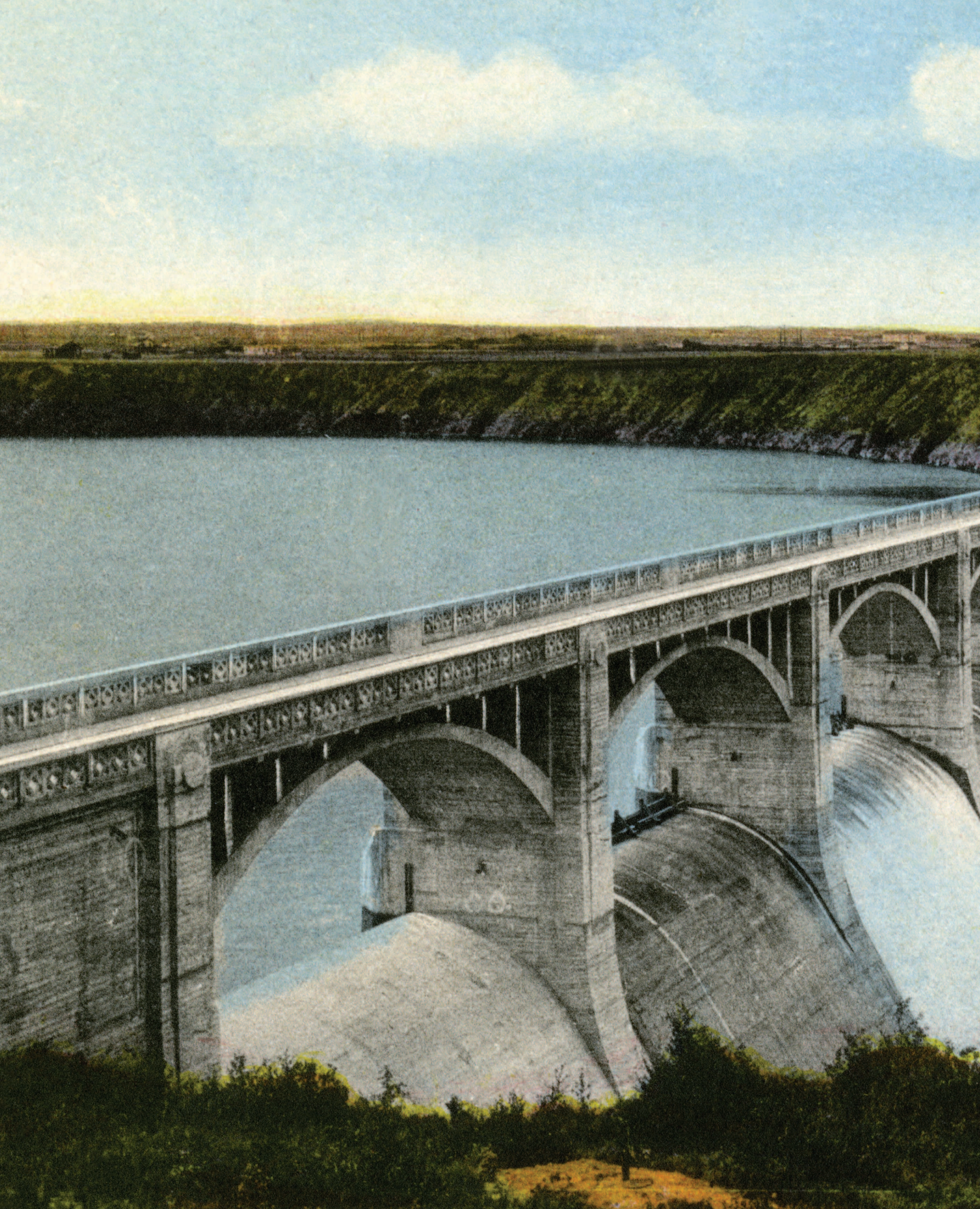
### **article 46**

**1.** Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

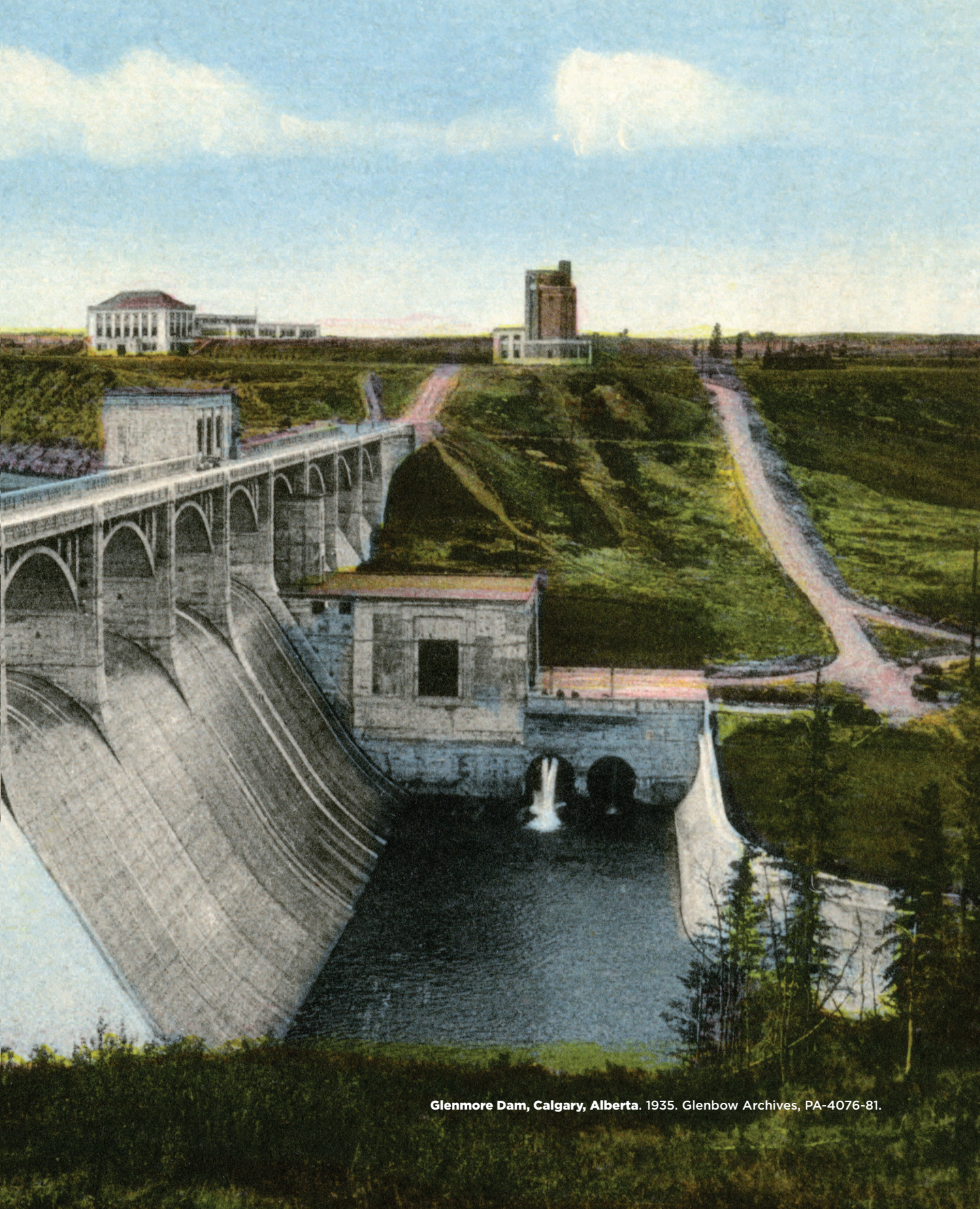
**2.** In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

**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.









Glenmore Dam, Calgary, Alberta. 1935. Glenbow Archives, PA-4076-81.





# contributors

**Warren Cariou** was born into a family of Métis and European ancestry in Meadow Lake, Saskatchewan. He has published works of fiction and memoir as well as critical writing about Indigenous storytelling, literature, and environmental philosophy. Cariou has also created two films about Indigenous communities in Western Canada's tar sands region, and has written numerous articles, stories, and poems about Indigeneity and petroleum. His visual art project, *Petrography*, uses tar sands bitumen as a photographic medium. Cariou is a professor of English at the University of Manitoba, where he directs the Centre for Creative Writing and Oral Culture.

**Michelle Daigle** is Mushkegowuk (Swampy Cree) and of French ancestry. She is a member of Constance Lake First Nation located in Treaty 9 territory, and an assistant professor in the Department of Geography at the University of British Columbia. She is interested in bringing the study of geography into critical dialogue with Indigenous Studies to examine colonial-capitalist dispossession — specifically exploitative extractive developments — as well as Indigenous movements for decolonization and self-determination.

