

Innovative Approaches to Natural Resource Management

Dialogue report

Submitted to:

**Nuclear Waste Management Organization
Toronto, Ont.**

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1 Introduction

The workshop on Innovative Approaches to Natural Resource Management was held on June 19th and 20th, 2006 at the Southeast Resource Development Council in Winnipeg, Manitoba as part of the Nuclear Waste Management Organization (NWMO)'s Aboriginal Dialogue 2006. 25 participants attended the session, including four representatives from the Nuclear Waste Management Organization (NWMO), a facilitator and a rapporteur. The list of participants is attached as Appendix I.

The NWMO is in the process of exploring and drawing lessons from innovative resource management approaches developed over the past 30 years, particularly as they relate to the expanding participation of Aboriginal people in resource management in Canada and elsewhere. More specifically, the purpose of the session was to:

1. convene an issue table of knowledgeable individuals to reflect on innovative resource management practices involving enhanced Aboriginal participation;
2. draw lessons from this experience, criteria for designing resource management systems, and more specifically, specific aspects of innovative resource management involving Aboriginal people that might be applied during the long term management of used nuclear fuel in Canada; and
3. summarize the results in a report that will serve as background to a planned Elders' Forum as well as input to the NWMO's ongoing work

The meeting Agenda is attached as Appendix II. The principles used to guide the workshop discussion are attached in Appendix III.

In preparation, interviews were conducted with individual participants to collect their thoughts on innovative approaches to natural resource management. The Interview Summary report appears as Appendix IV.

This report is a summary of views expressed at the session. They do not necessarily represent the views of the NWMO. Comments made by the participants are not attributed.

2 Opening comments

Elder Jean Courchene and Elder Billy Two-Rivers opened and closed the evening and daytime sessions with prayers.

Participants introduced themselves on the first evening and talked briefly about their relevant work experience. The facilitator, George Greene, explained the meeting agenda and the principles of participation, and invited Tony Hodge to make his

presentation on the status of the NWMO's work. A series of questions followed, focusing largely on the various risks posed by spent nuclear fuel.

Jo Render summarized the results of her interviews with participants on innovative approaches to natural resource management and highlighted lessons learned, the conditions for success and various improvements proposed by the interviewees.

Participants commented that her report was very thorough. They noted that the process of engagement as the NWMO goes through implementation will have to vary depending on the circumstances of each Aboriginal group and that these differ across the country. These circumstances will need to include the letter and spirit of existing Treaties and comprehensive Land Claims Agreements. Further, the NWMO needs to recognise that internal differences exist within individual Aboriginal communities and therefore require sensitivity in consulting various groups in each community. For example, in Northern Ontario, Treaty 9 will provide the framework for discussion. However, government and Aboriginal peoples will first need to come up with a common understanding of obligations before a substantive dialogue can take place. Participants' noted that the NWMO has an opportunity to establish a new standard for engagement with Aboriginal peoples, building trust and understanding as it proceeds.

History has made Aboriginal peoples cynical. Many are concerned that future promises will not be kept, that populated places in the South will continue to prevail at the expense of Aboriginal peoples living in the North and that spent nuclear fuel will be stored in the "weakest backyard". These perceptions are fuelling rising militancy among certain segments of the Aboriginal population.

Many First Nation communities live in poverty and this reality also colours the way they look at issues, including the storage of spent nuclear fuel. These communities are more interested in addressing concerns of daily life such as clean water and adequate housing, concerns that are more important to them than the storage of spent nuclear fuel. While they acknowledge the potential economic benefits associated with being a host community (including the possible provision of clean water and adequate housing), they also remain apprehensive of the risks involved.

Participants asked what might be the building blocks to a future dialogue process? How can consent be attained? What would it look like at the community level? What should be the ethical prerequisites to a discussion of best practices in collaborative co-management? Some of these questions were taken up later in the discussion.

Governments still tend to take a colonial approach towards Aboriginal peoples. In the initial study phase of its work the NWMO should set up a fund that Aboriginal peoples administered so they could conduct their own internal consultations. In the future, it

was suggested that Aboriginal peoples should have their own independent board, run their show and provide their advice to the NWMO.

3 What past experiences can tell us

On the morning of Day 2, participants were invited to share specific natural resource management experiences with Aboriginal involvement that the NWMO can learn from.

3.1 New Brunswick Pulp and Paper

One participant contrasted the impact that different policy approaches taken by the Québec and New Brunswick governments has had in supporting the creation of jobs for Aboriginal peoples in the pulp and paper industry. Québec contributed money that allowed a mill to hire Aboriginal workers while New Brunswick refused loan guarantees to another which precluded it as a result from hiring within the Aboriginal community.

3.2 Albany River Land use planning

Another participant described a large (2 million hectares) community-based land use planning process in Northern Ontario on the Albany River involving Eabametoong and Mishkeegogamang. The process started when the provincial government announced that it was ready to grant a forest license to the communities if they could develop a land use plan for the area. The affected communities saw the forest license as a means of gaining substantial control over their traditional land use area. The integrated approach to planning allows the communities to consider all forest values at the same time and not just timber. This land use planning process has taken patience (7 years) and required adequate resources. The approach is iterative, allowing a re-balancing of values, if required during the process. The process itself involves a series of steps, including an inventory of the land base (e.g., forest values, cultural inventories, physical assets (water, wildlife)) and the development of First Nations capacity. It can be supported by geographical information systems that show graphically different land allocations. The land use planning process gives the communities real decision-making powers. The integrated approach optimizes the value of the land base and reduces the need for trade-offs. A similar community-based process has since been applied in British Columbia.

