

**Nuclear Waste Management Regional Forum
Wauzhushk Onigum First Nation
November 23, 2004**



Submitted to:
Nuclear Waste Management Organization
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EXECUTIVE SUMMARY

The major themes that arose from the discussions at the Northern Ontario Nuclear Waste Management Regional Forum in Wauzhushk Onigum First Nation were responsibilities of the federal government, potential risks of waste management scenarios and the importance of the “Manito Aki Inakonigaawin” (The Great Earth Law - Treaty #3).

Attendees clearly stated that their participation in the AFN dialogue on nuclear fuel waste management must not be considered as consultation. The participants affirmed that the federal government’s fiduciary responsibility to consult must be carried out between the Federal government and First Nations governments. They also felt that under the current process government would not provide an adequate response to their concerns because First Nations input is only for ‘consideration’.

Participants identified the risks of nuclear fuel waste management as a great concern, because of their inherent responsibility to their territories. They felt that the entire nuclear energy chain needed to be considered because of the potential impacts from all stages of this chain to the overall health of the environment and the Anishnaabek way of life. Furthermore, the participants felt a distrust of the science and technology of the management approaches identified.

With regards to Manito Aki Inakonigaawin, the participants felt that their responsibilities to take care of their territories dictated that they look to alternative sources of energy and there be a dramatic reduction of energy consumption to ensure that future generations enjoy a safe and healthy environment.



INTRODUCTION

The Northern Ontario Nuclear Waste Management Regional Forum was held on November 23, 2004 in Wauzhushk Onigum First Nation near Kenora, Ontario as part of the Assembly of First Nations (AFN) Nuclear Waste Dialogue. The purpose of the Regional Forums was to bring together interested First Nations representatives to share information and have discussions on the current process being undertaken by the Nuclear Waste Management Organization (NWMO) and other issues surrounding the management of nuclear fuel waste.

OBJECTIVES

The objectives of the Northern Ontario Nuclear Waste Management Dialogue Regional Forum were to bring together regional representatives with an interest in nuclear fuel waste management and the environment to network and share information; to identify and articulate key issues surrounding nuclear fuel waste management; and to have participants provide suggestions and direction for the AFN dialogue on nuclear fuel waste. These suggestions will assist the AFN in developing a draft strategy to protect the long-term social, environmental, legal and cultural interests of First Nations, as set out in AFN Resolution 51/2003.

METHODOLOGY

There were a total of seventeen participants at the Northern Ontario Nuclear Dialogue Regional Forum. Participants included community leaders, youth and Territorial Organization employees; mainly from the Lake of the Woods area. The day-long forum started with an opening prayer conducted by a local Elder.

Initially, the AFN contacted Tribal Councils, youth representatives, Provincial/ Territorial Organizations and independent/ unaffiliated First Nations in the Nuclear Waste Dialogue's Northern Ontario region. With the initial contacts made, there was a great interest from the First Nations in Lake of the Woods area. Subsequent efforts to approach participants were done through networking with organizations and displays at various gatherings.

Participants were provided with copies of the AFN Nuclear Dialogue PowerPoint presentation, AFN's fact sheets on the Nuclear Fuel Waste Dialogue and Nuclear Fuel Waste Management, a summary of the AFN's submissions to Bill C-27, copies of the *Nuclear Fuel Waste Act* and the Executive Summary of Nuclear Waste Management Organization Research Paper 6-12, "Long-Term Used Nuclear Fuel Waste Management – Geoscientific Review of the Sedimentary Sequence In Southern Ontario" as well as additional reference materials related to nuclear waste management issues.



After a review of the agenda and overview of the objectives for the day by the Northern Ontario Regional Coordinator, participants engaged in an introductory roundtable. After viewing a presentation on the AFN's Nuclear Dialogue, there was an open discussion on what the group felt should be key issues for further analysis. The Northern Ontario Regional Coordinator facilitated the discussion and recorded key issues on a flipchart visible to all participants.

In the afternoon, the key issues identified were categorized into three areas. The participants identified practical strategies that could be undertaken by the AFN and raised concerns and questions surrounding nuclear waste management issues and the current process being led by the NWMO. During breaks, participants were invited to provide additional issues to the current listings. Responses were recorded in the method described above.

The Regional Coordinator compiled these findings and has summarized them in the following section. Participants were provided with a draft of this report for an opportunity to review and to ensure accuracy and accountability for the messages contained within.

