

# NWMO Elders Forum 10 Report

APM-REP-00671-0005

November 2011

**Joanne Barnaby**

Forum Facilitator & Rapporteur

**nwmo**

NUCLEAR WASTE  
MANAGEMENT  
ORGANIZATION

SOCIÉTÉ DE GESTION  
DES DÉCHETS  
NUCLÉAIRES

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# NWMO ELDERS FORUM 10

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Kingbridge Centre,  
King City, Ontario,  
November 8-9, 2011

**Forum Facilitator & Rapporteur**

**Joanne Barnaby**

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Elders Forum Youth Participation

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## 10<sup>th</sup> Meeting of the NWMO Elders' Forum

King City, Ontario,

November 8-9, 2011

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### Introduction

The 10<sup>th</sup> Elders' Forum continued the dialogue of the previous Forum to seek means of enhancing effective traditional knowledge advice to the NWMO as it moves through implementation of Adaptive Phased Management. The Forum was held over two days at the Kingbridge Centre in King City, Ontario. Elder Fred Kelly lead a pipe ceremony where he spoke at length about the traditional roles of Elders within Aboriginal communities. He described traditional decision making processes, the role that elders played in them and the importance of respecting roles and responsibilities of leaders. He invited other pipe carriers to bring forward their pipes, an act that strengthens the ceremony. Mr. Kelly honoured those present, who had suffered recent losses in their lives and he recognized the many contributions that elder Joann Kakekayash had made to the Elders Forum. In doing so he spoke of the important role that women play. Josephine Mandamin opened the second day with a prayer and Fred Kelly closed the forum with an acknowledgement circle where all participants have an opportunity to greet each other and relay their appreciation of each other.

### Background

Since 2003, the NWMO has engaged Aboriginal Peoples at various levels regarding the long-term management of Canada's used nuclear fuel. Along with engagement with elected Aboriginal leaders, NWMO has recognized the value of traditional knowledge and has hosted a series of workshops and dialogues with traditional knowledge holders and supported the development of an 'Elders Forum'. The Elders Forum members are accompanied by an Aboriginal youth of their choice (see Participant list – Appendix I) who play an active role in the Forum. In 2006, the Forum established a working group called Niigani who met on a more frequent basis with NWMO and who provided guidance on a variety of issues.

A discussion paper written with the assistance of Niigani outlining the issues to be addressed in the 're-development' discussion was distributed prior to the meeting to help facilitate the discussion during the meeting and among a wide range of Aboriginal organizations. The future of the Forum will continue to be a topic of discussion with these

groups as well as with the NWMO Advisory Council prior to the NWMO Board making a final decision on the structure of the re-developed Elders Forum.

## **Opening Session**

Elders Forum Chair, Gordon Williams and President Ken Nash thanked the Elder Fred Kelly and the other pipe carriers for their powerful ceremony and welcomed participants to the 10<sup>th</sup> meeting of the Forum. Ken asked Mike McGuire to pass on well wishes to elder Thomas Mattinas, and to Roy Bois to pass on well wishes to elder John Boyce who were both unable to attend due to health.

Mr. Nash spoke of the importance of NWMO's relationship with Aboriginal peoples and commented that NWMO struggled with the question of the role of the Elders Forum as an advisory body. NWMO would like to ensure that the Elders are able to maintain independent views in their advice and highlighted the efforts of Bob Watts in the restructuring to achieve this while finding ways to ensure a focus on traditional knowledge.

The President provided an overview of the work of NWMO and shared his experience at the recent Canadian Nuclear Society conference and the positive feedback the NWMO received regarding its work with Aboriginal peoples and the Aboriginal Traditional Knowledge Panel Presentation coordinated by the NWMO. He commented that NWMO's relationship with Aboriginal peoples continues to progress in the siting process, which is a community driven process that includes increasing its work with Aboriginal people.

## **Adaptive Phased Management (APM) Update**

Vice President of APM Engagement and Site Selection, Kathryn Shaver, provided an update on the site selection process, highlighting interested communities (a map of the interested communities in Canada was provided), and noting that an additional community (Nipigon) in northern Ontario had recently completed a 'Learn More' session.

Kathryn spoke about 'open houses' conducted in each community following completion of the community's initial screening; the visit of each interested community with the Canadian Nuclear Safety Commission; the hiring of independent experts by communities; and the beginning of the formation of local community liaison committees as communities decide if they will proceed to Step 3-Preliminary Assessment.

Ms. Shaver explained that NWMO will begin meeting with each community to explain details of the Preliminary Assessment - Feasibility Study. She also pointed out that NWMO continues to seek the best advice – including seeking input from Niigani and Aboriginal groups and is developing new relationships with Treaty and regional organizations. NWMO also continues to update the Government in each province.

## **Aboriginal Engagement Update**

Pat Patton provided a brief overview of continued implementation of agreements with National and provincial Aboriginal organizations. Aboriginal engagement activities included:

- Chiefs of Ontario – Nuclear working group sessions, and regional information sessions
- Metis Nation of Ontario – presentation at annual assembly. Working together to develop communications on the NWMO's work with members.
- Mawiw and Union of New Brunswick Indians – meetings held to keep Chiefs and Councils updated on the NWMO's work.
- Grand Council Treaty #3 – a number of meetings and discussions on best ways to provide information and capacity on the NWMO's work and ways to learn from one another.

### Site Selection Update

Jo-Ann Facella, Director, Social Research and Dialogue discussed what's ahead for communities that choose to move forward in the site selection process. Communities can continue in the process to learn more without making any commitment as they learn. They can also undergo studies to understand how APM might impact a community.

Jo-Ann explained the Feasibility Study step in detail, noting that at the end of the step, one or two communities will remain in the process and proceed to the step of detailed analysis. Engagement will include reaching out to surrounding communities and Aboriginal communities in one-on-one briefings with accountable authorities. Feasibility Studies will be conducted over two phases with an opportunity for decision making at the end of each phase.