3.3 Nova Gold and Tahltan

The 2006 Nova Gold (Galore Creek) agreement was presented as one of the best Aboriginal participation agreement yet reached in Canada. The Nova Gold mine

involves a very large investment (more than \$1 billion) in rugged terrain in northern British Columbia. The company started community consultations in 2003. It paid to bring elders to see the mine site and met 5 to 6 times with the band council to discuss the project. Extensive consultations preceded the finalization of the participation agreement. There were over 20 community meetings, presentations in neighbouring towns, a referendum (including all individuals with Tahltan ancestry; the referendum passed with 87% in favour of the agreement). The leadership were kept informed on a weekly basis. Throughout the process, the company was open (including sharing financial information) and put up money to support travel and negotiations. Both sides were happy with the process and the outcome. In this 30-year revenue sharing agreement, the Tahltan First Nation will receive \$1 million/yr for 3 years, then 0.5% of net smelter returns, increasing to 1% then 2% of returns over time. In addition, members of the Tahltan First Nation will receive training, contracts to maintain the mine road and catering, jobs at the mine and will be able to bid on other contracts. What worked well was that the company began speaking with the community early in the process and didn't hide any documentation; they were open and honest and recognized that long-term contracts were needed.

3.4 Northern Contaminants Program

The Northern Contaminants Program was presented as a successful partnership involving four federal agencies, three territorial governments and four Aboriginal organizations. These organizations were involved in the program's management and helped establish the program's research priorities. This involvement allowed Aboriginal organizations to reconceptualise the issue of contaminants in the northern food chain from an environmental to a cultural and social issue. While participation in the program involved a steep learning curve for these organizations because of the technical nature of contaminant pathways, it helped develop greater solidarity among them. Government agencies also became more knowledgeable about the process. The program provided money for capacity-building, communications and outreach as well as research and international negotiations. Aboriginal organizations helped define Canada's international negotiating position that resulted in the Stockholm Convention on Persistent Organic Pollutants. Key to the program's success was its integrated nature and the collaboration of the various affected parties.

3.5 Ontario Minerals Exploration and Aboriginal Involvement

There are a number of initiatives that the Ontario government has introduced to reduce conflict between mining companies and Aboriginal communities in northern Ontario, not all of which have been successful. Such conflict has arisen around issues such as special places (burial grounds, spiritual sites), disruption of treaty-protected activities, and proximity to the community. Steps the provincial government has taken include:

- protecting selected special areas;
- granting mining claims to communities to give them economic opportunities; (this initiative failed, in part because of the political context surrounding Treaty 9);
- hiring a prospector to teach prospecting skills to communities.
- hiring an aboriginal communications company to prepare trilingual DVDs explaining every step in mineral exploration and development, and making such information more accessible to all members of the community, including elders. It was suggested that NWMO may wish to do something similar.
- contracting the sampling of diamonds to local communities, allowing more money to stay in the community. The government could do more in this area.

At the exploration stage, some companies, such as De Beers, have included community environmental monitors on teams of prospectors. Such monitors not only provide jobs but also act as community liaison, providing information to the community about exploration activities.

At the operations stage, some companies have negotiated impacts and benefits agreements with neighbouring communities. Such agreements are confidential but typically include provisions for jobs, service contracts, training and cash.

At the mine closure stage, some companies have done a good job of cleaning up their operations (e.g., Elliott Lake). Success, however, cannot be measured purely in environmental terms and depends also on whether neighbouring communities are satisfied. There is a greater chance that they will be if they are consulted prior to the clean-up and involved during the actual operations.

These examples show that there are opportunities for economic benefits even if there is no money to be shared.

3.6 Ontario Power Generation (OPG) and Chippewa First Nations

OPG manages a site for radio-active wastes, including spent nuclear fuel, known as the Western Waste Management Facility. When the site was originally licensed, there was little communications with the neighbouring First Nations reserves, some 40 km and 120 km away. This situation changed when OPG set out to build additional facilities for the storage of used fuel and First Nations made presentations to the Atomic Energy Control Board (now the Canadian Nuclear Safety Commission). Since then, there have been a number of initiatives between OPG and First Nations. In 2004, OPG signed a Memorandum of Understanding with the Chippewa First Nations, setting out how each party could contribute to improved communications, creating round tables between senior people from all organizations, open houses, site visits and providing financial support to hire a consultant to review new project

information. The relationship between the facility and the First Nations remains a work in progress: nuclear terminology and technology are difficult to describe in a way that is clear to non technical people, and technical staff do not always understand First Nation requirements. Progress is therefore steady but slow. A First Nations Environmental Office is now being developed with support from OPG. It is hoped that this will gradually expand the local First Nations expertise and knowledge base.

3.7 Alcan Kitimat and Aboriginal Employee

There are also advantages in thinking "outside the box" when considering benefits agreements. Alcan, for example, was interested in developing an MBA program for some of its Kitimat Aboriginal employees as a way of promoting professional development and retaining employees. The offering of this university-level program (from Simon Fraser University), however, also provided an opportunity for local Aboriginal people to receive training close to home and to support the new management roles they are assuming as a result of agreements with the private sector and governments.

A similar example concerns a revenue-sharing agreement between a First Nation, the provincial government and a proponent to develop a ski hill in southern British Columbia. As part of the lease, the First Nation negotiated free ski passes for children under 16 to respond to a community interest in promoting healthy lifestyles.

3.8 St.Lawrence Seaway and Kahnawake

One participant recalled the federal government's development of the St.Lawrence Seaway through Mohawk/Six Nations at Kahnawake. Both the Federal government and a private land owner (a golf course) rejected options presented to them to route the Seaway on the other side or away from the Kahnawake reserve with the result that it has caused greater negative impacts to the community than was necessary.

3.9 Oil Sands Development and Athabasca Tribal Council

The largest resource development in Canada today is in northern Alberta and involves the oil sands in the traditional area of the Woodland Cree and Dene-Chipewyan. The Athabasca Tribal Council represents 5 First Nations with approximately 4500 people. The chiefs looked for more meaningful involvement in development and negotiated a first agreement with the oil companies in 1998 that focused on compensation. In 2002, a second three-year agreement was negotiated, (and extended in 2005 while a long-term benefits agreement is negotiated), that was more encompassing, involved more companies (17) and the three levels of government. These agreements cover issues such as capacity development,

environmental protection and monitoring and socio-economic issues (employment and training). In addition, each First Nation has negotiated separate long-term Benefits Agreements. These agreements do not include revenue-sharing, which may also be negotiated separately.

The latest agreement is governed under a three-tier structure:

- An executive group composed of the chiefs, company vice-presidents and senior government officials make major financial decisions (the agreement has an annual \$2.2 million budget);
- a management committee ensures the implementation of programs;
- an industrial relations committee for each of the five First Nations deals with local issues.

