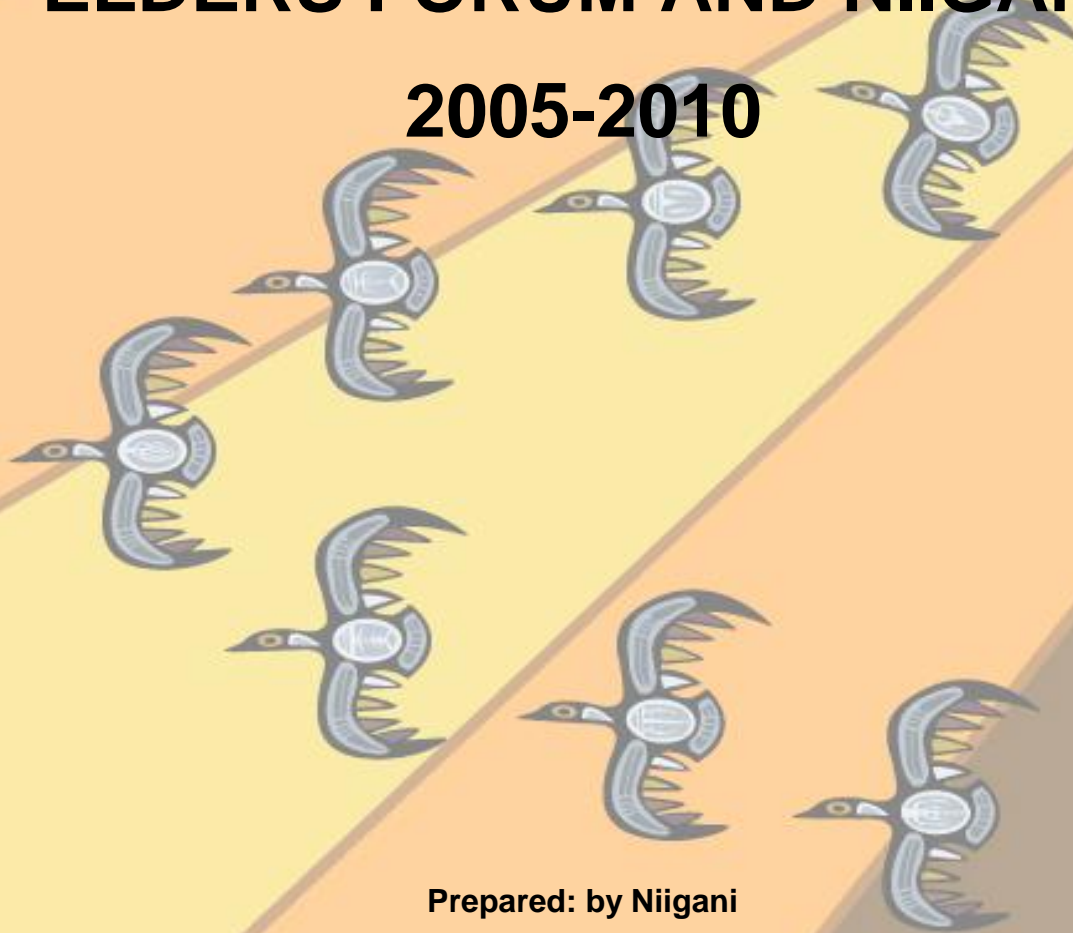


REPORT OF THE ELDERS FORUM AND NIIGANI 2005-2010



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The Aboriginal Working Group of the NWMO Elders Forum

October 2010

NIIGANI

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THE ELDERS FORUM REPORT ADDENDUM FOR THE NWMO
TRI-ANNUAL REPORT TO THE MINISTER
2005-2010

“...Elders want to give the best advice they can to the NWMO so they requested a written report be completed to record the highlights of their advice....It is our view that a written text will document our legacy and will enhance and protect the credibility of the relationship between the Elders Forum and the NWMO.”
Gordon Williams 2009

INTRODUCTION

Elders are very concerned that all their work with the NWMO be consistent with the Elders Forum Mission Statement:

...To protect and preserve all creation air, land, water, fire, plants, medicines, animals and human kind --- guided by the seven universal teachings of love, trust, sharing, honesty, humility, respect and wisdom.

