

Western Indian Treaty Alliance

"Dedicated To Protecting Our Treaties"

In Manitoba

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December 7, 2005

FINAL REPORT

PRESENTED TO

NUCLEAR WASTE MANAGEMENT ORGANIZATION
49 JACQUES AVENUE, FIRST FLOOR
TORONTO, ONTARIO, M4T1E2

PRESENTED BY

WESTERN INDIAN TREATY ALLIANCE
P.O. BOX 14
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NCC (ALBERTA)

JIM SINCLAIR
CAP (SASKATCHEWAN)

Western Indian Treaty Alliance - NWMO Report Organization Background

Western Indian Treaty Alliance was incorporated under the Canada Corporations Act on July 28, 1998. It is a corporation without share capital under PART II of the Act. The operation of the corporation may be carried on throughout Canada and elsewhere. The directors of Western Indian Treaty Alliance are;

Andrew Kirkness
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The objects of Western Indian Treaty Alliance are;

1. To pursue by all legal and political means the maintenance and establishment of treaty rights of Indians living off reserve in western Canada.
2. To pursue by all legal and political means the maintenance and establishment of aboriginal rights of Indians living off reserve in western Canada whether said Indians reside in an area where a Treaty does or does not presently exist.
3. To work with all levels of government, to maintain and establish the land and resource rights of treaty and non-treaty Indians, living off reserve in western Canada.
4. To liaise with, work with, or otherwise involve itself with national, international or regional organizations, to promote and represent the interests of off reserve Indians who reside in western Canada.

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5. To conduct such programming as required to further the interests of off reserve Indians who reside in western Canada.

Western Indian Treaty Alliance was discussed and debated for a number of years before it was actually incorporated. Western off reserve Indian people felt a sense of alienation quite like that felt by western Canadians. They felt that their needs and issues were not being addressed by the Federal Government and national aboriginal organizations.

By far the greatest numbers of Aboriginal peoples reside in the prairie provinces. Altogether the prairie provinces outnumber the number of Aboriginals living in the rest of Canada. Furthermore the numbers of Treaty Indians moving off reserve has increased and will continue to increase. In the case of Alberta, the strong Alberta economy invites migration off reserve. These factors separately, and together, indicate a need for an organization like the Western Indian Treaty Alliance. The rights and priorities of the non-status and Treaty off reserve Indians need a strong focus to progress. Western Indian Treaty Alliance tries to confine itself to projects that address the rights of non-status and off reserve Indians, as with the projects completed in the past, the Nuclear Waste Management project has a rights aspect.

Western Indian Treaty Alliance - NWMO Report Alberta Addendum

SUMMARY

We agree that the Alberta report in Mr. Longs' final draft report stays, as well as the WITA report on the three provinces. It is comprehensive and inclusive of what happened. The only addition needed is an explanation as to who WITA is and why it started.

Your memorandum to us of October 14, 2005 asks for a final report summarizing our recommendations. In our telephone conversation I pointed out that priorities of each province differ in emphasis. Hence our decision to give you signed addendums from Manitoba and Alberta. You already have the Saskatchewan report dated September 8, 2005.

RECOMMENDATION I

WE RECOMMEND THAT NWMO IN ITS NOVEMBER 15, 2005 RECOMMENDATIONS WILL ENSURE THAT TRADITIONAL KNOWLEDGE PRINCIPLES OF A CLEAN ENVIRONMENT , AND, SAFETY OF ALL HUMAN AND SENTIENT LIFE WILL REMAIN AT THE FOREFRONT OF ANY ONGOING DIALOGUE.

It is noted that everywhere Aboriginals go, whether it's individual meetings or conferences, they run into the term 'traditional knowledge'. The context that these words are used is sometimes totally absurd. However, it seems that acknowledging, and referring to, Aboriginal peoples knowledge and traditions is now the politically correct approach. If NWMO has learned some aspects of traditional knowledge versus the nuclear industry, they will note that the knowledge is of a custodial nature to a clean environment and to the high value placed on human and all sentient life.