The process is now working well although the working relationship between the oil industry and the First Nations did not start out that way and some hard feelings remain: First Nations have a seat at the table and governments and industry listen. First Nations have used industry to help press government address their Treaty rights but have differentiated the solutions that government can provide from those that industry can provide. The process has been helped by the fact that the headquarters of the largest oil sands operation, Syncrude, is in Fort McMurray and by the flexibility that all participants have been willing to show¹.

3.10 Mackenzie Valley Pipeline

One of the emerging lessons from the proposed Mackenzie Valley Pipeline is that impacts and benefits agreements have to be seen in the broader context of the economic development of the region. The greatest share of resource development revenues leave the North, creating a local poverty trap even as the economy as a whole may be booming because local governments do not retain sufficient revenues to invest in local development and to fight poverty. This may lead to conflict between developers and local communities as the latter try different measures to raise their own revenues.

3.11 University of Northern British Columbia and First Nations

An example of a non-development partnership involves a partnership between the Tl'azten First Nation and the University of Northern British Columbia. The University received rights from the Province to conduct research in the neighbouring forest. It decided to engage the Tl'azten First Nation (with the help of a facilitator who was

¹ The Alberta Chamber of Resources has published a compendium of this experience ("Learning from experience - Aboriginal Programs in the Resource Industry") at <http://www.acr-aboriginalproject.org/>

trusted by both the First Nation and non-Aboriginal residents in Fort St James), without however knowing where the process would lead. This process went on for four years and over that time, the University developed an understanding of the community and its decision-making process and the community an understanding of the University's research program. The community decided to become involved as it saw an opportunity to protect sacred areas, provide jobs, in particular for its youth, and to be involved in forest management.

3.12 Other comments

One participant emphasized the importance of transparency and the acknowledgement of past deeds in dealings with communities. Development projects, such as the construction of dams, can lead to adverse environmental effects, some of which are unanticipated. In such cases, it is important for the developer to acknowledge mistakes and provide compensation to overcome community mistrust and any sense of grievance.

One participant noted the inherently unequal relationship between a proponent of a development and an Aboriginal community. This inequality arises not only from different resource levels but from different roles (the community is usually not involved in developing the project planning) and different degrees of knowledge (some scientific concepts do not translate well in Aboriginal languages, with low literacy levels compounding the problem).

This makes it important for the proponent to recognize the needs of the community and to use traditional processes to help understand internal community conversations and build support. Communities are not homogeneous and have both formal and informal decision-making structures; a successful consultation has to recognize that both exist. This may take time but relationships develop slowly and there are risks in trying to move too fast. While communities may resist development if they do not see mutual benefits, they may also oppose it because of a lack of information or poor communications. Developers need to be able to anticipate such difficulties and find strengths in their relationship with the community that they can build on. Mistakes are not necessarily a problem if they test the relationship and make it stronger.

A participant highlighted the difficulties arising from a misunderstanding or lack of clarity about roles. Far too often, business proponents have approached Aboriginal groups as they would any stakeholder; this is not legally correct and is often a political mistake also. Aboriginal peoples have an interest in the land that is different from others. Mine companies typically know little about what they need to do, start with wrong assumptions about legal obligations, how the community works and the role of community leaders. For their part, First Nations may be confused about the

intentions of a proponent when first approached: is the proponent proposing a business relationship or it just going through the government approval process? The answer will lead to very different expectations. This confusion points to the need to clarify the nature of the proposed relationship upfront and to be prepared to adapt as one understands the needs of the other party.

4 Conditions for success

Participants approached this discussion from different directions. One recommended the preparation of an integrated land use plan for the North, in which spent nuclear fuel management would represent only one economic development option. He noted the importance of building up the social capital of northern communities in order to reach long term institutional stability and ensure an appropriate distribution of benefits.

A second participant argued that Aboriginal peoples must articulate a long-term vision for themselves in order to support the successful negotiation of economic benefit agreements. A third noted the pressure that ethical investment funds can place on companies to improve their engagement practices and that such pressure can improve the negotiating position of Aboriginal peoples.

A participant identified the following six conditions for success:

1. Full engagement of community; an engagement process has to be bottom up; the community has to be involved in the process design and must be able to maintain some form of control over it.
2. Everyone involved has to have full knowledge before having to make decisions; this is important to avoid some parties being taken advantage of.
3. The engagement process needs a structure or a roadmap to follow.
4. The process must have a targeted end result (e.g., shared control over land base or shared management).
5. The government ministries involved must support the process.
6. All resources and resource uses need to be considered at the same time and balanced. No resource can be taken on its own.

Other participants built on this list and added:

- Resource development has the opportunity to help Aboriginal communities build a lasting economy but governments need to be more supportive.
- The willingness of leaders to work together and identify all relevant issues is crucial as it leads to mutual respect and understanding;

- Open communications among all parties is also important. Recent Supreme Court decisions on consultations with First Nations have helped in this regard.
- Focus is important. Industry can do some things but not everything (it can reduce its environmental footprint and can create local benefits). While some Aboriginal groups may look to the NWMO to exercise policy influence with the government, they also need to recognize that the NWMO may not be able to address certain issues.
- A strong, stable leadership at the community level is crucial to success. This can be a challenge when band elections change leadership and shows the need to involve community. Elders can play an important role here in maintaining continuity despite changes in leadership.
- Affected communities need to recognise that a large-scale development project could lead to important institutional changes to the communities.
- NWMO will need coalitions of support in order to succeed: a single willing community will not be enough; it will also need municipal government and provincial support.
- work for fairness in the distribution of costs, benefits, risks, and responsibilities
- take the time that is needed, and don't rush – relationship-building takes time.

Other conditions for success in Aboriginal and non-Aboriginal communities are likely to be similar and include: opportunities for capacity development, the proponent's willingness to engage; the construction of new infrastructure. An investment in capacity development is particularly useful as it can develop people who are trusted by both sides, understand both perspectives and can help bridge differences when they occur.

A participant asked what constitutes success? Development can be a double-edged sword, bringing jobs but perhaps also alcohol, drug or other social problems. It is important therefore to be specific about success for whom?