### Implementation Advice

Forum members offered advice on a number of key issues;

**Process:** Aboriginal people have to agree to a process, not a project. Leaders should not make a decision prematurely. Let the communities decide as the process moves forward. 'Consultation' in a formal and legal sense is necessary before major decisions are made. NWMO can set a precedent for other companies in Canada. Aboriginal people have the ability to make the right decisions on their own. It's a matter of respect and in the end, people will do the right thing.

**Education:** Needs to start now. Investment in education and training is important to meaningful participation.

**Economic issues:** Entrepreneurs need to set up consortiums. Important to create jobs for local people. The project can be good for economy of the interested community. There will be lots of jobs but also many dangers. Business needs to slow down, to learn from the Elders, respect the land and respect the people.

**Environment & Safety:** Elders should be able to share and speak when it is important to speak for the safety of the people and the land. Uranium is understood as a spirit and there is fear about what happens if it is released as in what happened in Japan. We must continue to ensure that we have a clean environment.

**Youth:** Youth were initially invited as helpers, but now have evolved to take a bigger role in the Elders' Forum. Some youth don't feel like they have an effective voice.

**Information dissemination:** NWMO information needs to be simple. The information in the binder is sometimes repetitive but there is really good material there too. There is a desire to have newsletters to show what is happening in all regions, people want to hear what is going on and which communities are interested in the project.

**Ceremony:** An Elder reminded the group that he had been asking for ceremonies and appreciates what took place today. Ceremony must continue to be used in this work to ensure people are centered and in a good place.

**Aboriginal Rights:** The purpose of treaties is to reconcile the sovereignty of the Nations involved. This relationship continues to evolve. There is an inherent jurisdiction of Aboriginal People over land and environmental protection that continues to be a source of negotiations in development projects.

**Community Involvement project:** Chris Lafontaine was unable to share the results from his project however, he provided a brief update and explained that he now has ratings from all Elders' Forum members, plus others who were interviewed. Chris confirmed the project will be completed in the next two months.

#### **Questions:**

*Can a First Nation in Manitoba come forward?* Advisory Council Member, David Crombie responded, suggesting the reply lies less with the law and more with the process. Ken Nash further commented that any community in Canada can come forward and that in each case the Province would also be involved in the consideration process.

*Will the Elders' Forum be reduced? Started soon? How will this be done?*

These questions are expected to be addressed by the Board of Directors when they consider the Elders Forum Redevelopment findings.

### **Redevelopment of the Elders Forum**

Bob Watts, Director, Aboriginal Community Relations, provided an overview of the ongoing discussions held regarding the redevelopment of the Elders Forum and Youth participation. NWMO has sought the input of the Elders Forum as well as a number of Aboriginal organizations and individuals including the NWMO Advisory Council in considering the restructuring of the Forum. He suggested that the discussion during this Elders Forum should be focused on the 15 major points of advice set out in the handout (See below and Appendix II) as the basis for moving forward.

**Potential Direction/Basis for Terms of Reference (based on advice received):**

1. An Elders Forum is a good thing, with a national focus which will be needed for many years.
2. The NWMO Elders Forum (Niigani) will not be an independent entity, supported by the NWMO. Rather it will remain as an Advisory Body to the NWMO.
3. The Elders Forum should focus on applying Aboriginal Traditional Knowledge to the APM approach, providing major policy advice and guiding the NWMO on maintaining good relations with Aboriginal Peoples.
4. The Elders Forum should be a more lean and nimble body and should try to reflect gender balance, geographical and Treaty matters and the ability to engage on broad policy issues with a solid foundation in Traditional Knowledge.
5. More work needs to be done on the role of the Youth and how they work with the Elders Forum.
6. The engagement of youth is important on an on-going basis.
7. For the purpose of transparency the selection criteria should be made available broadly.
8. The Elders Forum should understand the budget for the Elders Forum; additionally money could be identified for special projects that are important to the Elders Forum.
9. The Elders Forum should have a code of conduct reflective of the Elders Forum mission statement and NWMO values.
10. The Elders Forum members should have a set term, perhaps 3 or 4 years (the question of renewing membership is still to be determined).
11. The Elders Forum should be structured so that there is some overlap in tenure to ensure there are continuity, good corporate knowledge and responsiveness to the evolving nature of the work of the NWMO.
12. There should be a mechanism for replacement of Elders and dealing with vacancies.
13. Members of the Elders Forum should be proposed by a national panel based on criteria that sets a high standard for the Elders Forum. The NWMO will then appoint the members to the Elders Forum.
14. The nomination process should be broad enough to allow some Elders to put their own names forward based on responding to advertisements and for organizations and communities to also nominate individuals. In any event it should be clear that Elders are not on the Forum to represent organizations or communities.
15. There should be male and female co-chairs.

Bob Watts explained that NWMO will take the input received to the NWMO Board and the 15 points set out in the document will provide the basis for the restructuring of the Elders Forum.

Bob clarified that the restructuring initiative is not an attempt to create a job description for the Elders, but to define the role of the Forum. In terms of advice received from Aboriginal organizations and communities, there is no single template that will work in all cases. A range of models exist for providing a role for elders in decision making processes.

Board Member, Ron Jamieson identified himself as Iroquois, and commented on the philosophy of the 'Seven Generations' teachings and the importance of living the philosophy. He commented on the importance of seeking and receiving the advice and counsel of the Elders Forum and that it is then the responsibility of the NWMO to make the best decision.

Throughout the session, numerous questions and comments were made by Elders Forum members and NWMO guests. Many speakers thanked participating Elders, presenters, and the NWMO Board and Advisory Council members for their presence. Some Elders precluded their comments with stories and anecdotes about their experiences with industry, and attempted to draw parallels with the NWMO process.

Many expressed their wish to continue to address the Board and Advisory Council and cautioned that if relations don't go well, the process may be interrupted in the future. There is hope that a relationship continues long into the future and that there will be a solution to neutralizing nuclear waste.