RECOMMENDATION II

IF AN ABORIGINAL OR FIRST NATIONS COMMUNITY IS APPROACHED TO STORE NUCLEAR WASTE CARE MUST BE MADE TO GIVE THE COMMUNITY OPEN AND UNBIASED INFORMATION ON NUCLEAR WASTE, AND, ANY DECISION MADE TO STORE NUCLEAR WASTE NOT REST WITH CHIEF AND

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Alberta Addendum**

COUNCIL, BUT, ON A PLEBISCITE OR REFERANDUM VOTE WHEREBY 80 PERCENT AGREEMENT IS NEEDED, AND THAT ALL MEMBERS OF THE COMMUNITY SHALL HAVE A VOTE INCLUDING THOSE LIVING OFF RESERVE.

Discussion was had around the difference between dialogue and consultation, and who should be the parties to an agreement on a serious issue like nuclear waste. The delegates were urban, rural, on/off reserve and Metis. All agreed that any community contemplating nuclear waste storage must inform the community members and it is the community that agrees. They felt very strongly that agreement must not rest with chief and council or mayor and council. Concern was expressed that the Nuclear Waste Act excluded treaty and aboriginal rights.

RECOMMENDATION III

WE STRONGLY RECOMMEND THAT THE NUCLEAR WASTE ACT BE AMMENDED TO INCLUDE THE CONSTITUTIONALLY PROTECTED TREATY AND ABORIGINAL RIGHTS.

The Nuclear Waste Act does not refer to Indian Treaties and Aboriginal Rights, but, sections 25 and 35 do exist in the Canadian Constitution. They will continue to exist. Treaty and Aboriginal Rights are constitutionally protected. Such cases as Old Man Dam in the Supreme Court of Canada speak of the fiduciary right to a clean environment. The Seaborn Panel leading to the Nuclear Waste Act and the Nuclear Waste Management Organization left out Treaty and Aboriginal Rights in their recommended legislation.

RECOMMENDATION IV

WITHOUT ENDANGERING CIVIL LIBERTIES CANADA MUST SPEND WHAT IT MUST TO SECURE NUCLEAR WASTE PARTICULARLY PLUTONIUM, AND, THE NUCLEAR INDUSTRY MUST ADOPT AN OPEN, TRANSPARENT AND ACCOUNTABLE

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PROCESS SO THAT THE CHALK RIVER SITUATION IS NOT REPEATED.

We live in dangerous times. Nuclear bombs, dirty bombs and terrorists are today's reality. Our peaceful country Canada does not make nuclear bombs, but, we do have nuclear reactors for power, industry and medicine. Twenty-two nuclear reactors in eastern Canada produce 13 percent of the electricity. These reactors also produce radioactive waste in spent fuel rods which need secure storage. The amount of waste has to be clearly and carefully monitored and secured. We have been lucky so far that terrorists have not targeted Canada, nor, have they attempted to steal plutonium. Canada must not become careless or complacent. Also, if a waste leak is found, we must openly and quickly speak about it, assign responsibility and take corrective measures. We at all levels whether it be government, industry or individual must not disregard it, hide it or attempt to cover it up. A Canadian Chernobyl could easily happen.



Doris Ronnenberg, President
Native Council of Canada (Alberta)

**Western Indian Treaty Alliance - NWMO Report
Manitoba Addendum**

SUMMARY

The Nuclear Waste Management Organization and Western Indian Treaty Alliance agreement of November 4, 2005 identified three deliverables. Two out of the three have been completed. In rereading Mr. Longs' final draft report of January 28, 2005 we are satisfied that it captures the Manitoba workshop. Given the short timeframe and the vast amount of material, our delegates are to be commended for their valuable insights and opinions. We are highlighting three of our top priority recommendations. Our emphasis will differ slightly from the other two provinces, but in my opinion our overall concerns are the same.

On the matter of the whole draft final report, we don't see how it can be improved. This is what happened. Mr. Long was present at all three workshops. We agree with the content of his final draft with the exception of adding an explanation of who WITA is and why it started. I agree with the four conclusions in the July memorandum to Mr. Crombie and their use as WITA input.