Aboriginal peoples will best learn from each other. The NWMO should facilitate such learning by one community from another. The NWMO should also consider working with northern universities to support the training of northerners and take advantage of existing links among northern universities.

One participant expressed the view that government policies on land ownership discriminate against Aboriginal peoples, preclude access to resources and keep them outside the main economy. He expressed frustration that training and compensation programs do not represent real investments in the future and that Aboriginal communities will not prosper until they are able to share resource wealth.

5 Conclusion

In the closing circle, participants stated:

- All expressed appreciation for having been invited and many noted that they had benefited from hearing experiences from people from different regions and backgrounds.
- The meeting was constructive and interesting.
- NWMO staff appear to be sincere but the NWMO will gain in credibility if it changes its board of directors by adding Aboriginal people and others outside of the nuclear industry.
- The NWMO should get a good understanding of Aboriginal treaties and rights – not just a narrow legal analysis. Canada needs to continue to honour its treaties with First Nations.
- Get handle on foreign dimension; if we do this right, this becomes a process we can sell globally.
- Support capacity development in northern Ontario so these communities can participate better in any process that is established.
- Do not rush, get it right; try to understand community views; building informed consensus takes time; let communities define their own vision and make decisions for themselves.
- Focus on communities but talk to the treaty organizations and tribal councils to keep them in the loop.
- Each community will enter the process at its own level; the NWMO is committed to successful long-term relationships.
- Keep impacts and benefits agreements separate from revenue-sharing.
- Cast the issue more as an opportunity and less as a problem; there will be local benefits for communities.
- This is an opportunity to engage in comprehensive sustainable development planning with many communities; need better understanding about how to achieve sustainable community development.
- It is important for the NWMO to stick to its bottom up approach. A bottom up strategy may work but a top-down may not.
- Aboriginal communities cannot be rushed; be prepared to stay for the long haul. Leave as much room as possible to grow together. Don't get all your ducks lined up before talking to communities.
- The NWMO needs to keep this committee working together to develop a basis of trust for engaging Aboriginal people as the NWMO moves to a siting process

Tony Hodge closed the meeting by summarizing the key messages from participants. The NWMO must “walk the talk” and be seen to be walking the talk. Ultimately, actions will speak larger than words; only with integrity will a trusting relationship result with the Aboriginal community; there is a real opportunity in what the NWMO is doing – to set an example on how to do it right. He listed some of the recommendations from the participants that the NWMO will consider:

1. Develop a structured road map; identify a target end result with appropriate incentives to get there;
2. Develop a comprehensive sustainability planning process with a significant number of communities. This would ensure a lasting benefit for many communities regardless of the ultimate choice of site;
3. Develop specific criteria for a willing host community;
4. Conduct an analysis of the patchwork of Treaties across the country and the challenges that they present;
5. Develop/assess with the Aboriginal community a review of options for Aboriginal management opportunities – e.g., Board and Advisory Council structure with significant Aboriginal participation; funded independent Aboriginal organization to conduct independent assessments.

The next steps for the NWMO are:

- This draft report will be circulated to participants before being finalised;
- The report will inform the second meeting of the Elders’ Forum this Fall. The NWMO will use that meeting in its discussions of work planning for the future.

Appendix I – List of Participants

**INNOVATIVE APPROACHES TO
NATURAL RESOURCE MANAGEMENT
Winnipeg, MB
June 19 & 20, 2006**

Chief Jerry Asp

Tahltan Band

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Russell Banta Consulting Ltd.

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George Greene

Chair, Stratos Inc.

Ron Hammerstedt

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Cynthia Jourdain

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Billy Two-Rivers

Mohawk Council of Kahnawake

Hank Venema

Director, Natural Resources
International Institute for Sustainable
Development

Roy Vermillion

Chief Executive Officer
Athabasca Tribal Council

John G. Watson

Consultant, Retired, former Head,
Aboriginal Affairs Secretariat, Privy
Council Office

Appendix II: Agenda

Innovative Approaches to Natural Resource Management

Monday Evening, June 19th

6:00 p.m.	Opening Prayer
	Introductions and Dinner
	Review of Objectives and Agenda – <i>George Greene</i>
	NWMO Status Report – <i>Tony Hodge</i>
	What did we learn from the interviews? – <i>Jo Render</i>
	Opening Circle: Observations on Aboriginal involvement– open ended and broad discussion.
8:45 p.m.	Closing Prayer

Tuesday, June 20th

9:00 a.m.	Opening Prayer
	Agenda review – <i>George Greene</i>
	Question 1. What are specific natural resource management experiences with Aboriginal involvement that we can learn from?
	Initial remarks by selected participants
	Round Table Discussion
10:30 am	Refreshment break
10:45 am	Question 2. What are the conditions for success for Aboriginal involvement in natural resources management projects and how would we assess this?
	Round Table Discussion
12:00 noon	Lunch
1:00 p.m.	Question 3. How best can the NWMO meet Aboriginal community expectations and needs for involvement in the short term and over the long term: in terms of process; and, in terms of specific issues to address?
	Round Table Discussion
	(Option: 3 breakout groups, with reporting back after refreshment)
2:30 pm	Refreshment break
2:45 p.m.	Closing Circle <i>From each participant, key message to NWMO and for this process - what worked, what could be improved and how.</i>
	What the NWMO heard and Close – <i>Tony Hodge</i>
4:00 p.m.	Closing prayer

Appendix III: Principles of participation

Principles of Participation NWMO Aboriginal Dialogue Issue Table on Innovative Natural Resource Management Approaches

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.

Report

A summary report of the meeting will be prepared and distributed to participants for review before being finalized, with a list of participants appended.

No specific attribution of any comment made by any participant will be referenced in the report of the meeting, unless specifically requested by a participant.