The Elders agree with the NWMO in its emphasis on safety for people and the environment. The relationship between the NWMO and the Elders Forum has developed over time in an atmosphere of trust. During this time the members of the Elders Forum have stressed the importance of the protection of Treaty, Constitutional and Inherent rights, and free, prior and informed consent in the implementation of Adaptive Phased Management.

Elders recognize that radioactive waste is a dangerous substance and all countries with used nuclear fuel are taking measures to safely contain it, and some feel that burying nuclear waste is not desirable while others do not feel the same; however, after engaging Canadians the Federal Government selected Adaptive Phase Management as the approach that will be used in Canada. Elders provide independent advice and they are vigilant in their encouragement of the NWMO to create impact and benefit agreements which will provide Aboriginal people a clear understanding of potential

impacts and benefits - careers and long term jobs; preparatory education and training for Aboriginal people; entrepreneurship and a partnership in the project. Elders appreciate the model being developed by the NWMO and encourage other corporate citizens to consider this model as a way to assist Aboriginal communities in meeting the challenges of working in partnerships.

Elders in the Aboriginal¹ community make significant contributions in the teaching and the guiding of the people in their communities. The Elders are the wisdom holders and their influence permeates all aspects of physical, emotional, mental, and spiritual activities. When the Elders speak of the impacts, they do in the context of what will happen to the children of the next seven generations as described in the mission statement. Since Elders are the guardians of Mother Earth, they wish to speak freely, and in time as NWMO goes forward with the site selection process, they may feel that it is necessary to speak with the Crown, to Aboriginal organizations and to potential host communities.

HISTORICAL CONTEXT

The Nuclear Waste Management Organization (NWMO) was established in 2002 by the Ontario Power Generation Inc., Hydro Quebec, and New Brunswick Power Corporation in accordance with the Nuclear Fuel Waste Act (NFWA) to assume responsibility for the long term management of Canada's used nuclear fuel. This report describes the relationship between the Elders Forum and NWMO and identifies the advice provided by the Elders since it came into existence in 2005.

This independent report is prepared for the Elder's Forum and is submitted to the NWMO Board of Directors for inclusion in the NWMO's Tri-Annual Report to the Minister of Natural Resources. The Elder's Forum welcomed the opportunity to contribute their perspective on this most important subject – a plan for long term storage of Canada's used nuclear fuel. We understand that the Federal legislation requires consultation with Canada's Aboriginal people, but the discharging of this obligation is being done in a unique manner and the NWMO needs to be acknowledged for their work in this area.

One of the first tasks of NWMO was to explore the thoughts of Canadians from across Canada regarding their views on the plan for the long-term storage of used nuclear fuel. Dialogues were held with Canadians and Aboriginal peoples from coast to coast. NWMO wanted to receive input from Aboriginal people and the Aboriginal point of view. In order to get a better appreciation of the Aboriginal point of view, NWMO consulted

¹ Aboriginal is a collective term used in the *Constitution Act* to include Indian (First Nation), Inuit and Métis peoples in Canada.

with National, Provincial and Regional Aboriginal Organizations between 2003 and 2005 and worked with them as they conducted dialogues with their members on the options for the storage of nuclear waste. NWMO contracted with 15 Aboriginal Organizations to conduct discussions and report on the input they received on the subject. In addition, in 2005, NWMO solicited the advice of the Aboriginal Organizations to recommend a number of Elders to advise NWMO. This group of Elders formed what became the Elders Forum. This report highlights the past few years work, and advice of the Elders Forum and Niigani² to the NWMO.