**Jim Ellis** is a professor of English and director of the Calgary Institute for the Humanities. He is the author of *Sexuality and Citizenship* (2003) and *Derek Jarman's Angelic Conversations* (2009), and the editor of the previous volume in the CIH's Community Seminar series, *Calgary, City of Animals* (University of Calgary Press, 2017).



**Flora Giesbrecht** is the coordinator of the Elbow River Watershed Partnership.

**Dr. Jodi Hilty** is an expert on wildlife corridors, and is the president and chief scientist of the Yellowstone to Yukon Conservation Initiative. For over twenty years she has worked to advance conservation by leading science and community-based and collaborative conservation to advance policy and management. In the last fifteen years her work has focused on North America. Hilty has been co-editor or lead author on three books, most recently *Climate and Conservation: Landscape and Seascape Science, Planning, and Action*. She currently serves on the Board of the Smith Fellowship and as deputy chair of the IUCN Connectivity Committee.

**Helen Knott** is an activist and poet-writer working for Indigenous land rights in Canada. She has participated in the Treaty 8 Caravan across Canada — a cross-country caravan for justice and peace that travelled to major cities to talk about stopping the Site C Dam in British Columbia — and writes about the relationship between resource extraction and violence against Indigenous women. Knott is Dane Zaa and Nehiyawak from the Prophet River First Nation in British Columbia. In 2017, she was selected to be part of the Nobel Women's Initiative.