One member felt that there should be 'realignment of relationships' recognizing that respect is earned. An Elder commented that he comes to the meeting hoping to better understand what the NWMO is doing and feels some elders are misplaced in what they are saying their role is. Another is concerned and offended and feels the culture of Elders is being marginalized.

While everyone agreed that there is a need for the Elders' Forum some felt that "we are on the right track but we are not doing it the right way". One member felt the need to be careful: 'We say things in a good way so we won't get cut out of the Elders' Forum". Another stated that it would be better to have a smaller group.

Some elders still see their role as advising communities and would need resources to travel to different communities while some felt that Elders' Forum members need to be able to visit with others to discuss nuclear issues in the Provinces.

It was suggested that they need to send the right message, provide the NWMO with advice, bring to the NWMO advice from the communities and prepare the NWMO for visits with the communities. Elders should have an opportunity to have discussions and can participate in decision making. "We want to help build relationships in the communities".

Marlyn Cook commented on a lack of understanding of roles – is it political or advisory? She said that she was speaking as an Aboriginal woman rather than as an Advisory Council

member and would like to see more input from the women on the Elders Forum and would also like to see changes that would enhance the operation and direction of the Elders Forum.

Don Obonsawin said the Elders Forum has been a big success and agreed the NWMO is doing a good job engaging First Nations. He then asked how the Elders Forum can be taken to the next level. He concluded by saying that being independent means bringing forth your ideas and being honest with the NWMO.

## **In-Camera Sessions**

There were two in-camera sessions, the first focused on the role and responsibilities of the Forum and the second on the Chairmanship. Jim Sinclair summarized the first session discussion as follows:

The Elders wish to understand this redevelopment initiative more, the paper of the 15 points is not clear. Over the next 2 -3 months, members want to think about what is presented and to prepare a paper for the Board. Would like NWMO to coordinate a meeting of Niigani (Elders' Forum) with a NWMO Board meeting. There is a need to be open, transparent and move forward. A small committee from Niigani would prepare the materials and recommended the whole of Niigani have an opportunity to be at the Board meeting where presentations would be made.

Niigani is not looking for independence, rather a partnership where we will honour each other's positions.

Must have a community driven process. Want fair competition for jobs and business opportunities. There is a need for bursaries, training for jobs and entrepreneurship opportunities. Training should happen in the Aboriginal communities across Canada.

## **Youth Presentation**

The Youth held a brief meeting by themselves to discuss ways that youth might be involved and to look for ideas on how to engage. They would like to create a support group to assist elders when they travel into communities to gain experience with the anti-nuclear movement and to learn what the youth in various communities have to say. Youth want better access to information to share with communities and would like to be involved in organizing youth round tables in communities to identify issues and concerns that could be brought to both the NWMO and the Forum.

Youth would like guidance on how to take on bigger roles over time. They wish to strengthen relationships with Elders in the Forum and they feel they need more opportunity to learn and share with the Elders. They asked "What do you want us to know? What guidance can you provide?"

## **Chairmanship**

The second in-camera session was summarized by Elmer Courchene who stated that while Gordon Williams had done a good job over the years as Chair, the elders decided that the

time was right to select Co-chairs. Jim Sinclair and Josephine Mandomin were selected as the Co-Chairs. Veronica McGuire and Derrick Gould are youth representative Co-Chairs. Positions would be for 3 years with a clause for review if a chair wishes to step down.

## **Moving Forward**

Kathryn Shaver commented that the Elders' Forum has been very successful and has helped broaden dialogue, advance understanding of Treaty rights and assist in cultural training.

Eva Ligeti shared her background in environment and environmental justice and that it is a personal privilege for her to learn from the elders. She commented that she recognizes the impasse on certain questions of roles and responsibilities, and as an independent advisor, seeks clarity to ensure that at the end of the day, what was started here, continues, moves forward and becomes an example for Canada and other countries.

She further commented that there is real opportunity to raise the bar on projects that happen on Aboriginal lands in Canada and through the leadership of individuals in the room, can assist in the process. She concluded that she was happy that the youth want to learn and be more involved.

Ken Nash described the Forum as an informative session. The Elders Forum is important to the NWMO and we are better for it. Ken reminded the group that safety and security are the priorities in the development of the DGR and we must take care of future generations, and wherever the DGR goes, it must be to the benefit of the community.

Further to the NWMO Board's request last December for a redevelopment of the Elders Forum, the 15 points in the proposal will be presented to the Board. Ken noted that if any members of the Elders Forum would like to make individual or collective comments on the 15 points, he would be happy to receive them before taking them to the Board. He noted the selection of male and female co-chairs is consistent with the proposal.

Regarding the role of Forum members in community visits he explained that if a community wishes to have an Elder participate, the NWMO would encourage this, however the relationship is between the NWMO and the community and the NWMO does not ask anyone to be a liaison.

President Nash concluded that there is little disagreement on where we want to go and reflected on where the Elders' Forum started and where it is today. The NWMO consulted with the Elders' Forum, the NWMO Advisory Council and a number of National Aboriginal organizations and institutions and there is agreement that there is a need for change. Ken referred to the binder document of the 15 point as representative of what was heard. He commented that he is not in a position to speak on behalf of the Board but he would take their request for another meeting to the Board.

All participants were presented a beaded lanyard and the meeting concluded with a closing ceremony conducted by Fred Kelly.