The NWMO is utilizing a unique process, which is very innovative when compared to other industries by involving Aboriginal people from the very beginning of the project, years before the construction phase of the project begins. The Elders Forum provides ongoing advice to the NWMO. Their goal was to find Elders with specific knowledge that would assist and help NWMO in their work to understand the Aboriginal world view. Each Elder was invited to select a youth to assist him/her as required. Over the years since the formation of the Elders Forum, the youth have become an integral part of the Elders Forum. As the youth gain confidence, they became more active in the proceedings of the Elders Forum. In the past two years, the youth have requested and received opportunities to meet by themselves so that they had time to hold discussions and articulate their own priorities. The Elders are very supportive of the involvement of youth and encourage them to develop their goals in order to learn since it will be their generation and future generations that will be responsible for future work.

The expressed mission of NWMO is "...to develop and implement, collaboratively with Canadians, a management approach for the long-term care of Canada's used nuclear fuel that is socially acceptable, technically sound, environmentally responsible and economically feasible." The primary focus of the work of the Elder's Forum is to review and give advice on the work of the NWMO. The Elders Forum has made a significant contribution on how they should not only engage Aboriginal communities and organizations to accomplish their mission but should also acknowledge and be mindful of the historical, legal and the contemporary contributions of Aboriginal Peoples. Central to all the dialogue, discussion, and the advice given to the NWMO, is the respect for Inherent, Treaty and Aboriginal Rights as expressed in the *Constitution Act* of 1982. The Elders Forum is a tireless advocate for decision making based on "...free, prior, informed, consent."

The relationship between the Elders and NWMO is based on trust, which comes from: mutual respect; independence of the Elders; respect of cultures and world views,

² Niigani is the Working Group of the Elders Forum

Aboriginal Rights and Treaties; respect for land claim areas, sacred sites and burial sites; traditional and intellectual knowledge and the associated traditional processes.

The Elders were skeptical at first of the motivation of the NWMO even though some of them had participated in the dialogues that NWMO held across the country, but over time, most of the Elders now understand the challenge all Canadians face when dealing with used nuclear fuel for the long term and see the importance of Aboriginal involvement in the process to protect Mother Earth.

In order to keep a focus on their role as guardians of Mother Earth and their role and responsibility to Mother Earth, their communities and their families, their respective First Nations, Métis and Inuit communities and overall cultures, the Elders developed a Mission Statement that would guide their relationship and advice to the NWMO. Elders wanted to keep a strong cultural element in the Mission Statement and to acknowledge the responsibility all Aboriginal peoples have to each other, the land and the environment. Elders also wanted a clear statement to guide their ongoing involvement.

The Elders Forum Mission Statement is as follows:

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

This Mission Statement, and the teachings of the Elders, guide the work of the Elders Forum and is the contextual framework of the advice given to the NWMO. The Elders recognize that there are Aboriginal communities that are against nuclear development and the associated waste; the Elders also recognize that there are Aboriginal communities that support the plan for a deep geological repository. Recognition that these two views exist means community people will have to make their own decisions regarding a repository and Elders can make a contribution by making sure community people are well informed about their responsibility to the land and the potential impacts of long-term storage of nuclear fuel in their territory.

SEQUENCE OF MEETINGS WITH THE ELDERS FORUM

Seven Elders Forums were held at different locations in three of the four nuclear provinces since 2005. The nuclear provinces are New Brunswick, Quebec, Ontario and Saskatchewan. At the request of the Elders, three of the Forums meetings were held on First Nation Communities. Reports of these Forums are publicly available through the NWMO website. Some of the main topics that were discussed at those meetings included: a Mission Statement, an Aboriginal Policy, a Site Selection Process, Site Selection, Aboriginal Protocols and Traditional Ceremonies, Treaty Rights and Treaty

Principles, Communication Strategy, Communication materials, Visits to nuclear facilities, Youth Programs, Outreach to Communities, Protocols (MOU) with Provincial Aboriginal Organizations and National Aboriginal Organizations.

Elders have been consistent about their relationship to the land, and their responsibility and need to protect Mother Earth. Health and safety of our people, the animals, and the environment are their paramount concerns. Elders want every option considered by NWMO when they deal with the storage of used nuclear fuel.

