Assembly of First Nations

473 Albert Street, 8th Floor
Ottawa, Ontario K1R 5B4
Telephone: (613) 241-6789 Fax: (613) 241-5808
http://www.afn.ca

Assemblée des Premières Nations

473, rue Albert, 8e Étage
Ottawa (Ontario) K1R 5B4
Téléphone: (613) 241-6789 Télécopieur: (613) 241-5808
http://www.afn.ca

October 12, 2005

Elizabeth Dowdeswell
President, Nuclear Waste Management Organization
1st floor, 49 Jackes Avenue
Ottawa, Ontario M4T 1E2

Dear Ms. Dowdeswell:

RE: Draft Assembly of First Nations Final Report on the Nuclear Waste Dialogue Process

Please find enclosed a draft report outlining the recommendations of the Assembly of First Nations (AFN) with respect to nuclear fuel waste management. Our final report is being completed and will be forwarded to you as soon as possible.

As you are aware, First Nations have concerns with regard to the nuclear fuel waste dialogue process to date. In response to these concerns, the AFN Chiefs-in-Assembly ratified resolution 39/2005 at our Annual General Assembly in July 2005. This resolution clearly outlines the issues we are not satisfied with in terms of the dialogue process and with the nuclear fuel waste issue generally. A draft copy of this resolution is also enclosed for your information.

Subsequently, we have forwarded a letter to Minister John McCallum, Natural Resources Canada, to express the concerns of First Nations and to request that the Minister implement section 14.2 of the *Nuclear Fuel Waste Management Act*. We have requested the one year extension as we expect significant shortcomings in response to issues of particular importance to First Nations in the NWMO report due November 30, 2005. We feel strongly that more dialogue and sufficient time to analyze the implications of the NWMO recommendations, as they apply to First Nations, is required.

Our primary concern is that First Nations have not been adequately involved in the dialogue process to date as required under section 12(7) of the *Nuclear Fuel Waste Act*.

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I wish to clarify some issues that you raise in your letter dated September 2, 2005. A key concern for First Nations is that the NWMO recommendations fail to recognize the distinctiveness of First Nations, Metis and Inuit in both the Aboriginal Dialogue and the Draft Study Report. There are cultural, political, legal and historical differences between the groups. The final report should consider and articulate the impacts of nuclear waste management on First Nations, Metis and Inuit as distinct groups.

A second key issue that I would like to clarify is the reference made in the meeting #3 report, which has been submitted to the NWMO, regarding "working in bad faith". The AFN report clearly stated that the purpose of the report "is to summarize the issues raised during the third meeting of the working group" and therefore, reflects that views of those in attendance at the meeting. It is important to recognize the fact that these individuals were not representing the AFN. Therefore, the views expressed during that meeting were those of the working group and not the AFN. I hope this clarifies our position with regard to this matter.

In the spirit of cooperation, the AFN is extending an invitation to you and Mr. Tony Hodge to attend on October 25, 2005 and provide an update to the AFN Chiefs Committee on Environmental Stewardship at their upcoming meeting scheduled for October 24-25, 2005 in Moncton, New Brunswick. Your attendance at this meeting would be greatly appreciated and would provide a key opportunity to share perspectives on this important issue.

In closing, we do appreciate having been engaged in the nuclear waste management dialogue process. Given our joint efforts to date, we feel that it would be disheartening to not have First Nations views and priorities reflected in the final report. We remain committed to having First Nations voices heard on this matter and look forward to working collaboratively with you in ensuring the outcome of this process is both relevant and mutually beneficial.

Sincerely,

Phil Fontaine
National Chief