RESULTS

The three categories that emerged from the discussions are as follows:

A) Responsibility of the Federal Government:

Participants were concerned that their participation in the Northern Ontario Nuclear Waste Management Regional Forum would be perceived as a 'consultation', referring to the legal consequences of this word in Canadian Aboriginal rights law. This concern was demonstrated clearly by one participant who noted: "we were never here".

One participant stated that in the past, government and industry representatives have come into one or two of the 28 communities in the Lake of the Woods area and said that they had 'consulted' the communities of that region. Participants agreed that this occurred frequently and was unacceptable to them and their governments. It was also stated that there is never enough time or money for First Nations to properly inform their community members on important issues, and they are often put in a position of 'reacting', often after decisions are already made.

Participants were advised that the AFN's position is that consultation must occur between First Nations governments and the Federal government, and as a national advocacy organization the AFN does not have the authority or mandate to consult on behalf of First Nations in Canada.



Participants doubted that the Federal government truly wanted to hear what they had to say about nuclear fuel waste management because of the many times they have been ignored in the past. Specifically, First Nation input (especially from Elders) during the Seaborn Environmental Assessment Panel hearings was given as an example of this experience. People wondered by the input of Elders during the Seaborn Panel was not reflected in the work of the Nuclear Waste Management Organization (NWMO). They questioned whether or not the decision had already been made, and whether this was just another example of them being put in a 'reactive' position.

In learning from past and current processes, participants stated that there must be a mechanism in place for full and clear communication between the Federal government and First Nations. It was felt that when the Federal government receives the AFN's report on the Nuclear Fuel Waste Dialogue, there must be a proper and meaningful response to their concerns, ensuring that there is a real understanding about the information they are given. Only then can a positive working relationship occur between First Nation governments and the Federal government towards the proposed next steps on this serious issue.

The participants felt that the AFN strategy should be proactive in assisting First Nations and parallel to the public process. Furthermore, First Nations should be independent of the public consultation processes as they are not a special interest group but custodians of their lands. Raising awareness and education were identified as key activities that must be funded at sufficient levels by the Federal government, so that First Nation communities and First Nation organizations can engage in the nuclear waste management processes effectively and proactively. First Nations must not be rushed in their education and decision making process.

Participants felt strongly that considering the entire nuclear energy cycle was the only way to properly discuss nuclear waste issues. Therefore, discussions on nuclear fuel waste management must include the consideration of low and intermediate level nuclear waste.

Participants stated that First Nations must be involved in any and all decision-making regarding their traditional territories as full and equal partners with Federal governments, Provincial governments and the nuclear industry. Their input needs to be on equal footing with these other parties throughout the current and any future processes. Anything less than this arrangement renders the process invalid from a First Nations perspective.

B) Risks:

The potential risks in the management approaches identified in the *Nuclear Fuel Waste Act* were heavily questioned by participants. Participants also felt that the location of a storage site or sites seems to assume that it would be in Northern Ontario because of the



past studies on the Canadian Shield, such as those associated with the Hare Report and the Seaborn Panel, and the so-called "remoteness" of this area.

There was a strong distrust in the safety and acceptability of the deep geological disposal method. Estimated costs were also questioned given the nuclear industries past record on estimating costs. There were also doubts as to the real benefits First Nations would derive if an approach were implemented on their lands. From past experiences, First Nations have had little or no benefits from development in their territories - the bulk of profits being taken by industry out of the communities. Participants felt that the risks inherent in underground storage of nuclear waste far outweighed any perceived benefit of this option.

First Nations have long held the belief that everything is connected: humans and everything within their environments. It was agreed that the containment of nuclear fuel waste is not "fool proof" and that the current technology being considered is untested in any real-life situation. First Nations have a unique relationship to their traditional territories, because it is the source of their culture and spirituality, as well as food and other basic necessities of life. If their lands are contaminated by an accident or failure in containment technology it is not possible to compensate for the loss of culture and spirituality.

There were great concerns about water protection. The risk of leakage of nuclear fuel waste into groundwater systems was considered to be completely unacceptable. Water movement cannot be contained or controlled, and it is the 'life-blood' of the environment that connects everything within it. Participants felt that further damage to the water is too great a risk to the health of their communities, particularly with the deep geologic disposal option. Assurances of scientific modeling will not eliminate the risk of containment failure, and this risk, no matter how small was deemed unacceptable.

Participants also raised the issue of transportation of nuclear fuel waste that could be required under one of the management options. It was felt that if or when nuclear fuel waste is transported through their communities and territories, there must be adequately funded and locally based emergency preparedness systems that meet the needs of First Nations.