MEETINGS ONE & TWO OF THE ELDERS FORUM

The first two meetings of the Elders Forum took place in August 25-27, 2005 at the *Odawa Native Friendship Centre* in Ottawa and October 11-13, 2006 at the *Delta Toronto Airport West Hotel* in Mississauga, Ontario. Those two meetings generated some common themes (see recommendation sections of this document) as well as a sense of trying to figure out the role of the Elders Forum. There was some apprehension expressed by a few Elders as they tried to understand what their roles were in this new approach to doing business. The Elders Forum is leading the way in a new and unique process that usually does not happen with large corporations. They are working to establish a new standard and process which can be a model for involving Aboriginal people in development.

During the second meeting of the Elder's Forum, part of one day was set aside by NWMO to organize a trip to the Pickering Waste Management Facility at the Pickering Nuclear Generating Station in Pickering, Ontario. The Elders had a chance to experience for themselves the operation of a nuclear facility and the measures taken to secure the site. They also received an introduction to the present processes used to store the used nuclear fuel on site; from the cooling of the used fuel to the temporary storage of the used fuel bundles. This was a very valuable experience for the Elders as it helped their understanding of how the used fuel was currently being stored.

During the same meeting, the Elders discussed the development of a set of protocols for NWMO when dealing with Elders and Aboriginal people in their respective areas. The Elders also discussed the importance of community development principles as the basis for capacity building at the community level so that the members of those communities would be able to benefit from any development in their area. People in our communities need information so decisions can be made with "...free, prior, informed consent." Members of the Elders forum spoke about the educational needs of Aboriginal people and encouraged NWMO to sponsor aspiring Aboriginal students to seek careers in the scientific fields so that they would be candidates for employment

and business opportunities with NWMO in the future. Scholarships, training programs, and entrepreneurial development need to begin now so Aboriginal people across Canada can prepare for the significant number of construction jobs, entrepreneurship and business opportunities that will be available. The Elders know that the future is now.

The Elders forum stressed that *traditional knowledge* and *western scientific knowledge* should be seen as equal as the project moves forward. It became obvious that Aboriginal spirituality would also be an important component as the discussions progressed. In the Aboriginal world view there is a spiritual bond with the land which is often not acknowledged. This is echoed in a book entitled the *Wisdom of the Elders*³ which reads as follows:

“...By openly acknowledging the inherent intelligence, coherence, and relevance of traditional Native knowledge about the natural world, the West can, if not to its satisfaction finally “prove” or “disprove” them, affirm their right to flourish by honoring the dignity of all First Peoples and by honorably settling their legitimate claims to the sacred lands that are so vital to their worldview and survival”.

Understanding the important contribution of traditional knowledge and interweaving into all that is done can provide a valuable contextual perspective for decision making for those that are trained to only focus on western scientific knowledge and processes.

MEETINGS THIRD & FOURTH OF THE ELDERS FORUM

The third meeting of the Elders Forum was held at the *Garden River First Nation* in Ontario on August 20-22, 2007. This was done in response to a request by members of the Elders Forum that some meetings should take place in Aboriginal communities when and where possible. This also was a time when a mission statement for the Forum was discussed in detail. The need for a mission statement was raised at the second meeting of the Elders Forum and a draft mission statement was presented to the Elders in Garden River. After a great deal of discussion the mission statement was refined and adopted. The Mission Statement read as follows:

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

³ Knudtson, Peter & Suzuki, David. *Wisdom of the Elders*. Stoddart Publishing Co. Limited, 1993: page 186.

During the April 2009 Elders Forum the Mission Statement was amended to add “fire” and now reads as follows:

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

The Elders spoke freely about their views on the manner in which NWMO was moving forward and they wanted more information to keep pace with the changes that were occurring so Elders could monitor their impact. NWMO informed the Elders Forum that it was now going ahead with Adaptive Phased Management which was approved as the preferred option by the Federal Government in June of 2007.