Manitoba has had other meetings in communities which were not specifically held to discuss nuclear waste, but, where we had an opportunity to provide information. Information to our people is an ongoing process and not confined to the luxury of a paid workshop. We thank Nuclear Waste Management Organization for providing us with the financial resources to have a workshop.

RECOMMENDATION I

TO ADDRESS THE LACK OF PUBLIC TRUST IN GOVERNMENT AND INDUSTRY OPEN AND HONEST DIALOGUE IS NEEDED, AS WELL AS UNDERSTANDABLE DIALOGUE, AND ANY INFORMATION SHARED NEEDS TO BE TRANSPARENT WITH THE PROCESSES OF OBJECTIVE DECISION MAKING AND PUBLIC ACCOUNTABILITY FULLY EXPLAINED, AND ALL COMMUNITY MEMBERS INCLUDING ELDERS MUST BE CONSULTED, AND IF THE COMMUNITY IN THEIR OPINION REQUIRES AN INTERPRETOR, ONE SHOULD BE PROVIDED.

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Aboriginal people have a basic lack of trust in government and industry. This attitude is well founded in some cases. Industry has a profit motive and is seen as having a vested interest. Many non aboriginal people got rich on Canadian aboriginal peoples resources. As well, governments have been known to be politically expedient where aboriginal people are concerned. One good example is the First Nations contaminated water issue in Ontario, and we now find that there are many more Aboriginal communities across Canada with the same problem.

We cannot be obstructionist as the need for electrical power in Canada has surfaced in eastern Canada by power shortages. And if nuclear reactors for power is the preferred option we must address the need for the true understanding of our people to the nature of nuclear waste and the ethics surrounding the monitoring, securing, the manner of storage and the manner of how an agreement is made.

RECOMMENDATION II

THERE IS INSUFFICIENT DETAIL ON THE POTENTIAL TRANSPORTING METHODS OF NUCLEAR WASTE AND THE ASSOCIATED RISKS INVOLVED WHERE THERE IS SIGNIFICANT DISTANCES, WE RECOMMEND THAT SHIPPING BY RAIL WOULD BE THE LEAST DANGEROUS.

Our workshop spent considerable time discussing the transportation of nuclear waste. We concluded that this is very dangerous stuff particularly when the lifespan is so long. All methods of transporting whether by rail, truck, ship or air have problems. We don't want radioactive waste raining down on us if there is a plane crash nor do we want a ship to spill nuclear waste and contaminate inland waterways or the ocean and in the case of trucks, we fear that accidents can happen in populated areas. Science and traditional knowledge teaches us the interrelationship of all things. Contaminating water is a very serious environmental issue. Water sustains all life. Any transporting of nuclear waste must ensure that they don't add to the problem of water contamination and keep in mind that a spill is hazardous to all life.

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We concluded that nuclear waste transportation by rail would be the least dangerous. The railway administration can order a 'slow train' under their existing policy or add other safety measures. A retired railway worker in our group pointed out that one of the causes of overturned rail cars is the transportation of booms or long objects that sway thereby overturning a car. Booms or long objects should not be transported on the same train as nuclear waste. This real life experience we pass on.

RECOMMENDATION III

WE RECOMMEND THAT IN THE BUSINESS OF RADIOACTIVE NUCLEAR WASTE STORAGE THAT THE COST FACTOR NOT BE THE MOST IMPORTANT CONSIDERATION AND THAT CONTAINMENT IN GLASS IN UNDERGROUND STORAGE IS THE PREFERRED OPTION.

We reviewed the three storage options and although many of us would prefer that the whole matter would just disappear we concluded that one underground storage site would be preferable. Once again strong concerns were voiced around potential leakage and the resultant hazard to the environment. Geological changes happen, so there is never total certainty, but any site selected should not have any earthquake history, nor should it be near any underground water systems. We have enough problems with contaminated water. We saw encasement in glass although expensive as the safest way to contain radioactive waste to prevent leakage in the future. We cannot stress enough the importance of protecting Mother Earth and the protection of all life. If we foul our home where are we going to go?

This addendum respectfully submitted by:



Andrew Kirkness, Grand CHIEF
Indian Council of First Nations of Manitoba

12/7/2005

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