## Appendix I

## Participant List

## NWMO ELDERS' FORUM 10

PARTICIPANTS			
FIRST NAME	LAST NAME	COMMUNITY	PROVINCE
<b>Eli</b>	<b>Angiyou</b>	<b>Akulivik</b>	<b>QC</b>
Lindsay	Amahoose	Bonnyville	AB
<b>Donna</b>	<b>Augustine</b>	<b>Rexton</b>	<b>NB</b>
Tanisha	Augustine	Rexton	NB
<b>Gwen</b>	<b>Bear</b>	<b>Fredericton</b>	<b>NB</b>
Roy	Bois	Eabamet Lake	ON
<b>Elmer</b>	<b>Courchene</b>	<b>Pine Falls</b>	<b>MB</b>
<b>Jean</b>	<b>Courchene</b>	<b>Fairford</b>	<b>MB</b>
<b>Frances</b>	<b>Dumais</b>	<b>Bonnyville</b>	<b>AB</b>
<b>Jim</b>	<b>Favel</b>	<b>Ile-a-la-Crosse</b>	<b>SK</b>
<b>Bill</b>	<b>Flett</b>	<b>Selkirk</b>	<b>MB</b>
<b>Angus</b>	<b>Gardiner</b>	<b>Ile-a-la-Crosse</b>	<b>SK</b>
Lance	Gardiner	Ile-a-la-Crosse	SK
Derrick	Gould	Fairford	ON
Sheri	Gould	Fairford	ON
Bernice	Hardy	Regina Beach	SK
Tasha	Kaye	Winnipeg	MB
Chris	Lafontaine	Regina	SK
<b>Vianney</b>	<b>Laliberte</b>	<b>Ile-a-la-Crosse</b>	<b>SK</b>
Amber	Laliberte	Ile-a-la-Crosse	SK
<b>Micheal</b>	<b>McGuire</b>	<b>Thunder Bay</b>	<b>ON</b>
Veronica	McGuire	Thunder Bay	ON
Melanie	Nepinak	Winnipeg	MB
Krista	Peterson	Fredericton	NB
<b>Joseph</b>	<b>Postras</b>	<b>Scarborough</b>	<b>ON</b>
<b>Jim</b>	<b>Sinclair</b>	<b>Regina Beach</b>	<b>SK</b>
<b>Roland</b>	<b>St. Germain</b>	<b>Barrie</b>	<b>ON</b>
<b>Billy</b>	<b>Two Rivers</b>	<b>Kahnawake</b>	<b>QC</b>
<b>Gordon</b>	<b>Williams</b>	<b>Orleans</b>	<b>ON</b>
<b>*Bold indicates Elder</b>			
NWMO			
Marlyn	Cook	NWMO Advisory Council	
David	Crombie	NWMO Advisory Council	
Jo-Ann	Facella	Director, Social Research & Dialogue	
Ron	Jamieson	NWMO Board of Directors	
Eva	Ligeti	NWMO Advisory Council	
Elena	Mantagaris	Manager, Government & External Relations	
Jamie	Matear	Senior Advisor, Aboriginal Relations	

Pat	Moran	NWMO General Counsel & Corporate Secretary	Board of Directors
Ken	Nash	President & CEO	
Donald	Obonsawin	NWMO Advisory Council	
Pat	Patton	Director, Aboriginal Relations	
Jessica	Perritt	Engagement Officer, Aboriginal Relations	
Deborah	Poff	NWMO Board of Directors	
Michel	Rheaume	NWMO Advisory Council	
Kathryn	Shaver	Vice President, APM Engagement & Site	
Bob	Watts	Director, Aboriginal Community Relations	
<b>Facilitator</b>			
Joanne	Barnaby	Joanne Barnaby Consulting	
Fred	Kelly	Guest Elder	

## Appendix II

### REDEVELOPMENT OF NIIGANI (THE ELDERS FORUM)

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#### **Introduction:**

Since its inception in late 2003, the NWMO has sought dialogue with Canada's Aboriginal community regarding how Canada should best manage its used nuclear fuel over the long term. This "Aboriginal Dialogue" has been in addition to a broad program of engagement involving Canadians from all walks of life.

From the first meeting of the Elders Forum in 2005 and later with Niigani, the Elders have assisted the NWMO to grow and to develop policies and processes that reflect Indigenous thought and interests. The advisory role of the Elders Forum with a particular focus on finding ways for Traditional Knowledge and Western science to work together is of primary importance to the NWMO.

This paper includes an overview of the feedback we received from many respondents who are knowledgeable about the work of the NWMO and knowledgeable about working with Aboriginal communities and Elders Councils. The paper includes a review of the advice received, the direction a Terms of Reference for Niigani might take (Appendix 1), a look back at discussions from earlier Elder Forum meetings (Appendix 2) and the notes taken during the consultative process (Appendix 3).

#### **Process:**

Over the past couple of years Elders and the NWMO have agreed that changes need to be made to the Elders Forum. Part of the need for change is based on the changing needs of the NWMO and part based on the agreement that it is good practice to consider change to increase the ability of the Elders Forum to work well.

- A discussion paper entitled "Proposal for the re-development of the NWMO Elders Forum" was developed and discussed at the Elders Forum held in July 2011.
- NWMO informed the Elders Forum that it was doing its own research and would be meeting with key partners to gain insights regarding the matters that are subject of the Elders Forum redevelopment.
- Since that time discussions have taken place with Advisory Council members and with representatives from several national Aboriginal organizations or institutions, regional organizations and corporations.
- NWMO management have briefed both the NWMO Advisory Council and the NWMO Board of Directors on the redevelopment process and advice received

- NWMO will prepare recommendations for the Board for their December Board meeting after completion of the Elders Forum in November.

