



**JPAC Public Forum on Community-based Conservation of Freshwater Resources:  
Forging Alliances for Water Stewardship  
29 November 2023, Oaxaca, Mexico**

**Summary Record**

**ITEM 1: Welcoming Ceremony**

A welcoming ceremony was conducted by Amelia Reyna Monteros Guijón, an Indigenous representative from the Nahuas Nation. To mark the beginning of the event, she thanked the guardians of the four directions, the four elements and the fire in the heart of all the participants to the forum. This led to a reminiscence: a story her grandmother had told her about the link between water and life: When water spills out of your pitcher, our first impression is that the water has been wasted. However, later, one realizes that the places where the water spilled are now full of life, with flowers and plants... Our knowledge is like that water, she said: the knowledge we gain during our lives and the lessons we learn must be given, little by little, to everyone so that they gain in other people. To conclude the ceremony, she invited the participants to be a drop of water and share their knowledge with others during and after the forum, so that something new can in turn bloom in them.

**ITEM 2: Opening Remarks by Octaviana V. Trujillo, JPAC Chair**

Octaviana V. Trujillo, JPAC Chair, opened the meeting by welcoming the participants and JPAC members from Canada, Mexico and the United States. She recalled the discussions of the Trinational Forum on Indigenous Approaches to Freshwater Management in North America, held on 27 and 28 November 2023, and emphasized the vital role that TEK and indigenous stewardship play in the protection of freshwater resources, and how the environmental challenges that we are facing today, as a result of climate change, impact all of us, but in particular, Indigenous communities and underserved populations.

Building on the conversations of the previous days, the *JPAC Public Forum on Community-based Conservation of Freshwater Resources: Forging Alliances for Water Stewardship* will highlight community-led efforts to address freshwater conservation and its sustainable use, she said, and will have a strong focus on partnership. She then explained JPAC's role, emphasizing its mandate to provide advice to the Council, and its vision to promote continental cooperation, ecosystem protection, and sustainable economic development. It will also insure active public participation and transparency in the actions of the Commission. JPAC members then introduced themselves and, finally, Octaviana V. Trujillo introduced the CEC Executive Director, Jorge Daniel Taillant, to present his welcoming remarks.

**ITEM 3: Welcoming Remarks by Jorge Daniel Taillant, CEC Executive Director**

Executive Director Taillant welcomed the public and the JPAC members from the three countries. He emphasized the importance of the JPAC Public Forum as CEC's link to communities and a space in which to bring forth the voices of the groups most affected by climate change: not only with the intention of consulting them, but also to promote joint learning and their active participation and involvement in the activities and the formulation of the Commission's programs

He reminded the audience that the CEC, as many countries around the world, is working on facing the triple planetary crisis—climate change, biodiversity loss and pollution—and emphasized the need to learn to work together to protect nature, live in harmony in a more ecologically balance relationship with it.

Jorge Daniel Taillant recognized the work of Octaviana V. Trujillo and stated how fundamental it has been to have an Indigenous leader as chair of JPAC, to increase the engagement of Indigenous Peoples, to integrate traditional ecological knowledge (TEK) and Indigenous perspectives into CEC's work. He said that there is another group that really wants to engage and be integrated into CEC's work: our youth. Youth voices, participation, and engagement are changing the way we do things around the world, he said, and are going to bring a fresh dynamic to the CEC.

In conclusion, he thanked everyone for participating in the Public Forum and invited them to hear the voices of Indigenous Peoples, local communities, youth, and stakeholders of the three countries.

#### **ITEM 4: Session 1: Restoring Access to Water —The Long Road**

##### **Moderator:**

- **Felicia Marcus, JPAC member**

##### **Invited Speakers:**

- Canada: **Kathy Hodgson-Smith**, TEKEG Facilitator
- Mexico: **Rodrigo Gutiérrez Rivas**, Researcher and Coordinator of the Human Rights Area, UNAM (National Autonomous University of Mexico) Legal Research Institute
- United States: **James Hopkins**, Associate Clinical Professor, Indigenous Peoples Law and Policy Program, and Affiliated Professor of American Indian Studies & Latin American Studies), University of Arizona

Felicia Marcus, moderator, opened the session by giving a short overview of the main issues regarding water access restoration, based on the example of the Colorado River. She presented the speakers, who, throughout this session, provided an overview of the challenges and opportunities for equitable water management, including different approaches to water rights/tenure/title and efforts to restore historical access and legal title to waters.