Appendix IV: Interview Summary report

NWMO Aboriginal Dialogue 2006

**Innovative Approaches to Natural Resource
Management**

INTERVIEW SUMMARY REPORT

**Final Draft Prior to Winnipeg Meeting
June 2, 2006**

Prepared by Jo Render, Independent Consultant
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Innovative Approaches to Natural Resource Management

INTERVIEW SUMMARY REPORT

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1. Introduction

The Nuclear Waste Management Organization (NWMO) was established in November 2002 in accordance with the *Nuclear Fuel Waste Act*. Our initial task was to develop a recommendation to the federal government on how Canada should manage used nuclear fuel from Canada's reactors. In doing so we were asked to engage broadly with Canadians including Aboriginal people. Consistent with this charge we forwarded our recommendation to the federal government on November 3, 2005.

We are now in a period of transition while the federal government reflects on our recommendation and decides on a management approach. During this time, we are undertaking activities that will be supportive of any course of action that the federal government chooses to take.

Since its inception in late 2002, the NWMO has sought dialogue with Canada's Aboriginal community regarding the challenge of managing used nuclear fuel over the long term. Our "Aboriginal Dialogue" has been supplementary to a broad program of engagement involving Canadians from all walks of life. Throughout the Aboriginal Dialogue, NWMO's goal has and continues to be "to build the needed foundation for a long-term, positive relationship between NWMO and the Aboriginal people of Canada."

As our work evolves, the NWMO remains committed to learning from leading edge experiences on how it can best collaborate with those that will be affected. Over the past several decades, progress has been made in designing and implementing approaches to resource management that bring Aboriginal people into a more significant role than was previously the case. This issue table will explore participant experiences with these kinds of approaches and pull out lessons and insights relevant to implementing an approach to long-term management of used nuclear fuel.

In preparation, interviews were conducted with each participant regarding their thoughts on innovative approaches to natural resource management. A template of five questions was circulated in advance to guide each discussion. This Report provides an un-attributed synthesis of the responses to each of the five questions.

2. Specific Experiences

What specific resource management, decision-making experiences come to mind that have provided innovative opportunities for Aboriginal participation?

Participant experiences with regard to Aboriginal participation in natural resource management vary widely. It is important to note that several participants stated that they had no personal experience of positive approaches to natural resource management, approaches that would provide opportunities for Aboriginal participation. These participants described situations where companies pulled out of projects and territories completely, even taking the houses with them, leaving the local communities with all of the risk and the waste. In these situations, efforts to bring common sense provisions into land claims and resource management processes, seeking a win-win resolution, have been unsuccessful.

Other participants provided examples of positive natural resource management, although some noted that their own experiences were from trial and error, and not from an availability of documented learning on participative management practices.

Influencing Broad Policy: Participants mentioned several examples where the mining industry has actively engaged with Aboriginal peoples in long-term change of industry practices. The Whitehorse Mining Initiative, which was created during the annual meeting of mines ministers in Whitehorse in 1992, culminated in an accord signed in 1994. The process included industry, government, labour unions, Aboriginal peoples, and environmentalists. Along with specific topical implementation plans, the initiative resulted in a permanent Aboriginal seat at the annual mines ministers meeting.

Participants also mentioned the Mining and Minerals for Sustainable Development project, a global research program on key issues and challenges facing the mining industry. The Canadian part of that project involved Aboriginal participation in the development of a country report of recommendations for improved practice. The Canadian Aboriginal Minerals Association is also actively involved in public policy review as well as the development of practical tools to guide the mining industry in good practice.

Sector-Specific Resource Management Projects: Several examples were given in which Aboriginal peoples came to formal agreement with industry and/or government parties regarding their ongoing participation in the management of their resources and benefits from

resource exploitation. These resources included minerals (metals, oil sands) as well as forests and fish. In the early stages of the relationship, such agreements usually focused on setting out the parameters of the decision-making process; for example, who would be involved, how the meetings would be run, and the communications needed to make sure that diverse perspectives were included and that traditional knowledge was both respected and included.

Examples described by participants included:

- The Whitefeather Forest Initiative, between the Pikangikum First Nation and the province of Ontario. This initiative was designed by the Pikangikum to combine the securing of potential economic assets in the forest, protect the forest and the biodiversity of the area, and bring traditional knowledge and western science together in developing solutions.
- The Turning Point Agreement, between eight First Nations in British Columbia and the provincial and federal governments. The protocol process was initiated by the First Nations because of their desire to increase their voice in decisions made over forest resources in their traditional territories. They wanted to ensure that their traditional knowledge of the forest was utilized, that the environment was protected, and that they received benefits from any activities involving these resources. It established that decisions would be made by consensus. Since the signing of the general protocol that laid down the ground rules, other agreements on specific issues and projects have also been developed.
- Alberta Oil Sands. The Athabasca Tribal Council developed an agreement with the federal and provincial governments and producers in the area. The original agreement outlined a joint process to manage environmental issues, issues of the supply of local labour, the use and protection of traditional knowledge, and so on. They are now in the process of concluding a segment on long-term benefit sharing.
- John Prince Research Forest in British Columbia. This initiative was led by the University of Northern British Columbia through their desire to establish a research site. While they were not required by provincial or federal regulations to seek input from the affected First Nations, the university wanted to develop a cooperative arrangement. The negotiations culminated with an agreement between the university and the Tl'azt'en First Nation that would provide for the opportunity to learn from as well as offer educational opportunities to the First Nation and show respect for the Tl'azt'en's traditional territory.
- Northern Contaminants Program. This program involved Inuit, Dene, and First Nations, as well as territorial governments and four federal agencies. A research program on toxic contaminants in traditionally harvested foods was established that produced a jointly-authored national report in 1996 (later updated in 2002). This research program created a database that could be used by all involved. The results of the research have been used by both the national government and an Aboriginal coalition participating in international negotiations on transboundary contamination, and also in the development of the Environmental Protection Act.

- **James Bay Agreement.** This agreement, signed in 2004 between the Cree and the government of Quebec, renews and fills the gaps in an earlier agreement related to hydropower generation. In the 2004 agreement, the Cree are guaranteed \$70 million per year over 50 years as part of a scheme that combines both a base yearly compensation level as well as sharing of annual revenues from the exploitation of hydro, mineral, and timber resources. 15% of resource revenues will be placed into a Heritage Fund, which will provide the basis for the provision of municipal services, the responsibility for which has now been transferred to the Cree.