Also, NWMO had sponsored a youth program over the summer and the youth who were involved in the project reported to the Elders Forum and were thanked for their work. In addition to the report by the Youth, the Elders requested that NWMO develop a means of communication that would keep the Elders informed. It was agreed that a newsletter would be developed.

The fourth Elders Forum was held in *Waskesiu*, Saskatchewan on June 4-6, 2008. The Elders had an opportunity to meet with the Chair of the Board of Directors, Dr. Gary Kugler. Members of the Board, the Advisory Council and the NWMO staff participated in the meeting and the traditional ceremonies that were held daily. The participation of NWMO was well received by all of the Elders. They viewed these actions as positive steps in building understanding and a trusting relationship with NWMO. It became clear to those members who attended the Elders Forum that NWMO was making concrete efforts to add Aboriginal members to the Board of Directors and the Advisory Council. These were measures the Elders Forum requested and NWMO responded positively to them. Another important activity of the meeting was information on the nuclear cycle. The members of the Elders Forum were given presentations by NWMO’s scientific staff so the Elders could understand the nuclear cycle and other activities that NWMO was engaged in Canada and abroad.

A key area of discussion at this Elders Forum was advice to NWMO on the guiding principles for a NWMO Aboriginal Policy. Following this meeting the NWMO committed to develop the Aboriginal Policy and return to seek input from the Elders Forum on the draft Aboriginal Policy at the next Elders Forum.

MEETINGS FIVE, SIX AND SEVEN OF THE ELDERS FORUM

The fifth Elders Forum was held in Toronto, Ontario at the Offices of the *Ontario Federation of Friendship Centers* on March 31 and April 1, 2009. The agenda for the meeting had set aside some time to discuss the draft NWMO Aboriginal Policy. NWMO also presented the Adaptive Phased Management process by which the proposed site selection process was being prepared for public release for discussion in 2009. It was clear that although the draft Aboriginal Policy reflected the principles and points made by the Elders Forum in 2008, Elders wanted to discuss the site selection process in detail. NWMO described the process outlining that a series of dialogues would be held in the four nuclear provinces and the members of the Working Group Niigani and members of the Elders Forum as appropriate in dealing with Aboriginal Organizations would be involved in the dialogues in their respective jurisdictions. Reports of all dialogues were written and subsequently analyzed by NWMO to revise the site selection process and determine the next steps NWMO would take in going forward. The NWMO released the proposed site selection process in 2010.

The sixth Elders Forum was held in *Oromocto*, New Brunswick on July 28-29, 2009. The main issues that were to be discussed included the future of the Elders Forum and their long term role in the project, discussion on the site selection process, final discussion on the NWMO's Aboriginal Policy and empowering the youth. The issue of dealing with the details of the site selection process focused on how it would impact Aboriginal communities and requested more time and information. The result was a discussion on the frequency of meetings of the Elders Forum. The members of the Elders Forum felt that meeting once a year was not sufficient for them to keep up with what was going on with the NWMO. The Elders had other ideas and requested that Niigani do an account or record of the advice given to NWMO over the last five years.

In early 2010 NWMO put forward to Niigani the idea of having the Elders Forum prepare three different projects based on the Elders Forum advice to date and begin to implement them and make presentations at the next Elders Forum. This was proposed to give the Elders Forum an opportunity to explore three areas of activity that would concentrate on the interweaving of *traditional knowledge* and *western scientific knowledge*, a Youth project to understand the long-term management of used nuclear fuel and other areas regarding the Deep Geological Repository and a project on Community Involvement from the Elders Forum perspective. The three projects were given to those Niigani Elders and youth who volunteered to work on those projects. The Elders and youth present were asked to give examples of initiatives that would qualify for further research with respect to ongoing and future project development. These initiatives captured the interest of the Elders and youth and teams were selected to

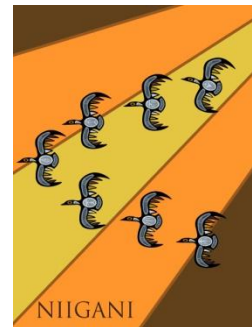
carry out the three projects areas and report back to the Elders Forum at the next meeting in July, 2010.