**David K. Laidlaw** is a Research Fellow with the Canadian Institute of Resources Law, with a B.Sc. in Computer Science and Economics from the University of Calgary in 1985 and an LL.B. from Dalhousie University in 1988. Admitted to the Law Society of Alberta in 1989, after twenty years of private practice in Calgary he returned to law school and obtained an LL.M. from the University of Calgary in 2013. Having practiced Aboriginal law in the early 1990s, Laidlaw's ongoing interest in the area has led to research focusing on Aboriginal law. Other interests include environmental law, legal history, and jurisprudence.

**Ciara McKeown** is a public art commissioner, curator, director, producer, and project manager who has worked with multiple arts organizations across Canada and the US for over a decade. She has recently started her own practice writing, researching, and working with clients on public art planning. Ciara is an executive board member with Public Art Dialogue, and was co-organizer of "Public Art: New Ways of Thinking and Working," a symposium hosted by York University in May 2017. The first of its kind in Canada, the symposium invited cross-disciplinary perspectives and research to critically examine the current state of Canadian contemporary public art practices. Ciara holds an M.A. from New York University and a B.A. from McGill University.

**Josée Méthot** is an environmental scientist and process designer with a passion for working on complex problems in the water-energy-food nexus. She is the planning manager with the Red Deer River Watershed Alliance where she collaborates with community and research partners to advance a mix of practical and ambitious solutions to water issues. Méthot holds an MSc. in Natural Resource Sciences from McGill University and currently teaches topics related to systems change and social innovation at Mount Royal University. She loves to explore beautiful landscapes throughout Western Canada and is working on her paddling skills.

**Adrian Parr** is an internationally recognized environmental, political, and cultural thinker and activist. She is the director of the University of Cincinnati Taft Research Center and a UNESCO Co-Chair of Water Access and Sustainability. She is a founding signatory of the *Geneva Actions on Water Security*. In 2011 Parr received the UC Rieveschl Award for Scholarly and Creative Work.

**Amy Spark** is an environmental scientist and advocate specializing in the intersection between ecological and mental health. She holds an MSc. with Distinction in Environment, Culture & Society from the University of Edinburgh and currently works at Alberta Ecotrust Foundation and at Bow Valley College. Spark is the co-founder of Refugia Retreats, an initiative that acts as a catalyst for societal and personal change through retreats, workshops, and facilitation. She is an amateur urban homesteader, and an outdoors enthusiast, budding writer, and lover of science fiction.

**Leslie Sweder** is a practicing artist living in Calgary. She has developed a multidisciplinary practice which includes public interventions, painting, collaborative drawing and photography. Each of these practices are direct responses to and/or recordings of her surrounding environment and each one implicitly feeds the others. Her public interventions have been supported by both the AFA and Calgary 2012, and are featured in the upcoming documentary, *Sidewalk Citizen*. Sweder is one-third of the collaborative trio *Drunken Paw*, whose work is in numerous collections in North America including the Alberta Foundation for the Arts.

**Charles Tepperman** is an associate professor in the Department of Communication, Media and Film at the University of Calgary. He has published articles on Canadian film policy, non-theatrical film culture, film technology, and early cinema in Canada. Tepperman is the author of *Amateur Cinema: The Rise of North American Moviemaking, 1923-1960* (University of California, 2015) and director of the Amateur Movie Database Project.

**Nancy Tousley**, recipient of a Governor General's Award for Visual and Media Arts for outstanding contribution in 2011, is a senior art critic, arts journalist, and independent curator. Her work has been recognized with many prestigious awards including the Board of Governors of the Alberta College of Art and Design's Award of Excellence (1997), the Ontario Association of Art Galleries award for best curatorial writing on contemporary art (1999 and 2001), the Canadian Museums Association's award for outstanding achievement in arts journalism (2002), and the medal of the Royal Canadian Academy of Art (2009).





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# **water rites**

## ***reimagining water in the west***

What are the challenges we face around water in Western Canada?  
What are our rights to water? Does water itself have rights?

**This wide-ranging book** documents the many ways that water flows through our lives in Western Canada, connecting the humans, animals and plants that all depend on this precious and endangered resource.

Essays from scholars, Indigenous activists, environmentalists and human rights advocates explore issues around access to clean drinking water, the competing demands of the resource development industry and Indigenous communities, and the dwindling supply of fresh water in the face of human-caused climate change.

Statements from community organizations detail some of the challenges facing our watershed, and the actions they are taking to mitigate these problems.

These essays are complemented by full-colour portfolios of work by contemporary painters, photographers and installation artists who explore our relation to water. Reproductions of historical paintings, engravings and film stills demonstrate how water has shaped our country's cultural imaginary from its beginnings. Together this collection shows how water is both fundamental to our lives, and a vital resource for our imagination.

***Jim Ellis*** is Professor of English and Director of the Calgary  
Institute for the Humanities at the University of Calgary.  
He has written widely on art, literature and film.



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