Other experiences mentioned included the impact and benefit sharing agreement of the Musselwhite Mine (Placer Dome), the DeBeers/Attawapiskat agreement, the Kasabonika First Nation's efforts to develop a service center for the minerals industry, Rio Tinto's Diavik mine, the Voisey's Bay agreement between Inco and the Innu, and EnCana's commitment to contracting with Aboriginal suppliers.

Land-Use Planning Processes: Participants described both new planning technology and greater inclusion of Aboriginal people in long-term planning processes. One well-documented example is the Enhanced Forest Management Pilot Program in the Robson Valley of BC. The project was guided by a Community Advisory Group, who would work with industry and government agencies to design the criteria for decision-making. There is now an overarching land use plan that can be used to make decisions on individual topics, such as nuclear waste storage, timber, or mineral extraction.

Joint Management Boards: Typically specific to a particular resource (for example, caribou), these are bodies that include representatives of the different interests in that resource, including Aboriginal peoples, government, and business. A joint board on caribou management in the North includes Aboriginal hunters and trappers. In this way, decisions on how to track caribou numbers and well-being can combine both traditional concerns and customs with scientific approaches. For example, when the option of placing tracking collars on caribou arose, members of the board were able to come to an agreement that would allow for a reduced number of collars to be used, and where used, Aboriginal members would perform the appropriate ceremonies to ensure that respect for the caribou was shown.

3. Lessons Learned

What did you learn from this? What conditions account for these lessons? What made this particular example work?

1. **Starting from Scratch.** Several participants mentioned that they found very few if any documented case studies to help guide them through this. Those that are available are often skewed.
2. **Laying the Ground Work.** Participants described many fundamental components of a good relationship, facets which must be put into place at the earliest stages of project discussions.

There was a real need for preparation and “non-glamorous” work at the beginning in setting up the ground rules and guiding principles, so that when issues arose (they always do), there was a plan.

These components included:

Willingness to Engage. Without the political will to engage, there is no reason to resolve conflicts. Some participants stressed that this meant educating key agencies and individuals on the reasons to engage and the potential benefits engagement can bring to effective natural resource management programs.

Trust and Respect. Trust must be established, or sometimes re-established, between all of the parties involved. Past experiences can make this very difficult. Respect from both sides must be shown from the earliest point. Each party must be treated as an equal in the process.

Communities must be allowed full input on a peer level, on a consensus base.

If at any time it is felt that others are making decisions without including them, communities will close it up and lock it down.

A Shared Vision. Participants said that a key component for co-management arrangements is the ability to come to a shared vision and common goals, even

though the parties may be very different from each other. There must be a shared commitment to this vision, with all parties taking responsibility for their part.

Previous experience had each side talking past each other, not seeking to find common ground. Until there is a willingness to understand each other, the parties will be retreating into two solitudes of legalities.

Building a common understanding of everyone's interests, skills, and goals. All parties needed some education about the others at the table. Aboriginal peoples needed to know how companies and scientists work. Non-Aboriginal people needed to learn about Aboriginal peoples' history, their traditions and customs, and their skills and knowledge.

This also involved developing an understanding of the many different interests that need to be heard and included in these processes. Participants emphasized that not all Aboriginal peoples are alike. Each has their own language, traditions, and laws which must be understood as well as possible, and respected. Also, there are many different perspectives within communities that must be accounted for. There are interests in environmental protection, in traditional knowledge, in gaining economic benefit, and in protecting cultures and social well-being. A balance between different perspectives must be achieved. Some may be concerned about income and jobs, elders may be concerned more about potential changes from these jobs (for example, increasing drug abuse or suicides).

Some participants said that it had been very difficult for companies and governments to understand Aboriginal peoples' focus on building a relationship, and to understand that this was something different than the formal agreement or contract.

People have to learn to listen to each other.

Open lines of communication. All parties must be fully informed. Many participants stressed the need to provide full and complete information on any potential projects to Aboriginal peoples. This will help to build trust between the parties. It will also help Aboriginal peoples in making sound decisions, and counter the fear tactics used by some activist groups.

You have to be as honest and straightforward about activities and operations as possible. Let people see what you do.

One participant pointed to experiences of the NWMO in the earlier research and report writing phases. There are some bands who are still unaware of the NWMO

process and whose input has not yet been sought, which is causing some concern at the community level. Some may say “no” to the process out of a discomfort with the lack of information.

Another participant described a very positive experience when community members were brought onto the team as project coordinators and liaisons. They provided the needed link between the technical experts and the communities and were able to interact with the communities as a trusted person in the process, helping to build the relationship in its critical early stages.

Patience. Participants described long-term processes, some taking several years to come to agreement on the basis of the relationship before moving into implementation. Patience is also critically important when realizing that individuals think and learn differently. It is necessary that parties take the time to explain both technical concerns and perspectives. Some participants explained that further delays have happened when one party (often industry) became frustrated and tried to hurry things up. The Aboriginal partners then began to back away from the discussions.

*Shortcuts will cost you. You will fail if you do not allow processes
to run their due course.*

3. ***Keeping the Relationship and Project Alive.*** While the groundwork of shared vision, mutual respect, and open communication was critical, there were several other factors mentioned by participants that helped to keep a relationship alive and effective. These included:

Leadership. Each project needed individuals willing and able to keep going, especially through the rough patches. These individuals were critical in helping the rest of the people in their organizations and their communities to understand what was happening and to be ready to take some risks and try new approaches.

Authority. Those given the responsibility of being at the table must be vested with enough authority to make decisions when called upon. Difficulties were encountered when more junior-level participants were forced to go back and forth between the project and their supervisors. This caused delays. In these situations, there were also problems with a lack of knowledge by the supervisors about the project, because they were not involved with the discussions and therefore not at the same level of learning as everyone else.

Follow Through. Each party has to commit to doing what it says it will do. Otherwise, you are just building expectations that will not be met, increasing the chance of losing public support.

The worst thing you can do is lie to us.

Cohesion. Each party at the physical negotiation or project table represents many different voices. In order for the project to move forward, everyone affected has to be able to come together behind the decisions and make them work.

Continuity. Projects met with difficulties whenever the faces at the table changed. Learning and trust was lost and had to be rebuilt, causing the process to take even longer to reach outcomes. This message is something that has been taken up in other NWMO fora.