The seventh Elders Forum was held in Winnipeg on July 13-15, 2010. The meeting was held at the *Thunderbird House*. Consistent with other meetings, cultural ceremonies were available for those who wanted to attend a sunrise ceremony or participate in a sweat. Most of the two day meeting was taken up with presentations by the Youth, the Traditional Knowledge Project and the Community Involvement Project.

The Draft Report on the Elders Forum activities from 2005-2009 was presented and discussed. After some discussion it was clear that the Elders wished that they would capture more of the flow of their activities and advice over the years and a redraft of the report based on the concerns expressed by the Elders in Winnipeg was requested. The Elders raised a need for an 'in camera' Elders Forum before the end of the calendar year to revise the report and prepare this Addendum to the NWMO Tri-annual Report to the Minister of Natural Resources. They felt that they needed to discuss issues that were important to them without the participation of NWMO staff. Ken Nash, President of NWMO agreed with the request and a meeting was scheduled for October 21, 22, 2010. This document highlights the work of the Elders Forum from 2005- 2010.

THE FORMATION OF NIIGANI

The Elders Forum has met at least once a year since 2005. During the second meeting in the fall of 2006 the Elders formed a smaller group of eight Elders and youth, a Chairperson and Secretary. The primary function of the smaller group was to meet more often with NWMO to follow up on the decisions made and the advice given at the Elders Forum. The smaller group met between 3 to 4 times annually with NWMO which allowed for the necessary work that needed to be done between the Elders Forum meetings. The working group decided that it needed a name and one of the Elders was offered tobacco to conduct a ceremony to ask for a name. The name "Niigani, which means '...leading the way,' was provided during the ceremony with the Niigani logo of seven geese flying in formation. The Niigani logo is symbolic of people working together. This was the genesis of how the smaller group became known as Niigani.



Niigani works on specific activities and reports to the Elders Forum guided by the Mission Statement. Niigani members actively participated in the dialogues that NWMO held in the four nuclear provinces. Other members of Niigani travelled in their provinces

in providing information to community groups and Aboriginal organizations. These activities are ongoing as NWMO moves into the site selection phase and it is anticipated that some members will continue to be involved depending upon the needs of interested communities and the need to liaise with Aboriginal organizations.

The Elders Forum is now working on a review that will identify their recommendations regarding the long term engagement of the Aboriginal communities in Canada as the site selection proceeds. The evolving role will be dependent on the need of Aboriginal organizations and Aboriginal communities in the region of the site selected. Elders anticipate that they will be directly involved and will continue to be active participants in the NWMO's work for many years to come.

SUMMARY NOTES ON RECURRING THEMES

The expressed purpose from the inception of the Elders Forum was to give advice to NWMO on a number of topics after meeting with Aboriginal communities. As the Elders Forum matures it is spending more and more time, not only with the NWMO, but with Aboriginal organizations and Aboriginal communities. One of the goals of the Elders of the Elders Forum is to learn about nuclear and particularly nuclear waste so they can ensure that the processes of engagement and consultation used by NWMO will provide community people with information to make informed choices. The Elders on the Elders Forum do not see themselves as advocates, or adversaries regarding nuclear waste. But, they are advocates and adversaries when they discuss processes to engage the Aboriginal community, the use of traditional knowledge, Constitutional, Treaty Rights and inherent rights of Aboriginal people and making sure that Aboriginal people have "...free, prior, informed consent."

It was noted that some views expressed by the Elders came up regularly at the Forum and Niigani Meetings. One of the unique aspects of the relationship between NWMO and Elders is the ability of the Elders to provide NWMO with advice based on their traditional knowledge and experience. One of the strengths of the relationship is NWMO encourages open and candid discussions. The following list is not exhaustive, but it provides an introduction to the variety of topics discussed and position of the Elders and youth:

1. Mother Earth must be respected as Aboriginal people are the guardians of Mother Earth. The protection of the land, water and all living things including human kind was often raised and reflected in the Mission

Statement. The building of a deep geological repository must be built to be safe and protect the health and safety of all creatures.