## **Review:**

- It's important to note that the Elders Forum in July 2011 wrestled with a number of tough questions. Progress and agreement were made on a number of issues including: 1) the Elders Forum felt there was no longer a need for a smaller working group and that the whole Elders Forum should be called Niigani and that they should meet more than once a year; 2) that clarity on roles or a terms of reference was needed; 3) the Elders Forum needs to remain National but may require more members; 4) that greater attention needs to be paid to the youth and their potential contributions; 5) we have some difficult issues to sort through regarding the future of the Elders Forum.
- Since the last Elders Forum many people have taken time to reflect on the Elders Forum and provided staff with some valuable insights
- Appendix 1 gives some initial advice from members of the Advisory Council and the input from a number of National Aboriginal Organizations and Institutions. Column A is advice or comments from Advisory Council members, column B are comments and advice from National Aboriginal Organizations or Institutions
- The NWMO was advised by many that the primary focus of the Elders Forum should be Traditional Knowledge
- There was a sense that we need to continue to focus on partnership and relationship building and that the NWMO was setting a high standard in this area
- It was also made clear that the NWMO is not the panacea to all of the issues faced by the Aboriginal community, and the NWMO needs to be clear with the Elders Forum on what can reasonably be expected of them.
- The budget for the Elders Forum is limited and needs to be protected by effectiveness.
- Different options were discussed in the following two areas:
  - Scope of membership review that is appropriate: whether to retain current membership and simply replace Elders that leave versus considering wide scale review against required expertise and other criteria.
  - Scope of independence to be provided to Elders Forum in terms of defining mandate and directing a budget

Some indicated a preference that the size of the Elders Forum could be changed and that the Elders Forum remains an advisory body to the NWMO.

One principle that has been articulated by many respondents is "dignity". In particular dignity for Elders who may be leaving Niigani for whatever reason after years of dedicated service to the Elders Forum, should be kept in mind. Members who will be leaving the

Elders Forum should be properly thanked and a Feast held in their honor. In addition, we were urged to find a way to ensure Elders who leave the Elders Forum are kept informed of the NWMO's work. One other idea was to ensure the Elder's family and community is made aware of the important contribution that the Elder has made to this important National project. At a minimum the NWMO should host an annual Feast to celebrate past and present members of Niigani and the Board of Directors.

**Potential Direction/Basis for Terms of Reference (based on advice received):**

1. An Elders Forum is a good thing, with a national focus which will be needed for many years.
2. The NWMO Elders Forum (Niigani) will not be an independent entity, supported by the NWMO. Rather it will remain as an Advisory Body to the NWMO.
3. The Elders Forum should focus on applying Aboriginal Traditional Knowledge to the APM approach, providing major policy advice and guiding the NWMO on maintaining good relations with Aboriginal Peoples.
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5. More work needs to be done on the role of the Youth and how they work with the Elders Forum.
6. The engagement of youth is important on an on-going basis.
7. For the purpose of transparency the selection criteria should be made available broadly.
8. The Elders Forum should understand the budget for the Elders Forum; additionally money could be identified for special projects that are important to the Elders Forum.
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10. The Elders Forum members should have a set term, perhaps 3 or 4 years (the question of renewing membership is still to be determined).
11. The Elders Forum should be structured so that there is some overlap in tenure to ensure there are continuity, good corporate knowledge and responsiveness to the evolving nature of the work of the NWMO.
12. There should be a mechanism for replacement of Elders and dealing with vacancies.
13. Members of the Elders Forum should be proposed by a national panel based on criteria that sets a high standard for the Elders Forum. The NWMO will then appoint the members to the Elders Forum.
14. The nomination process should be broad enough to allow some Elders to put their own names forward based on responding to advertisements and for organizations and

communities to also nominate individuals. In any event it should be clear that Elders are not on the Forum to represent organizations or communities.

15. There should be male and female co-chairs.

## APPENDIX 1

ISSUE	ADVICE: FROM ELDERS FORUM	ADVICE: FROM GROUP A (Advisory Council )	ADVICE: FROM GROUP B (Aboriginal organizations)
Relationship between the NWMO and the Elders Forum	A partnership requires some independence and not taking sides, they see their role as advising political groups and regional groups as well as local groups;	<p>The Elders Forum was set up to play an Advisory Role to the NWMO.</p> <p>The Elders Forum needs some latitude so they do not appear to be salesmen for the NWMO</p>	We (the organization) want our Elders to be strong and express their own opinion, if they are bad-mouthing us in public we will replace them.
Should the Elders Forum be an Independent Entity?	The Elders need to build a parallel structure to the NWMO engagement team so they “are not playing catch up”. This requires funding. Mention was also made of incorporating and reporting directly to Parliament.	<p>Perhaps NWMO should have the Elders Council put together a proposal outlining what deliverables they will provide to NWMO and at what cost</p> <p>If we go this way I’d like to see a Indigenous Center of Excellence for Nuclear Waste, they could sort through the issue of Elders</p> <p>What does the NWMO expect from the Elders Forum</p>	<p>Elders used to be part of our Board but they got too political, now it is clear that they have an advisory role</p> <p>Our Elders are independent, they are independent advisors to us</p> <p>We like having Elders part of our organization and would likely not support an independent Elders organization providing advice to our organization (consensus).</p>

ISSUE	ADVICE: FROM ELDERS FORUM	ADVICE: FROM GROUP A (Advisory Council )	ADVICE: FROM GROUP B (Aboriginal organizations)
			Are they consultants or Elders?
			Independent sounds like a power grab, who would fund such an organization?
How should the Elders be appointed?	Use existing Elders to come up with names	Ask communities to help nominate or name Elders	Use National and Regional organizations to help find nominees and in the selection process
	Could use an independent process to come up with names.	Work with National and Regional organizations to get names	NWMO needs to sort through matters such as what expertise do they require and how important is transparency and regional and national representation
How many Elders are needed on the Elders Forum?	Current members should stay and we should replace those who have passed on or left	Perhaps have Elders selected by Treaty area	Need to have gender balance and be more representative
	Need to have room for more Elders from local communities	We need a smaller Forum	A couple national organizations only had 4 Elders (one from each of the cardinal directions)
	Elders Forum needs to be able to remove members	Not sure but it's too big to be effective	Look to be representative it seems like NWMO has focused on a few specific areas
			You need to be able to get fresh thinking and expand outreach by replacing members from time to time.
			In our meeting with

ISSUE	ADVICE: FROM ELDERS FORUM	ADVICE: FROM GROUP A (Advisory Council )	ADVICE: FROM GROUP B (Aboriginal organizations)
			Grand Council Treaty #3 they have made it clear that they would like an Elder on the Elders Forum

## APPENDIX 2

The following are some excerpts from previous Elders Forum meetings to assist in deliberations.