There must be broad participation from Aboriginal people, and a commitment to continuity, avoiding a lot of change in participation. Knowledge is built from meeting to meeting, and it is important to see if the organization is walking the walk.

Flexibility and Creativity. Many participants emphasized that true cooperative management relationships are striking out into unknown territory. The examples they described forced people to experiment and try new things. Managers began to expect change and problems and were able to roll with them. They developed a culture of learning from experience. There was an understanding that if Aboriginal people were to be involved and supportive of the program, it would need to be based on mutual learning, asking the participants to think and act outside their institutional boxes.

The status quo just isn't good enough.

Long-Term Thinking. Ecosystems and resource use are complex subjects, and planning and managing resource use needs to be considered in the long-term. When thinking about the time frame being used by the NWMO, this is even more critical. This is far beyond even 7 generations and the normal span of a person working on these projects.

Resources. These projects demanded a lot from all involved, and resources (both financial and human) were needed to keep things moving forward. Some mentioned the importance of being able to look for a diverse set of skills from many different people within the community. However, many also mentioned the need to increase

the resources, skills, and overall capacity of Aboriginal peoples to be able to fully participate as equal partners. During the initial discussions, there must be resources to communicate and provide information to community members, to test and independently evaluate what they are being told. During both the initial discussions and implementation they will need formal technical skills to play their role in resource management. If this is not in place within the community, they will need to find it through partnerships and external experts.

4. ***A Good Role for Government.*** Many participants described very problematic relationships with both provincial and federal governments in their experiences. Some described a lack of knowledge about shared management. Others described outright resistance to the inclusion of Aboriginal peoples in the decision-making processes. Time and resources had to be used to educate government officials and keep them involved when necessary. In some of these examples, cooperative arrangements were established that deliberately left government out of the process.

There is no substitute for effective political leadership. Someone at the federal level must take ownership.

Participants said that government participation was best when it acted as a facilitating advisor and helped to manage any conflicting political agendas.

Government must have enough fortitude to allow communities and companies to work things out.

4. Assessing Success

How do you assess success in resource management arrangements?

*Projects will work if First Nations are both directly participating
and receiving benefits from the relationship.*

Good Processes: Natural resource relationships and projects will be successful if:

- Aboriginal peoples are included at the earliest stages.
- There is active participation of Aboriginal peoples at all levels, including management.
- There is a level of true cooperation and shared decision-making.
- There is a shared sense of commitment among all parties.
- All parties take responsibility and ownership for the process and outcomes.
- Everyone is fully informed.
- Affected people understand and support the decisions being made. This includes both elected individuals and other members of the community, including NGOs.
- There is consensus achieved at the end of the day.
- There is a high level of trust and willingness of the parties to engage.
- There is an effective inclusion of traditional knowledge and management practices in the design of the project.

The views of the people on the environment must be articulated, to determine where we see ourselves and whether we are being true to the vision. The cultural and the spiritual aspects must be articulated.

- The relationship is resilient, able to withstand shock and change.
- There is effective and complete assessment and research before decisions are made.
- There are quantitative goals and markers along the way.

Good Outcomes: Relationships and projects will be successful if:

- Natural resources are ultimately managed well and sustainably.
- The needs of all parties are met.
- Concerns of Aboriginal people for environmental protection, protection of cultural values, active participation in decision-making, and economic benefits are met.
- Benefits are received not just in the short-term. Projects need to be designed to maximize long-term community development goals.
- Concerns of companies for their shareholders, regulatory requirements, employees, and reputation are met.

*It depends on who you ask. Many concerns have to be met. Rights must be respected.
The environment needs to be protected. Economic benefits must be received.
Traditions need to be respected. A level of trust needs to be established.*

5. What Improvements Are Needed?

What current approaches to resource management need improving from the perspective of Aboriginal people? How so? What do you consider best practices?

There needs to be less confrontation and more cooperation.

Greater Aboriginal Leadership in Natural Resource Management

First Nations are not being allowed to catch up. Where they are included, they are so limited in how they are allowed to participate. In resource management, we don't really know the basics. Don't really have a role in what happens.

Participants described a situation where most Aboriginal governments have little authority in natural resource arrangements. Participants recommended increasing the authority of Aboriginal governments in resource management decision-making on all traditional lands. In turn, Aboriginal peoples need to take a more proactive management approach, and not wait until someone comes to them with a project. There needs to be an effort to proactively engage with provincial governments and track any activity that might affect land use and treaty rights.

You need to get away from thinking that Aboriginal people are "standing in the way of progress." These words are used today, and were also used by General Custer against the Native Americans in the 1800s.

More Constructive Involvement of Government

Government is now operating with a "top-down, control-focused" state management model for natural resources. There remains government resistance to co-management. Some participants described situations where government permitting processes infringe on treaty rights. There needs to be a concerted effort to bring government into understanding the benefits of co-management, and to building its own capacity to facilitate these relationships. Conflicting jurisdictions must be resolved. The legal framework must be clarified. There

also needs to be less government interference and overturning of decisions made by joint management bodies.

*Federal government is somewhere out in the outer limits on this stuff.
They are way behind the provinces.*

Mutual Education and Learning

Current approaches are hampered by the continued lack of understanding of each other among the parties involved. There is little experience of industry within Aboriginal communities. There is still a lack of understanding by non-Aboriginals for Aboriginal history, traditions, and knowledge. This needs to be corrected.

Companies and governments need to commit senior decision-makers to these processes. They must be willing to learn and to network to ensure that they have a good understanding of the Aboriginal peoples being affected.

Better Communication

Information must be provided in a constructive way. Real time must be given to people making decisions. Otherwise, people may be saying “no” just because they don’t understand the project and are not comfortable in moving forward.

*Right now it is crammed down peoples’ throats – you’ve got 2 days to
review complicated documents and respond.*

Communication must be simplified. Information must be more accessible.

Long-Term Community Development

Many arrangements, such as Impact and Benefit Agreement (IBAs), focus on short-term and fairly limited economic benefits. Jobs and training are focused on individual industries and are available to only a few. Not only does this limit overall economic development, but it also increases disparities within communities and increases the possibility of conflict. Existing arrangements are not designed to provide ways to retain and build on these limited increases in wealth.