2. The Duty to Consult based on the Constitution Act of 1982 was often brought up in order to protect Inherent Rights, Treaty Rights, and the Constitutional Rights of Aboriginal peoples. Elders are adamant that the Treaties be honoured and suggest that outstanding land claims of an identified host Aboriginal community be settled in a fair manner before the facility is constructed.
3. Capacity of the community people was deemed a priority in terms of information and research needed in short and long term decision-making processes.
4. Elders in the Elders Forum asked that a specific allotment of funds be earmarked for their use to accommodate requests for information made by communities and Aboriginal organizations.
5. The need for NWMO to support Aboriginal students with bursaries and scholarships immediately to pursue careers in the science fields.
6. The NWMO was encouraged to add more Aboriginal people to their Board of Directors and the Advisory Council.
7. Elders encouraged the NWMO to develop and implement concrete plans to promote a diverse hiring policy.
8. Capacity building now, so Aboriginal communities can begin training for future employment and entrepreneurial opportunities.
9. To explore other options and remain adaptable to new concepts and approaches that would negate the need for a Deep Geological Repository. The Elders are very aware of the latent power of Mother Earth, and if she is not properly dealt with, the results will be disastrous. Elders question how the site will withstand a natural disaster such as an earthquake or the effects of global climate change.
10. A request to visit other countries that are dealing with the issue of used nuclear fuel was made by some of the Elders.
11. The need to demonstrate integration of Traditional Knowledge in a respectful way so it is not viewed as inferior to Western Scientific Knowledge.
12. The Elders encouraged ongoing cross-cultural training for NWMO staff as well as participation in traditional ceremonies whenever possible.
13. Intellectual property rights of the Aboriginal community must be protected.
14. NWMO must ensure that the definition of community in the site selection process does not undermine Aboriginal collective rights.
15. Ensure culturally-appropriate communication materials are developed before working with communities.

16. Communities involved in the site selection process must benefit economically, socially and culturally from the project. The Elders have also expressed concern about the economic, social and cultural impacts of a project of this magnitude on the lifestyle of members of isolated Aboriginal communities that will be affected. They are also concerned about the aftermath of the project and the residual impacts on the Aboriginal communities. They speak about how they have been impacted before and after by 'boom and bust' mining operations that did little to help them once their natural resources were depleted.
17. MOU between NWMO and Crown – the Crown has a duty to consult and accommodate with esteemed members of the community prior to making a decision about the future of their lands/territories;
18. Involvement of youth in the long term and the recognition that there will need to be plans developed to ensure the transfer of knowledge between generations.

The NWMO has responded to some of the requests and are considering others. This needs to be a continued ongoing effort of the NWMO to develop the partnership and show respect to the Elders contribution so the relationship will continue to grow. The NWMO needs to continue to build on the activities which were initiated as a result of Elder's recommendations: a brochure and video developed with the advice and assistance of Aboriginal communications experts; a newsletter; Two Summer youth projects conducted in Aboriginal communities; Cultural Awareness Training for all NWMO Staff, Board members and Advisory Council; Elders' Forum Meetings In Aboriginal Communities; Niigani meetings in various locations in the nuclear provinces; along with advice given by Aboriginal organizations and people; the NWMO appointed Aboriginal members to the NWMO Board And Advisory Council; participated In Aboriginal Ceremonies; sought understanding of traditional lifestyle; conducted a Traditional Knowledge Project with a traditional family to learn first-hand about a traditional way of life.

CONCLUSION

In many respects the journey has only started, in terms of finding a solution to the safe and secure storage of used nuclear fuel. It will be years before a decision is made on how it will be stored and where. We are now in the implementation stage of a siting process, but much still needs to be done to complete this phase of the work. There is still a role for the Elders Forum in the foreseeable future and the journey will be a shared one as the process moves forward.