During the first presentation, Kathy Hodgson-Smith described the legal and historic context of water rights and management in Canada. Despite being subject to different jurisdictions and legislations (federal and provincial), the existing aboriginal and treaty rights of the aboriginal peoples of Canada have been recognized and affirmed by section 35 of the Constitution Act, since 1982. In fact, Canada appears to be ahead of the other nations with respect to its progress in acknowledging, respecting, and working with First Nations to manage their lands and waters. Some examples of that are the ratification in 2007 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which came into force in Canadian law in 2021, and the creation of the Atlantic First Nations Water Authority (AFNWA), the first Indigenous Water Utility in the country.

Next, Rodrigo Gutiérrez Rivas presented a summary of the water normative and management context in Mexico. He explained that since the entry into force of the 1992 National Water Law (LAN), there has been a process that he described as “de-constitutionalizing,” characterized by massive concessions to private users and a monopolization of concessioned water on the part of a small group of private users, mainly companies. In 70 years, almost 70% of the country's water availability has been lost and only 3304 users

(out of 298,292) monopolize 22.3% of the country's water concessions. In this context, Indigenous Peoples have undertaken two processes to defend their territories and water use: 1. Legal processes enshrining their access and right to water; and 2. the expansion and capillarity of community water management through thousands of small, local committees. As part of his conclusions, Rodrigo Gutiérrez Rivas recalled that on February 8, 2012, Mexico recognized the human right to water in the Constitution, which demands the creation of a water law to replace the LAN and should consider the rights of Indigenous Peoples, democratizes decision-making processes and water management, legalizes community committees, and monitors and limits industrial and agro-industrial concessions.

The last presentation of the session set forth an example of the historic efforts to restore access to water to Yaqui Peoples. James Hopkins presented the Río Yaqui case, which pursued a claim for loss of land, water, culture, life, liberty, and security, and to be free from discrimination based on Yaqui identity, Yaqui customary law, and socio-economic status. In the “New Deal,” a friendly settlement agreement under negotiation, Mexico commits to a list of reparations and restitution, including the delivery of the Yaqui canal (aqueduct), specific capital dollars that target water delivery, recognition of the Río Yaqui basin as a binational basin and recognition of Yaqui reserved rights to the Yaqui territory (shared, not given). If signed, this settlement will become the first binational Indigenous human rights settlement agreement in the world and a promising path for other countries.

The presentations were followed by questions and comments from the public. Participants and panelists identified land tenure and management as an essential component of water management and pointed out the considerable resources and time required for Indigenous communities to gain access to water and water management that should be theirs. They underlined the importance of documenting those efforts and creating spaces to further the dialogue between Indigenous Peoples and the governments, but also between the governments of countries with shared territories of Indigenous communities.

## **ITEM 5: Session 2: Responsible Watershed Management Practices**

### **Moderator:**

- **Esteban Escamilla Prado**, JPAC member

### **Invited Speakers:**

- Canada: **Leila M. Harris**, Professor, University of British Columbia and Director, UBC Program on Water Governance
- Mexico: **María Luisa Soto Moreno**, Coordinator, Topia Comprehensive Forest Conservation and Development Unit (Unidad de Conservación y Desarrollo Forestal Integral Topia, S.C.) and **Ana Tejero Aranda**, Environmental Unit Coordinator, Oaxaca State Coordinator of Coffee Producers (Coordinadora Estatal de Productores de Café de Oaxaca, CEPCO)
- United States: **Jennifer Pitt**, Colorado River Program Director, National Audubon Society

Esteban Escamilla Prado, the moderator, welcomed the participants and the panelist, and introduced the session by highlighting the importance of sustainable water management practices and collaboration with different sectors to mitigate the adverse effects of water pollution, habitat degradation, and climate change.

Leila M. Harris opened the panel with a presentation that revolved around water governance. Firstly, she pointed to the need to shift how we think and talk about water in policy and governance, to bring about

a broader notion of water security that highlights the complex and patterned relations through which water is accessed, used, managed, and manipulated, all well as the social and political dynamics and processes in which these relations are embedded. Secondly, she explained the importance of engaging with multiple epistemologies and ontologies of water, with a special emphasis on TEK, through the presentation of different cases to exemplify the progress achieved recently in Canada. These cases are as follows: 1. the Tsilhqot'in decision that recognizes the rights of Indigenous Peoples to water and land—not only in their reserved territories but, more broadly, in their ancestral territories; 2. the Water Sustainability Act (2014) BC which includes new regimes for water governance; and 3. advances in community-based monitoring, such as capacity building, knowledge exchange and access to data. To finish her presentation, she emphasized the importance of building trust and acknowledging past mistakes, to foster responsible watershed management practices between Indigenous communities and the government.