### *Elders Forum 1*

In the 2005 meeting participants identified ten assertions or “principles” that served as a protocol to guide Elders Forum 2. These principles were discussed at the beginning of the Forum and refined following discussion with participants.

#### **Forum Protocol - Our intent is:**

1. To explore, not negotiate;
2. To share, not to decide;
3. To inform and to seek advice;
4. To understand the diversity of perspectives and build relationships;
5. To consider how to widen the network of connections with which NWMO will need to build linkages;
6. To seek identification of areas of common ground, of differences and the various underlying reasons; and
7. To respect that participation and contributions are not to be seen as an endorsement by any participant of the NWMO project (or any specific outcome of it).

### *Elders Forum 2*

#### **Principles of Participation**

The following principles of participation are offered as a guide to deliberations. They will be reviewed at the beginning of the meeting and modified if the meeting directs.

#### **Intent of the Dialogue**

1. To share experience and learn from dialogue among participants;
2. To understand and respect the diversity of perspectives brought to the table;
3. To build working relationships; and
4. To identify areas of common ground, of differences and the various underlying reasons.

## **Participation**

Participants in the discussion have been selected to reflect a range of values, interests and experience and to share these with other participants and the NWMO. They are invited in their personal capacity and not as representative of any organization or interest. There is no expectation that participants will report back to or seek approval from any organization of interest. Further, participation is not to be seen as an endorsement by any participant of NWMO decision-making or any specific outcome.

## **NIIGANI MISSION STATEMENT**

*“Protect and preserve all creation: air, land, fire, water, plants, medicines, animals and human kind – guided by the seven universal teachings of love, trust, sharing, honesty, humility, respect and wisdom.”*

## **Principles**

1. **Niigani will advise the NWMO on Aboriginal protocols to allow the NWMO to work with and consult Aboriginal communities.** Aboriginal rights and treaties are protected by section 35 of the Constitution Act, 1982. The Supreme Court of Canada has affirmed that the honour of the Crown requires consultation with Aboriginal people whenever any of the Crown’s actions are likely to interfere with Aboriginal or Treaty rights. Niigani will advise the NWMO on Aboriginal protocols that will allow the NWMO to work with and consult with Aboriginal communities. The advice of Niigani will not be viewed by NWMO as meeting the requirement of the duty to consult\*. The NWMO will respect Aboriginal rights, treaties and land claims in its work with Aboriginal peoples.
2. **Work to develop long-term partnership.** The primary role of Niigani is to develop a process to assist the creation of a partnership between Aboriginal communities and the NWMO for the long-term management of nuclear fuel.
3. **Work is wholistic/holistic.** Niigani will follow a wholistic/holistic approach of respecting Aboriginal and non-Aboriginal protocols.
4. **Membership of Niigani is based on individual knowledge and experience; this relationship will work to develop the capacity of both the NWMO and the members of Niigani.** Niigani is a non-political group of people that speak as individuals bringing Aboriginal collective knowledge to the NWMO.
5. **Capacity building.** Niigani will function to benefit the work of NWMO and Aboriginal communities.

*\*It is understood that the interpretation of the duty to consult will evolve over time as a result of cases decided through the court system, for example, Mikesew Cree Nation v Canada, November 2005.*

## **Objectives**

1. To assist NWMO and Aboriginal people's preparedness for the approach indicated in Adaptive Phased Management that was approved by the Federal Government
2. To enhance NWMO understanding and sensitivity to Aboriginal cultural ways of thinking and practices (world view) and to develop cross-cultural thinking between NWMO and Aboriginal communities in the long-term management of used nuclear fuel and to develop knowledge and understanding among members of Niigani of the long-term management of used nuclear fuel;
3. To enhance NWMO understanding of the goals and aspirations of Aboriginal peoples with respect to the long term management of used nuclear fuel;
4. To provide advice on interweaving and balancing Aboriginal Traditional Knowledge into NWMO's scientific reasoning and processes; and
5. To advise NWMO on how to communicate and engage with Aboriginal people at national, regional and community levels.
6. To advise the NWMO on promoting opportunities for Aboriginal youth to pursue careers that will make it possible to participate in the work of the NWMO.

## **APPENDIX 3**

### **Interview notes (organized thematically)**

#### **Roles and Relationships**

- Need clearer definition of role – expectations
- Terms of reference needed
- Need terms spelled out
- Need broader tribal representation
- Open transparent process for selection
- Maybe have selection by treaty area
- Elders don't need to be ambassador for NWMO but need to be someone to help work on a solution between developer and Aboriginal peoples
- How does partnership and relationship work
- Need smaller forum
- Check out what the States are doing
- CERT – energy tribes
- Take the Elders Forum to next level – re-institutional governance
- Kitimat First Nation – Liquid Natural Gas port (check out what they are doing)
- Re appointment – need to go back to deliverables
- Rules need to be clear on how folks get on the Elders Forum
- What can the Elders Forum do for us?
- What are the terms of reference of the Elders Forum?
- What does NWMO expect from the Elders Forum?
- What does the Elders Forum expect their role to be?