Participants were concerned that the *Nuclear Fuel Waste Act* does not prohibit importing nuclear waste from other countries. Furthermore, the associated costs with container replacement and the risks pertaining to the security of nuclear fuel waste from 'non-peaceful' uses were of great concern. Participants wanted to learn more about the consequences of (and responses to) nuclear accidents around the world such as the accident at Chernobyl in the former U.S.S.R..



C) Manito Aki Inakonigaawin:

First Nations have always managed their lands with the idea of conservation for future generations and this extends to all components and systems of the lands within their territories. They identified the multi-generational effects that will be inherited by future generations on whatever the outcomes are from the nuclear fuel waste management decision-making process.

In regards to the Great Earth Law, it is vitally important that every community thinks thoroughly about this serious issue because of the unknown implications that nuclear fuel waste carries and the unknown changes that may occur in our environments. It was stated that there are past examples of how waste issues on First Nations lands have been handled, and that we can learn from them. These experiences must be communicated to the youth to ensure that history is not forgotten and mistakes not repeated.

The participants described the indigenous concept of looking seven generations ahead in decision-making processes. Decisions made today will be inherited by the next generation and they will in turn think of the next seven generations to come (and so on, and so on). Therefore, the participants felt strongly that there has to be very careful consideration by the present generation for all people of Canada, because dealing with the nuclear fuel waste issue is at a very critical point in the decision making process. Participants were very concerned over the length of time nuclear fuel waste will remain hazardous to humans and the environment. They felt that it was not possible to guarantee that it could be contained for the entire time that it was hazardous to future generations. The inherent responsibility to protect lands within their territories was a driving concern.

The idea of 'green' or renewable energy was raised throughout the discussion, since participants felt that no more nuclear fuel waste should be created. Various alternative energy sources identified were wind, solar, wood, geothermal, biomass and conservation. Participants stated that there is a great interest by First Nations in pursuing wind power as an alternative energy source. Participants felt that the Federal government was not doing enough to encourage First Nations involvement in the renewable energy sector.

There was a strong sense amongst participants that deep geological disposal is the preferred option for the long-term management of nuclear fuel waste, due to the previous activities and research undertaken by industry and government. Many participants objected to the notion that their lands are "remote": they are only "remote" from southern Ontario where nuclear fuel waste is created. They also strongly objected to the idea that their traditional territories were more suitable for a disposal site because they were not heavily populated. The recent proposition to dispose Toronto's garbage in northern Ontario was raised. Participants felt that nuclear fuel waste is no different, and were opposed to the idea that their traditional territories be targeted as a waste disposal site. In learning from past experiences, native people around the world have been disproportionately impacted by resource development and industrialization, and this is viewed as environmental racism.



Furthermore, pending land claims need to be settled before any development can occur in these territories, including lands consumed by private holders. Manito Aki Inakonigaawin followed by Treaty #3 signatories request that outside resource developers that wish to operate in the said treaty area “require consent, agreement and participation of the Anishnaabe Nation in Treaty #3”. The reason for this requirement is that any development “may affect the exercise of Treaty and Aboriginal rights and on the environment”.

CONCLUSIONS

First Nations must have the independent resources to evaluate the necessary information make informed decisions on the issues surrounding the long-term management of nuclear fuel waste. Full participation in all aspects of decision-making and consent to any activity affecting traditional territories is required from First Nations to ensure control over their own future.

The proposed management approaches, specifically deep geological disposal, were seen as unacceptable in terms of risk. There was a strong distrust in the science and technology of the safety of nuclear waste storage or disposal, particularly with relation to groundwater systems, which in turn impact the whole environment and the humans that depend on it.

Manito Aki Inakonigaawin, and First Nations’ responsibilities to take care of their territories dictated that they pursue alternative sources of energy, a reduction of energy consumption, and ensuring that future generations enjoy a safe and healthy environment.

NEXT STEPS

The AFN will use the information contained within this Report, pursuant to AFN Resolution 51/2003, to “develop a draft Nuclear Waste Management Strategy that would protect the long-term social, environmental, legal and cultural interests of First Nations”. This strategy will be put forward to Chiefs-in-Assembly at the AFN’s 2005 Annual General Assembly for approval, and will then be utilized to advocate for First Nations on these issues. A copy of this report will also be submitted to the NWMO.

Participants will be informed of a follow-up to this Regional Forum, which will likely be scheduled for the spring of 2005, after the NWMO releases its final discussion document and prior to the AFN’s Annual General Assembly.