The following presentations showcased three notable successes. Maria Luisa Soto Moreno presented the case of *Ejido Topia* to exemplify the role of collaboration and its benefits in sustainable water management practices. Ejido Topia obtained a FSC Forest Management certification and established an agreement with a private company to pay the ejido for the flow of water that is discharged over the company's plantations. The revenues from this project are reinvested, not only in reforestation, construction and maintenance of filtering dams, opening and maintenance of fire breaches, maintenance, limitation, signaling of water bodies, and monitoring of ecosystem services, but also in environmental education programs and certification of ecosystem services. She also pointed out the importance of involving women in these practices and integrating a gender approach to maximize the benefits of the project.

Ana Tejero Aranda described the practices implemented by CEPCO to increase water and soil productivity to enhance coffee production and quality. Their strategy focuses on the adoption of a water smart agriculture (WaSA) approach to efficiently harvest, store, and manage green water throughout the year, regardless of season. WaSA gives special attention to accessing water for production, including increasing the soil's capacity to absorb and store moisture. This not only increases agricultural productivity, thanks to the supply of nutrients, but also facilitates the restoration efforts. The strategies implemented by CEPCO include changing practices by the producers and adopting a new paradigm of training and supporting the renewal and regeneration of soils, as well as providing funding opportunities and technical assistance to small producers. Among the project's key success factors, Ana Tejero Aranda identified good governance, involvement of women, and crop diversification.

The last panelist, Jennifer Pitt, focused on the Colorado River basin to highlight the success achieved in restoring access to water through governance and cooperation processes. Historically, the use of the water in the Colorado River was determined by a treaty signed by Mexico and the United States in 1944. However, a lack of data and cooperation between the governments made managing the river difficult. In 2012, a group of experts identified two main needs in addressing the Colorado River: 1. increasing cooperation and collaboration between the two countries, and 2. focusing on water management issues that were more central to the central governments. These recommendations brought about amendments to the 1944 treaty, quantifying surpluses and shortages for Mexico, providing flexibility for Mexican water users to store water in the US reservoirs, and increasing coordination and collaboration across the border, which included approving an initiative proposed by NGOs to provide dollars in water for environmental restoration. Ms. Pitt presented the results achieved through the restoration projects and invited further reflection on opportunities for reconnecting people with nature.

The presentations were followed by questions and comments from the public on diverse paths to consider in the responsible management of watersheds, including the recognition of Indigenous communities in national legislation, the dissemination of successful cases among the three countries, collaboration with universities and other educational institutions, and the dissemination of techniques for sustainable management of watersheds, forests, agroforestry systems, etc., among a multitude of actors and civil society groups, even including children and youth.

#### **ITEM 6: Report from the National and Governmental Advisory Committee Representatives**

Vincent R. Nathan, US National Advisory Committee Chair (NAC), and Austin Nunez, US Governmental Advisory Committee (GAC) Chair, presented reports from their respective organizations and information on the advice provided by NAC and GAC to the US government in 2023 on various items linked to CEC's work, including:

- Engaging sub-national organizations in shaping CEC's climate adaptation initiatives.
- Early warning systems for disaster preparedness on climate change.
- Identifying best practices, strategies, and tools the CEC could develop to empower minority low-income, tribal, and Indigenous communities to address climate adaptation challenges.

#### **ITEM 7: Overview of SEM Process by Paolo Solano, Director, Submissions on Enforcement Matters and Legal Unit**

Paolo Solano, CEC Director of Legal Affairs and Submissions on Enforcement Matters (SEM), introduced the SEM process and the key elements that must be included in a submission, and then provided an overview of current active submissions.

#### **ITEM 8: Session 3: Water Restoration: Collaborations between Communities and Governments**

##### **Moderator:**

- **Robert Varney**, JPAC member

##### **Invited Speakers:**

- Canada: **Annie Firomski**, Environmental Disaster Recovery Coordinator, Energy, Infrastructure and Resource Management, Manitoba Métis Federation—National Government of the Red River Métis
- Mexico: **Nadir Hernández Quiroz**, Coordinator, Center for Indigenous Rights Flor y Canto A.C. (Centro de Derechos Indígenas Flor y Canto A.C)
- United States: **Nick Wobbrock**, Co-Founder and Chief Operating Officer, Blue Forest Conservation

Robert Varney, JPAC member, introduced the panelist and gave the floor to Annie Firomski to begin with the presentations of the third session.