- We've spent a lot of time briefing them technically
- Do we really need Elders to do introductions – is that fair to them
- Balance abilities/interests, i.e. – economic development and traditions
- Need to respect one another

### **Appointment process**

- Needs greater balance on the Elders Forum
- People get jaded, worn out – need to refresh – 3 year terms
- Removal of those who don't attend meetings
- 4 directions model is good
- Have folks apply
- It is truly "national" or even "regionally" representative
- Maybe we could grandfather existing folks in but have a mechanism for new folks
- Not all Elders- many wisdom carriers are not considered Elders but may be good to work with
- Selection panel-transparent
- Need to have a Forum which is more representative
- Organizations should appoint Elders
- Have male and female co-chairs
- Open it up to other provinces only if Elders from other provinces have skills that our folks don't have
- Elders Forum is too large (mentioned a few times)
- How do they reach consensus on what to advise NWMO
- Need way to get new people in order to refresh and bring fresh perspective
- Organizations could help enforce terms of reference
- Have folks apply to be Elders Forum members
- Let the community decide on things like perceived over-representation
- Proven experience – but NAO on selection panel – high criteria
- In a nomination process, some won't apply (need to account for this or you miss good people)
- A couple NAOs have 4 Elders
- Have NAOs on selection panel
- Have high criteria, we would send out nomination material to all of our locals
- Some Elders won't apply
- Need the right people to advance the agenda
- May need some spots on the Elders Forum for non-permanent members from areas we are working in
- Reps should be formal representatives of an organization or community

### **Independent Elders Forum**

- No to independence
- Why do you an Elders Forum – maybe it's just an Aboriginal Advisory Board
- Restructure

- Start over
- New step in process may mean time for a new start
- Who would an independent Elders Forum report to?
- This isn't just about economic development; Niigani isn't an economic development organization
- If they were independent what would we expect from the Elders Forum?
- Have expectations changed over time?
- No one wants to follow Elders who fight each other
- Niigani is about leadership
- Elders Forum just kind of took off and grew with little guidance
- Needs to be functional or communities won't want to listen
- Need very clear statement of work, really clear
- Independent organization is a power grab, won't be collaborative and is a waste of \$
- Re independence – can the Elders bid on or put forward what they can do or deliver – give us a plan
- What are the deliverables?

#### **Youth representatives**

- What about a separate youth round table
- Youth – seems like a lot of reps from certain families and communities
- Youth need to be able to meet with NWMO independently
- Youth Round Table – AAF
- Transferring knowledge to family is good
- Make scholarships nuclear specific
- Scholarships/internships need to be developed
- Involved with curriculum
- Youth seems pretty nepotistic – how are youth picked – are they representative?
- How fair is it to other youth in community or region?

#### **Other advice/comments**

- Go to where it's stored, Need to have ceremony at nuclear plants
- Make this part of a broader plan – include ITK work, scholarships etc
- Approvals need to be in place
- Look to international experience – get advice
- Advisory Council has spoke a lot about co-management etc.
- Benefits must flow to Aboriginal community
- Must look and feel independent and strong
- Need 2 equal partners – can Elders Forum help local Elders and local communities – need this in order for process and agreement to stand up to scrutiny
- Clayquot Sound type of experience or expertise – hire that sort of expertise
- How to integrate with integrity
- Are Elders bought and paid for?
- Autonomy = responsibility

- Should things like the funding of the FSIN have been vetted with the Forum and Advisory Council and what is the overall strategy – how does it all fit together?
- Need a good path, vision, mixed with budget – responsibilities
  - Short and long-term goals
- AHF is a good example of how to work with Elders
- It's good that we don't have two groups any more
- Now that we have one group, what do we do – how to manage the group
- Time allotted for term of Elders
- Processes have to be in place
- There appears to be a lack of respect between the Elders and there are divisions
- Need more ceremony – start meeting with Pipe
- Now we are doing what could have been done long ago
- NWMO was learning before but now it is time to apply knowledge
- Representation (representatives) is a bit of an issue
- First Nations should control the project
- Should some of the work some Elders are doing be done as a consultant
- It's very confusing
- I've thought there needs to be more expertise in Aboriginal communities
  - Aboriginal Nuclear Waste expertise
  - Knowledge centre – organizations
  - Is the Elders Forum the right vehicle? Not sure
- If they met 4 times per year, what would they do?
- Seem to have evolved with not a lot of strategy
- Some have wanted to disband the Elders Forum and start over
- Terms of office make sense
- Folks have made a commitment – that needs to be recognized
- AAF would be a good partner
- First Nation Waste Management Secretariat??
- Need rules, what are they here
- What are national expectations?
- Who is accountable to whom?
- How do you ensure different abilities are represented?
- Organizations should appoint folks
- Find some common threads
- Lead the way on what's right! Don't settle for second best
- How can the Elders Forum help us get our work done?
- Either make them impotent so they don't get in the way or find ways for them to help
- For example you could give them lots of busy work that won't be used and they will be consumed with projects and no real work, OR they can “consult” for you – get info
- OR give them purpose, i.e. not advice, but support
- Elders used to be part of the board but they were too political
- Maybe one Male/Female from each direction

- The Elders could work with NWMO Board or with other groups doing specific work for the Board
- Usually only 1 Elder, 1 youth per meeting
- Helpers are almost always relatives (reduced honorarium)
- May have to dissolve it and re-open according to Four Directions – culture can help
- 3 or 4 year terms
- Names come from staff, others go to Elders for confirmation, board for appointment, and new Elders are trained by existing Elders
- Our Elders are independent advisors
- Would let Elders go if they were demeaning us
- Very rare that Elders or even board members speak on our behalf
- Need to be very precise or you're paying to have others work at cross purposes
- May need to dissolve it and start over
- How did you get here and what can you give to our circle, we use this question to start some of our meetings
- Feast the Elders; show them you appreciated their contribution
- Male/female balance is important
- Need a strong chair to keep folks on topic
- Maybe fold the Elders Forum up – change roles & responsibilities and appointment process
- Feast the Elders
- Staggered tenure/terms – mashing of old and new
- Transparent appointment process

## Appendix III

### Elders Forum Youth Participation

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#### Background

Since 2005, the Elders Forum and its Working Group, Niigani, have on a number of occasions, questioned the role of youth in the Elders Forum. Originally the role of the youth was established to act as helpers to the Elders attending the Elders Forum and to attend the meetings to listen and learn from the Elders discussion. Over time the youth requested a more active role in the Elders Forum and many Elders have supported this. However, the means to accomplish this has not been clear. The youth and others have advised on some alternatives and many have been implemented. For example, the youth suggested they be allowed to meet informally and/or formally before each Elders Forum meeting; they suggested they hold a meeting to explore ways to increase their effectiveness; they also suggested they meet with the NWMO separately to learn about Adaptive Phased Management and provide the Elders Forum with presentations as they learn. Many of these suggestions have all been implemented as described in the notes from the summaries taken from Elders Forum reports below.