*The laggards are government. It doesn’t really grasp the problem. It
doesn’t understand community development, and doesn’t know how to do*

it. It hasn't focused on it, or invested in it. In fact, many are proud at being able to keep the community development expenditures low. Government does not have the people it needs for community development. They have lost their purpose.

Small business development opportunities are also limited. The lack of capital available to Aboriginal people to participate financially in these projects needs to be addressed. Government may give a grant for a study, but not investment capital. One participant provided an example where a procurement contract given to an Aboriginal business was used to guarantee a business loan. In this way, a commercial relationship with a large company was leveraged to help grow the business beyond that single relationship.

Many Aboriginal communities are now looking more toward long-term benefits from these arrangements, with broad goals of getting community members off of social assistance programs. This may include investment capital, royalties, and revenue sharing. It may also include the development of infrastructure (schools, hospitals, and so on). The current approach needs to be changed to have a more long-term view of community-driven development. Tools such as the Community Development Toolkit of the International Council on Mining and Metals seem to be geared to this.

Commitment to Build Community Capacity

Projects are beginning to increase their interest in using traditional ecological knowledge, and the barriers to this are beginning to lower. But there has not been the same commitment to ensuring that Aboriginal peoples have the resources to increase their knowledge and skills in Western math and science. There is now an over-reliance on external consultants to fill this gap. These technical skills take years to develop, and the process to build community capacity to fully engage in these discussions needs to happen as soon as possible. There is also therefore a need for increased language skills to be able to interact with the Western technical experts.

Communities are underestimated; they are the object, not the subject.

This will help to develop their own independent capacity to gather information, do their own research, and effectively evaluate projects. This may also help to de-politicize these projects. Communities will be able to evaluate them based on their merits, rather than on rumors and political agendas. Individuals will be chosen to work on these projects based on their skills, and not on their political connections.

Aboriginal people have a traditional relationship with the land and can bring integrity and quality to these projects.

Best Practice

Best practice would be to manage land, forests, and other things that grow.... Our resources are being contaminated.

Some participants were careful to point out that what is considered best practice in one location or in one time, may not be best practice in another context. It may depend on who is asked the question. The following were offered as thoughts on best practice:

- Aboriginal peoples would be included at the earliest stages of planning, at the most local level.
- They would be fully informed and capable of engaging in technical discussions.
- Commitments based on the values stated in the beginning would be followed through, with participants holding up their end of the agreement.
- The project design would include the effective use of TK and the development of standards by the knowledge holders for its use.

Long ago, not a thing was wasted when an animal was killed. Threads were made from the muscles; clothes were made from the skins; tools were made from the bones. There was never any garbage.

Too much is taken out of the land. There needs to be more recycling, so we won't be filling the land with garbage. At the rate we are going, there won't be anything left in the future.

- There would be cross-knowledge education, that is, education among different knowledge holders, and between knowledge holders and others.
- There would be an overarching government process across ministries, providing some comfort that everyone is following the same script.
- Senior decision-makers would be fully involved and aware.
- There would be a willingness to learn, getting away from the "talk down" or missionary approach.
- There would be a balance of human well-being and the sustainable provision of ecological goods and services.
- There would be respect for the laws of Aboriginal peoples.

- Best practice also includes respecting traditional knowledge and value systems, even if you don't fully understand them. Just recognize that there are different experiences and values.

- Best Practice must include two components:
 1. Political – there must be a process that allows agreement on the outcomes, manage conflict (no protests), and so on.
 2. Independent hard, quantitative, science-based evaluation of the outcomes.

6. In Summary

This Interview Summary Report presents the initial thoughts of participants on the subject of innovative approaches to natural resource management and will serve as the starting point for the dialogue of the NWMO Issue Table. The NWMO will draw from this summary and the Issue Table the key elements and criteria for effective natural resource management in partnership with Canada's Aboriginal community as it develops its plan for the future implementation of the selected approach to the long-term management of Canada's used nuclear fuel following a federal government decision.

The themes of real partnership, effective participation, parity, and respect arose many times in the interviews. Most often, participants emphasized that to achieve these, Aboriginal peoples must be fully involved from the earliest point of initial discussions on how natural resources in their traditional territories will be used and managed. These themes form the basis for cases used to illustrate what a successful shared management model might look like. They also formed the basis for practical suggestions of what is not currently working and how things might be improved. This is an opportunity to learn as much from what isn't working as from what is working.

Many participants also stated their interest in sharing their experiences and learning about possible new ways of managing the natural resources of Canada. It is important to note, however, that several participants stated they had no personal experience of improved practice or innovative, participative approaches to natural resource management, despite the examples that were known to others. This brings to light a gap in knowledge and learning on a subject of critical importance to all within Canada. This Issue Table may be one step in beginning to fill the gap.

Appendix 1. Participants

Interviewer: Jo Render, Independent Consultant

PARTICIPANTS INTERVIEWED FOR THIS REPORT

P. Jerry Asp, Chief, Tahltan Central Council

Russ Banta, Consultant

Joane Barnaby, Consultant

Jean Courchene

Terry Fenge, Consultant and Counsel to the Inuit Circumpolar Conference

John Gammon, Mining Leadership Team Coordinator, Centre of Excellence for Mining Innovation, Laurentian University

Norville Getty, Advisor, Union of New Brunswick Indians

Fred Gilbert, President, Lakehead University

Ron Hammerstedt, Senior Partner, NRPlan Inc.

Hugh Morrison, Consultant

Michael Pierre, Research Associate/Facilitator, Centre for Indigenous Environmental Resources

Barrie Robb, Vice President for Business Development, MacKenzie Aboriginal Corporation

Jim Sinclair, President, Council of Aboriginal People, Saskatchewan

Billy Two-Rivers, Chief, Mohawks of Kanawake

Hank Venema, Director, Natural Resources, International Institute for Sustainable Development

John Watson, Former Head of Aboriginal Affairs, Privy Council of the Prime Minister (retired)

NOT INTERVIEWED

Ron Doering, NWMO Council

Jo Render

Roy Vermillion, CEO Athabasca Tribal Council