Annie Firomski introduced the Red River Métis, one of the Aboriginal Peoples of Canada who emerged from, and lived in, the historic Northwest, and the Manitoba Métis Federation (MMF), the National Government of the Red River Métis and the first federally recognized Métis government in Canada. In the face of evident changes to the environment throughout the National Homeland, a direct result of climate change, the MMF has conducted extensive community consultations and identified priority topics for its citizens, including water quality monitoring, wildlife-ecosystem conservation and management, weather

monitoring, educational programming, community resiliency, habitat restorations, and clean energy development. She then presented the different projects implemented by MMF to address these topics. According to her, the key factors to address the community's priorities consist in actively engaging and involving the citizens at a local level and exploring and fostering community-based initiatives. She also believes in the importance of supporting reconciliation efforts with the provincial and national governments and promoting the integration and recognition of Indigenous knowledge.

Next, Nadir Hernández Quiroz spoke about community water management in the central valleys of Oaxaca where the Zapotec communities began to organize in 2006 and founded Copuda to confront water scarcity and undue charges. After years of legal battles, in 2013 the presiding Court mandated a consultation process for the possible modification of the 1967 water ban decree that had prevented small farmers from accessing water. In 2015, because of this consultation process, important agreements began to be reached with the Mexican government. On October 12, 2019, Copuda sent a bill for the executive to recognize the right to water for the 16 communities and to regulate management according to community regulations and in accordance with their uses and customs. This "new scheme," according to Nadir Hernández Quiroz, gives the communities the possibility of vetoing third-party projects, of establishing public financing mechanisms for the operation of the various community water systems, and of valuing their traditional knowledge. In conclusion, he summarized the challenges faced by these communities as the need to strengthen community assemblies, to generate broad participation, and to adopt a new National Water Law that includes an indigenous perspective.

Nick Wobbrock closed the panel with his presentation of the Blue Forest Conservation, an organization that brings together multiple actors to protect the forest and build forest resilience. In the United States, there is a growing wildfire hazard potential, with 58 million acres at moderate to high risk, over \$220 billion of property at extreme risk, 4.5 million homes at high to extreme risk, and with more than 60 million people depending on National Forest lands for water supply. Involving the private investor is key to financing natural infrastructure to resource ecosystem projects with long-term benefits, he stated. The Blue Forest Conservation connects investors with their implementation partners (including communities, restoration nonprofit organizations, and local authorities), although it does not directly plan the projects. Instead, Blue Forest evaluates the potential benefits, helps draft the agreements and contracts, and models the financial vehicle. In this way, a nonprofit organization can bridge multiple actors to achieve shared goals, he concluded.

The presentations were followed by questions and comments from the public. Throughout the session, it was evident that community-driven initiatives are key to advancing sustainable water management practices and contributing to the restoration of biodiversity and the environment. Maximizing the impacts of initiatives of this type must involve governments, the private sector, industry, and academia. Governments can support these community-driven initiatives by adjusting their programs and policies, facilitating access to funding, and by recognizing the communities' rights to self-determination and their traditional knowledge. Private sector investors can extend financing for natural infrastructure to resource ecosystem projects with long-term benefits and can increase the capital available for the implementation of restoration projects. Success stories in Canada, Mexico, and the US showcased during this session highlighted key elements for developing a collaborative framework, including dialogue, public and community consultation, communication, reconciliation efforts, evaluation of benefits for different stakeholders, and solid and transparent monitoring.

**ITEM 9: Open Dialogue on Opportunities for Environmental Trilateral Cooperation and Other Issues**

This segment provided an opportunity for invited experts, NGOs, government representatives, and the public-at-large, to share other examples of successful collaborations/alliances and raise other issues they wish to share with JPAC.

**ITEM 10: Closing Remarks by Octaviana V. Trujillo, JPAC Chair**

Octaviana V. Trujillo thanked the public for their participation. She emphasized the CEC's commitment to including TEK and Indigenous Peoples in its work, moving toward to finding common solutions to face climate change. Together with the JPAC members, she noted that it is vital to continue to foster cooperation among the three countries.

**ITEM 11: Adjournment**

The meeting was adjourned at 6 pm.