As the Elders Forum is restructured, the role of the youth continues to be an area of great interest to the Elders, the youth and the NWMO. This review does not attempt to determine the direction of the role of youth but, instead, provides an overview of advice and action taken to date.

#### **NOTES FROM ELDERS FORUM MEETINGS AND ADVICE FROM INDEPENDENT ABORIGINAL ORGANIZATIONS AND INDIVIDUALS**

#### ***Elders Forum 5 – APRIL 2009***

##### **Elders Forum Youth Meeting**

Niigani youth members, Tasha Kaye and Mary Magiskan gave an overview of the activities planned for a youth meeting at the next Elders" Forum. They expressed that youth wish to be more active in the Elders Forum discussions and would like to suggest ways for more interaction between youth and elders during the forum. Elders expressed their support for the youth and encouraged them in taking initiative to caucus.

##### **Youth Members on Niigani**

Youth members of the Elders" Forum recommended three new members to the Niigani working group. Members recommended were Tanisha Augustine and Krista Peterson from

New Brunswick and Flint Mattinas from Ontario. This brings the total youth members of Niigani to five along with five Elders.

## ***Elders Forum 6 – JULY 2009***

### **Youth Participation**

The Youth members reported to the Elders Forum on the half day workshop that they held the day before the Forum started to explore ways to increase their effectiveness. They identified barriers and opportunities while sharing with each other the nature of their involvement in their communities. They brainstormed ideas and began to outline their plan for moving forward. Youth members of Niigani will draft a goal statement building on key words identified to help establish commitment and responsibility. Other plans they would like to consider include holding regular Youth meetings within the Elders Forum to effectively prepare, actively seek support and guidance from Elders and using modern technology for increasing understanding of the technical challenges of nuclear waste management and understanding of the subject itself and establishing a method of communication among the youth between Forums.

Elders offered Youth members a range of support, from traditional teaching to encouragement in the participation in the Forum and in their communities acknowledging their future role as leaders. An Elder suggested that the role of Youth also needs to be addressed in the Aboriginal policy.

The youth and Elders made a point of thanking the NWMO for including youth in the Forum.

## ***Elders Forum 7 – JULY 2010***

### ***Youth Presentation: Understanding the Long-term Management of Used Nuclear Fuel***

Youth members of the Elders Forum participated in May in a learning event to understand the long-term management of used nuclear fuel. Nine of the youth members were able to participate in the seminar and prepared presentations for the Elders Forum on what they learned. Members included Lindsay Amahoose, Tanisha Augustine, Roy Bois, Lance Gardiner, Amber Laliberte, Veronica McGuire, Bekki Wilson, Melanie Nepinak and Krista Peterson.

The focus of this project is to respond to requests made by the Elders Forum that the youth members develop a good understanding of the NWMO's work in order that they can assist others in understanding this subject. They have also noted in the past that the youth can help in providing information on the subject to the Elders Forum itself. The learning opportunities with the youth took place through in-person meetings and electronic web seminars and discussions covering the topics identified in earlier discussions – understanding used nuclear fuel; understanding the design and development of a deep geological repository; and understanding the site selection process. The project team also noted that later seminars would be developed around other subjects including a discussion on traditional Aboriginal community decision-making processes.

Following their spring seminar, the youth members developed slide presentations to share what they learned and discuss their experience. They described the various types of radiation and how it can be shielded; the experience around the world with the use of deep geological repositories and the barriers used to block radiation; and finally they described the design and testing of transportation methods from around the world. The youth invited questions from the Elders and were able to answer, at least in part, some of the technical questions raised. Youth and Elders recognized that this is a complex subject and when needed, the youth called on NWMO representatives to assist them in their explanations.

## ***ELDERS FORUM JULY 2011***

### Youth Responsibilities

- More youth participation; more vocal
- When youth become adults, they need a continued role – to carry the knowledge on
- When Elders are invited to a local meeting, youth should also be invited, for instance the AFN meeting in New Brunswick
- Difficult to become more vocal because there is only one meeting a year – need time in advance to prepare thoughts – biannual meetings would be better
- Need to have more than one meeting a year to get to know each other better
- Difficult to be vocal when Elders have much more wisdom and NWMO has more knowledge – youth role is better to support Elders
- Are there models involving youth at national level
- Challenge – some youth don't know own language
- Honorarium should be the same for youth as Elders? There are barriers to encourage respect for youth – for instance to get coffee - but some think this discipline is important
- Good behavior, good listener; take notes so can share what has happened in meeting with back home
- Four directions collectors of wisdom + knowledge(eyes, ears, nose) and then can you use this knowledge properly
- Have respect + obedience; acknowledge Elders; if they need anything - get it; personality – present yourself and show respect
- Carry out what Elders have started in this very long term process – youth will eventually need to carry out responsibilities of Elders – We are just temporary in this role
- Soak up knowledge and carry it forward
- Elders don't understand modern technologies such as iPod while the youth do
- Youth need to take over Elders role at some point, through education, getting jobs, avoid prison system
- Not satisfied with role of youth
- Youth need time to meet on their own as well
- Youth need to be involved in the foundation – setting work of the Elders
- Youth should set their own mission statement, policies. Continuing youth involvement important.

**Additional points/questions that arose in consultations that may help shape discussion regarding youth:**

- What is the definition of youth?
- Should we keep youth and helper roles distinct?
- How should youth be selected?
- What do the youth want out of their involvement?
- What do the Elders expect from the youth?
- Are there other models that can help us sort through this?